

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- March 11, 1969

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

Present

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

Absent

Robert Kinnan
Alan Taniguchi

*Arrived at 8:20 p.m.

Also Present

Richard Lillie, Assistant Director of Planning
Walter Foxworth, Acting Supervising Planner
Bill Burnette, Planner

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of March 3 and 4, 1969.

Present

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

Also Present

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

*Present only on March 3, 1969.

**Present only on March 4, 1969.

PUBLIC HEARINGS

C14-68-290 C. L. Reeves: Int. A, Int. 1st to B, 2nd
310-500 East Powell Lane

STAFF REPORT: This property, containing 10.10 acres was before the Committee last month for a consideration of a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, Second Height and Area

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

at which time the staff pointed out that the requested zoning would permit the development of 600 apartment units. At the hearing, the attorney for the applicant amended the request to "BB" Residence, First Height and Area zoning which would permit approximately 200 units, but the Committee and the Commission recommended denial because of inadequate access to the site. The request as amended proceeded to the City Council and after reviewing this situation, the Council referred the request back to the Commission and asked the staff to recommend some protective measures for the residential district to the west and south which is an area developed with single-family homes. To the east towards the Interregional Highway there is an area outside the city limits which is developed with some commercial and office use. At the intersection of Georgian Drive and West Powell Lane there is "GR" General Retail and "B" Residence, First Height and Area zoning which was established in 1968. On the west side of Georgian Drive is a recent "B" Residence district established for apartment development.

At the original hearing, the staff indicated that the only zoning it could support other than single-family development would be for lower density, such as the "BB" Residence which is now requested. It was further recommended at the hearing that the applicant provide protective measures for the existing residential neighborhood which included the possibility of extending White Oak Drive to East Powell Lane or terminating it in a cul-de-sac with a tier of single-family lots or duplexes along the street as well as along Powell Lane, with the low density apartment development facing to the interior of the tract. The staff has discussed protective measures with the attorney for the applicant and the request has been amended to offer duplexes or single-family development along the north, south and western boundaries of the property. They are willing to cul-de-sac White Oak Drive and build duplexes around it which would leave approximately 7 to 8 acres of land for low-density apartment development. A street would then be extended from East Powell Lane through the property to intersect with a cul-de-sac street to the north. This would allow all access to the apartment development from the interior rather than from East Powell Lane. East and West Powell Lane extend from the Interregional Highway westward to Lamar Boulevard. The staff recommends that the request be granted subject to East Powell Lane being made adequate which would require 15 feet of right-of-way from the subject property.

TESTIMONY

WRITTEN COMMENT

Code

N	Clifford Coffman: 301 East Powell Lane	AGAINST
AX	J. B. Morgan: 207 White Oak Drive	AGAINST
Q	J. T. Elmore: 204 Red Oak Circle	AGAINST
AI	Connie W. Martin: 204 East Powell Lane	AGAINST
?	Kenneth L. Dunn: 103 Oertli Lane	AGAINST
I	Mr. & Mrs. Norman G. Brock: 205 East Powell Lane	AGAINST

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PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)

Clifford Coffman

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, stated that a considerable amount of time has been spent with the Planning Department staff and land planners on this particular area. It is realized that there is a problem but it should be pointed out that an apartment area to the south is creeping into the immediate vicinity. This entire area is building up into apartments and because of this and because of the size of the tract, the applicant wanted to comply with the staff's request to provide an adequate buffer for the people to the west and south so they would not be bothered by apartment development. The applicant also wanted to try to utilize a portion of this property for apartment development. In view of the fact that a buffer area has been offered for the protection of the residential property, the remainder of the tract should be low-density apartments, in the form of "BB" Residence, First Height and Area zoning. This would permit fourplexes or townhouse type development on the interior. It is realized that the right-of-way of East Powell Lane is a problem and the plat shows the dedication of 15 feet of right-of-way for the street. The proposed cul-de-sac of White Oak Drive would cut off any type of intrusion of apartment development or through traffic which would be an additional buffer. There is no question that any particular area on the outskirts of Austin is going to have some streets that are not acceptable for any type of development which does present a problem, but it should be pointed out that development of this nature does not occur overnight and the property does have access through East Powell Lane to the Expressway. There is a large tract of land further to the east, between the subject property and the Expressway, which is unzoned but presently being used as industrial. The only logical way to develop this property through a gradation period is from the industrial to commercial and then to apartments and duplexes.

Arguments Presented AGAINST:

Mr. Clifford Coffman, nearby property owner, appeared at the hearing and stated that the Planning Commission recommended denial of this request last month because of inadequate access to the property and not because of an intrusion into a residential area. The "GR" General Retail zoning on the corner of Georgian Drive and West Powell Lane was zoned in 1956. The reason for opposing this request is because of the inadequate right-of-way in this area. The only paved street within the area is East Powell Lane and the street is only paved from Georgian Drive to the corner of the subject property. All other access through the area is limited. The streets are unpaved, county-type streets with bar ditches along the sides, and only have 20 feet of paving. There is no way this property can get access from

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

the Expressway as it is one-way south. People in the area would not be opposed to duplex development but it is felt that because of the access the development of the apartments would be too dense for the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and were cognizant of the protective measures as offered by the applicant in the amended application. They felt that "BB" Residence, First Height and Area zoning, as amended, should be granted, subject to East Powell Lane being made adequate, as a logical gradation in zoning between the commercial development to the east and the residential development to the west.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, offering to dedicate 15 feet of right-of-way for the future widening of East Powell Lane. The staff recommends that the request be granted but that the Ordinance be held pending until such time as the subdivision is approved on the site.

In view of the offer of right-of-way, the Commission felt the request should be granted as a logical gradation in zoning. They further recommended that the Ordinance be held as pending until such time as the subdivision is approved on the site. It was then unanimously

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

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

STAFF REPORT: This zoning request, covering approximately one acre of land, is for low-density apartment development. The immediate area has been before the Commission on numerous occasions for zoning consideration. The subject property, as well as the two lots adjoining to the south, were before the Commission in 1968, at which time the Commission recommended denial as they felt that the proposed use was too intensive for the street pattern in the area and would be detrimental to the existing residential area east of Mira Loma Lane. The request was subsequently withdrawn. During the time following the request on the subject property there have been a number of requests for zoning in this area which are still pending. A special permit for apartment development is pending on property to the west, having frontage onto U. S. Highway 290. It is the staff's understanding that all the problems involved in that request have been solved. A request for "B" Residence, First Height and Area zoning was granted on property immediately to the west of the site, but the Ordinance is pending right-of-way for the cul-de-sac which is to extend south from U. S. Highway 290. "B" Residence, First Height and Area zoning was granted for several tracts to the south along Patton Lane;

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

however, the Ordinance is pending right-of-way for Patton Lane. Property to the north of the subject site is developed with duplexes, and the area to the east of Mira Loma Lane is developed with very fine single-family residences. The staff is concerned about the effect of apartment development on the residential area along and to the east of Mira Loma Lane. This was a major issue when the zoning was originally considered and it was pointed out at that time that the three tracts if developed together would permit 60 to 80 units and would set a precedent for additional rezoning of the remaining tracts along the west side of Mira Loma Lane. A suggestion was previously made for a cul-de-sac street to extend to the center of the property with lots fronting onto that street; however, no agreement was ever reached on this possibility. Mira Loma Lane has only 50 feet of right-of-way which should be widened to 60 feet if the request is granted. A letter has been received from the applicant offering to dedicate the necessary right-of-way for the street.

TESTIMONY

WRITTEN COMMENT

Code

E	Geraldine Conner: 6802 Mira Loma Lane	FOR
D	Scott Carney: 6900 Mira Loma Lane	FOR
AC	Ronald E. Tynes: 805 West 10th	FOR
AD	Dr. Otis Watson: 3108 North Lamar Boulevard	FOR
Z	Dr. R. I. Montgomery: 5129 Cameron Road	FOR
S	Mrs. Anne George: 6706 Mira Loma Lane	FOR
P	Ruben Greinert: 3211 Jack Cook Drive	FOR
G	Laurin C. & Penelope W. Currie: 6716 Haney Drive	AGAINST
AR	Mr. & Mrs. Joe P. Gooch: 6901 Mira Loma Lane	AGAINST
V	Perry S. Howerton: 102 17 Street Texas City, Texas	FOR

PERSONS APPEARING AT HEARING

Code

	Howard Speir (applicant)	
AR	Mr. & Mrs. Joe P. Gooch: 6901 Mira Loma Lane	AGAINST
?	Joan Idar: 6903 Mira Loma Lane	AGAINST
?	Mrs. T. V. Hohle: 6807 Mira Loma Lane	AGAINST
?	A. J. Turner: 6805 Mira Loma Lane	AGAINST
?	George G. and Margarita S. Wing: 2102 Marquette Ln.	AGAINST
?	Ed Idar, Jr.: 6903 Mira Loma Lane	AGAINST
C	Mr. & Mrs. C. O. Burke: 1140½ Gunter Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he could not agree with the staff's recommendation of denial because of the traffic problem. He said that he does not see how the street situation would be helped by having a street through his property. A cul-de-sac

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

street to the one acre tract would completely ruin the property and there would not be any land left. It should be noted that there is a power line that crosses the back one-third of the property which eliminates another 50 foot strip which cannot be developed. The elimination of the 50 foot strip is already a burden on the property without requiring a street. Mr. Speir further stated that he does not have any firm plans for the property but he would like to develop about nine two-story townhouse-type units. The property is practically surrounded by "B" Residence and "C" Commercial zoning. The subject site is a long tract that would be difficult to develop with single-family houses or to subdivide for duplex lots because of the amount of the land in the rear that would be wasted. The property backs to commercial zoning and there is "LR" Local Retail, "GR" General Retail, "O" Office, and "C" Commercial zoning at the intersection of Mira Loma Lane and U. S. Highway 290.

Dr. Hazard asked if the property could be developed with townhouses without a change in zoning. The staff explained that the applicant would be required to have at least 20 feet of frontage along a public street for each unit and he would be allowed to build a townhouse for every 3500 square feet of lot area. The lot has 150 feet of frontage which could be divided into seven townhouse lots.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that in their opinion the circumstances have not changed in this area since the time of the original application for rezoning. The residential homeowners purchased their land in this area and were cognizant of the Master Plan designation of "A" Residence for the area, including land on the west side of Mira Loma Lane. This is a relatively quiet neighborhood and the proposed development would be detrimental. There is a large apartment development going in on Berkman Drive and it is felt that a buffer should be provided between the residential and apartment area and the subject property could be developed with duplexes. There are very nice single-family homes in this area, some of which have only recently been built which indicates that the area is still developing. The granting of the zoning on the site would be an intrusion and would set a precedent for other property to follow which would completely change the nature of the area. One of the primary objections is the traffic along Mira Loma Lane, as it is a narrow street which already carries a great deal of traffic and the request would only increase the problem which is existing.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because the proposed use is too intensive for the street system in the area and would be detrimental to the existing residential area east of Mira Loma Lane.

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Howard S. Speir for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 6800-6806 Mira Loma Lane be DENIED.

ABSTAINED: Mr. Milstead

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

STAFF REPORT: The subject property, containing approximately 15 acres, was part of a larger area considered by the Zoning Committee last month at which time there was considerable opposition to the request. The attorney for the applicant requested that the application be postponed until there was sufficient time to work out a proper buffer for the area. The original application covering 24.45 acres was amended to offer a buffer of duplex lots along a 50 foot street which was the northern boundary of the request. After considerable discussion by the staff and the attorney for the applicant, the application has been further amended to delete the portion of the property north of the tier of lots which front onto the north side of Southgate Drive and to request "BB" Residence zoning on the remaining portion of the property which covers approximately 15 acres. The reason being to offer proper circulation through the residential area with Dolphin Drive and Southgate Drive. The applicants have also offered two 60 foot streets through the "BB" Residence district. The street extending south from Clawson Road, down to Bannister Lane will be a 70 foot collector street. The primary objection by the staff previously was the lack of proper circulation in the area being that Clawson Road is the main street serving the area and an intrusion into a residential district. With the request as amended it is felt that the proposal provides adequate circulation for the area and offers a buffer for the residential area fronting onto Dolphin, Clawson and Lightsey Roads. It is also felt that "BB" zoning is a logical extension of the zoning existing to the south and the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

Y	Gene H. Ott: 3209 Dolphin Drive	AGAINST
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PERSONS APPEARING AT HEARING

Code

	John Selman (representing applicant)	
AA	J. S. Sweet: 3510 Clawson Road	AGAINST
C	Mr. & Mrs. William G. Barnes, Jr.: 3402 Clawson Rd.	AGAINST
F	Mrs. Harold R. Bilberry: 3211 Overcup Oak	AGAINST
?	Phil Mockford: Perry Brooks Building	AGAINST
?	Bruce Buke: 1705 Lightsey	AGAINST

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

?	Donald D. Shafford: 3202 Overcup Oak	AGAINST
?	Howard Clark: 3203 South Oak Drive	AGAINST
?	Linda Cline: 3308 Clawson Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicants, advised the Committee that postponement of the original application was requested so that an amendment could be made. The application is amended as follows:

1. To delete an additional 150 feet of the most northern part of the area in order that Dolphin Drive will be extended through "A" Residential area onto Clawson Road. With the exception of Clawson Road there will be no streets connecting or serving the "A" Residential area with the proposed "BB" Residential area.
2. A new subdivision plat will be filed on the land comprising the application with the following additional commitments:
 - a. The streets of the proposed "BB" Residential area will be 60 feet in width;
 - b. Southridge Drive, a 70 foot street, will be paved through the entire subdivision prior to issuance of any building permits for apartments.
3. The zoning request as amended will be conditioned on the approval of the resubmitted plat by the Subdivision Committee and this case will not be submitted to the City Council for hearing until the plat has been approved by the Subdivision Committee.

Mr. Selman explained that in addition Valleyridge Drive would come into Southgate Drive with a cul-de-sac so that there would not be any entrance into the northern area. The last amendment request has a situation whereby variance would have been requested on the cul-de-sac as the length exceeded 400 feet. This plan has been discussed with the applicants and they are in agreement. There is approximately a 90 acre tract in this area for development and there are times when fourplex lots or duplex lots will sell more readily than any other type of lot and the developers feel that the different densities in zoning would allow the proper development for this area. The property has advantages for low-density apartment development as it is easily accessible to the core area of Austin. It is felt that the traffic for the area will come down Southridge Drive, which is proposed with 70 feet of right-of-way, and will feed into Bannister Lane, which feeds to South First or Ben White Boulevard. This will not effect the people along Clawson Road. At least 60 per cent of the people in Austin want to live in

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

apartment development and this is the ideal location because of the access to the core area. It is realized that Clawson Road is a problem but the proposed development will not occur overnight and the street problems will eventually be solved.

Arguments Presented AGAINST:

Mr. Phil Mockford appeared at the hearing and advised the Committee that he represents 30 property owners in this area and presented a petition in opposition with 150 signatures. He stated that he would like to speak against the application on four points. The first is that this application is an intrusion into a well-defined and well-developed residential area. He explained that the people he represents mainly live along Clawson Road and to the north in the subdivisions that have been developed there. These are for the main part single-family dwellings and the people who live there are well-established homeowners who have been there for some time. There is still building going on in the area of the same nature and the people are happy with the neighborhood and want it to remain as is. The staff and Mr. Selman have said that this application represents a logical extension of the existing "BB" zoning to the south. Mr. Mockford stated that in his opinion this is not true and referred to the staff report when this entire area was originally laid out and the "BB" Residence zoning to the south was before the Committee for consideration in May, 1968. The staff reported at that time that the application covered approximately 35 acres and involved a portion of the Southridge Subdivision which was in preliminary form and approved for the purpose of apartment development. The staff further stated that the balance of the subdivision, located to the north and west, was to be used for single-family and two-family use. The "BB" Residence zoning to the south was obtained in May, 1968, upon the representation of the subdivider on this large tract at which time a logical line of some sort was drawn for the apartment development. The subdivider chose the line with the result being that it was as far to the north as the "BB" zoning was to go. The property has not changed ownership but now there is a request to extend the line of apartment development further to the north. This is not a logical extension of existing zoning but is in fact an illogical penetration further into an "A" Residential area. The line was drawn and relied upon by the staff some seven or eight months ago and nothing has happened during that time to justify any further zoning of this type. The third point which is the most crucial with regard to the neighborhood is the traffic problem. Clawson Road as it comes to the south intersects Lightsey Road which runs east and west. To the east on Lightsey Road approximately two blocks, the street dead ends into the railroad track. To the north a car would have to turn left on Lightsey Road going a short way and turn right on Del Curto Road to eventually end up at the intersection of Del Curto Road and Lamar Boulevard. Mr. Mockford stated that it is his contention that people out of this subdivision, no matter how large or how beautiful the street is through the middle of the property, will not as a general rule go south to come north. The logical way for people to get to town out of a subdivision is to feed north out of the existing "BB" Residence, or out of the proposed additional "BB" Residence onto Parker Lane and north through the residential area on a

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

street which is totally inadequate. Clawson Road looks like an old-fashioned washboard because of the numerous dips and humps in the street. Mr. Mockford explained that he has talked to Public Works and it is his understanding that although they have done some right-of-way surveying there are no plans at this time to buy right-of-way or do anything about widening. This problem will exist and cannot be solved until Barton Skyway takes the place of Lightsey Road. The fourth point is that the Committee and Commission have faced this problem on both ends of the neighborhood. There was an application for apartment zoning on approximately two acres to the north along Del Curto in 1967, at which time the Committee and Commission recommended denial and the Council turned the request down because the street was inadequate and it would be an intrusion. The same type of request was made to the south which was also turned down for the same reason. It has been concluded in previous cases in this area, that the right-of-way is inadequate and a change of zoning would be an intrusion.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend this application to delete the portion of the property north of the tier of lots which front onto the north side of Southgate Drive and to request "BB" Residence, First Height and Area on the balance of the tract.

They reviewed the information and several of the members concluded that the requested zoning would be a logical extension of existing zoning and recommended that the request be granted; however, the motion failed to carry by a tie vote and denial is recommended.

At the Commission meeting, Mr. McNeil advised the members that he recently made a field inspection of the site and in his opinion, since the original application, the applicant has amended the request to meet every requirement that has been imposed on any other property. He stated that he realizes that there is a traffic problem on Clawson Road but feels that this should not stop the development. When development in this area occurs, the streets will be developed.

Mr. Burnette explained that a larger area was before the Commission for consideration at the last regular meeting at which time the attorney for the applicant requested that the application be amended to delete a tier of duplex lots to the north; however, because of difficulties, he requested that the application be postponed for the purpose of further study. Since that time the attorney has worked with the staff and as a result, requested that the application be amended even further, and was accepted by the Committee, which was the deletion of the portion of property north of the tier of lots which front onto the north side of Southgate Drive. In view of the amendment, adequate circulation is provided.

Dr. Hazard stated that Clawson Road is not an adequate street and in his opinion the traffic generated by this proposal would be detrimental.

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

Mr. Smith agreed with Dr. Hazard and pointed out that the site is also in close proximity to residential development.

Mr. Hanks explained that he also made a field inspection of the site and in his opinion, because of the railroad track which serves as a buffer and the eventual need for Clawson Road to be developed, this request is a logical development of the land. A majority of members agreed with Mr. Hanks and

VOTED: To recommend that the request of Austin Land Investments, Inc. 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 the rear of 3221-3509 Clawson Road be GRANTED.

AYE: Messrs. Brown, Hanks, Milstead and McNeil

NAY: Messrs. Hazard and Smith

ABSENT: Messrs. Dunnam, Taniguchi and Kinnan

C14-69-035 William E. Teasdale, et al: A to BB
1512-1522 East 51st Street

STAFF REPORT: This application covers 158,600 square feet of land which is presently developed with a single-family structure. The stated purpose of the request is for low-density apartment development. The surrounding area is predominantly zoned "A" Residential and it would appear that the requested change would be an intrusion; however, to the west there is a large tract of land zoned "BB" Residence which extends westward to Cameron Road. To the south of East 51st Street is the Municipal Airport. To the east of the subject property is an eight acre tract of land owned by the City which was recommended to be sold under some form of retail zoning. East of Berkman Drive is Bartholomew District Park. To the north of the site there is a drainage easement and north of the easement is a well-developed and well-defined residential area; however, the easement serves as an adequate buffer between the residential property to the north and the property to the south. The staff has no objection to the request and feels that it is logical in view of the zoning to the west and the development to the south and east and recommends that the request be granted. East 51 Street, with a present right-of-way of 50 feet, is scheduled to be widened to 90 feet but all the right-of-way will come from the City owned property to the south. It should be pointed out that there may be a possible need for an aviation easement over the site because of the proximity to the airport.

C14-69-035 William E. Teasdale, et al--contd.

TESTIMONY

WRITTEN COMMENT

Code

L Nora A. Saner: 1504 East 51st Street

AGAINST

PERSONS APPEARING AT HEARING

Code

D. W. Morris (representing applicant)

SUMMARY OF TESTIMONY

Mr. D. W. Morris was present on behalf of this application and stated that the requested zoning would allow the highest and best use of the property. A buffer area in the form of a creek is provided for the residential property to the north. The subject property should be used in some manner as there is an old house on the property now and the yard is full of grass, weeds, shrubs and brush. Mr. Morris stated that he is aware of the regulations with regard to the Airport but feels that this will not be a problem.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is proper. They were cognizant of the airport existing to the south and recommended that the requested zoning on the site be granted, subject to an aviation easement if needed.

At the Commission meeting, the staff reported that an aviation easement will be required but the height has not been determined as yet. The staff recommends that the request be granted subject to the required aviation easement being obtained.

The Commission concurred with the Committee recommendation that this request should be granted, subject to the required aviation easement.

It was then unanimously

VOTED: To recommend that the request of William E. Teasdale, et al for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1512-1522 East 51st Street be GRANTED.

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C14-69-037 Truman H. Montandon: A, 1st to B, 2nd
 4007-4009 Avenue C

STAFF REPORT: The property under consideration contains 9,000 square feet of land fronting onto Avenue C. The stated purpose of the request is for apartment development and if zoned as requested, approximately ten to twelve one-bedroom units could be erected on the site. The area is developed with a mixture of uses consisting of single-family, two-family and apartments. The area has been changing towards "B" Residence, Second Height and Area zoning which is indicated by the scattered zoning throughout the area. In view of the existing "B" Residence, Second Height and Area zoning in the area, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

AH	Mrs. J. E. Peck: 4000 Avenue C	AGAINST
Y	R. L. Houston: 4106 Avenue D	FOR

PERSONS APPEARING AT HEARING

Code

A	Truman H. Montandon (applicant)	
AG	Mrs. Valeska Oertli: 4005 Avenue C	AGAINST
C	Bill Boatright: 4008 Avenue C	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he has talked to several people in the area who do not oppose the requested change. There is apartment development scattered throughout the area and the subject property is located only 150 feet from "B" Residence, Second Height and Area zoning. This is an ideal location for apartments.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request, because of the narrow streets in the area and the existing parking problem. The street is not wide enough to permit parking on both sides which is usually the case around apartment development. One more objection is the noise that would be created as it would be disturbing to the adjoining property owners.

COMMENTS AND ACTION BY THE COMMITTEE

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

C14-69-037 Truman H. Montandon--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Truman H. Montandon for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4007-4009 Avenue C be GRANTED.

C14-69-038 Gayle Essary: A to B
918-922 East 53rd Street
5300-5302 Bennett Avenue

STAFF REPORT: This property covers two lots totaling 15,600 square feet. The stated purpose of the request is for apartment development and if zoned as requested, approximately 15 to 17 one-bedroom units would be permitted on the site. The immediate surrounding area is predominantly developed with single-family homes and a few duplexes. The area to the west, along Airport Boulevard, is "C" Commercial which is developed with a mixture of uses. "LR" Local Retail zoning, granted in 1963, is established to the west of the subject property at the end of Depew Avenue. The most recent zoning consideration in the area was a request for "O" Office zoning in 1967, on property at the corner of Depew Avenue and East 51st Street, at which time the Commission recommended denial because of the inadequate streets. The request was granted by the City Council as the street rights-of-way were taken care of. To the east, fronting along the Interregional Highway is "C" Commercial zoning. It should be pointed out that the only commercial or apartment zoning in this area fronts onto Airport Boulevard or the Interregional Highway. The staff feels that the request should be denied because of the inadequate rights-of-way and as an intrusion into a well-defined and well-developed residential area and the zoning change on one parcel would be piecemeal zoning. If changes are to occur they should be on a more comprehensive basis. If the Committee sees merit in granting a change, East 53rd Street with a present right-of-way of 50 feet should be widened to 60 feet which would require 5 feet from the subject site. Bennett Avenue has 52 feet of right-of-way and should be widened to 60 feet which would require 4 feet from the subject site. It should also be noted that because of the proximity to the Airport, an aviation easement may be necessary.

TESTIMONY

WRITTEN COMMENT

Code

BW	Morris I. Williams: 926 East 53½ Street	AGAINST
N	A. J. Daughtry: 919 East 53rd Street	AGAINST
S	R. M. Durbin: 937 East 53rd Street	AGAINST
AH	A. E. Herms: 909 East 53½ Street	FOR
BG	Harvey T. & Alice Simmons: 931 East 53rd Street	AGAINST
BU	Ola Wild: 921 East 53rd Street	AGAINST
BY	Mrs. Ruby S. Wright: 941 East 53rd Street	AGAINST
AC	Carl Gustofson: 212 East Lisa	AGAINST

C14-69-038 Gayle Essary--contd.PERSONS APPEARING AT HEARING
Code

	Gayle Essary (applicant)	
S	R. M. Durbin: 937 East 53rd Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that the staff report does not show the overall area that is within the triangle bounded by Airport Boulevard and the Interregional Highway. The subject property is located in close proximity to Airport Boulevard and to the Interregional Highway both of which are zoned and developed commercially. Airport Boulevard and the Interregional Highway join to the north and there is not a street that serves as a buffer. This area is completely boxed in by commercial development which is starting to creep into the interior area. The subject property has extremely good access because of Airport Boulevard and the fact that ingress to the Interregional Highway is located at the end of East 53rd Street. The property to the west at the corner of Airport Boulevard and Depew Avenue is developed with a lounge which is very undesirable for a residential area. Mr. Essary presented a map of the area showing the percentage of owner-occupied and rental property in the immediate vicinity. The residences that exist in the area are old and there has been no new construction in the recent past or at the present time. It is realized that the area is predominantly residential and the only way to keep the commercial development which is already established along the fringe, from encroaching into the area is to zone the property for apartments.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this change as it would be an intrusion into a well-established residential area and the streets are too narrow to support this type of development. He explained that in his opinion the access in and out of the area is limited and the generation of apartment traffic would be detrimental.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Gayle Essary for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 918-922 East 53rd Street and 5300-5302 Bennett Avenue be DENIED.

C14-69-039 Paul Hardy: A to B
906-908 Romeria Drive

STAFF REPORT: A request for "B" Residence, First Height and Area zoning is made on a tract of land containing 25,280 square feet. The stated purpose is for apartment development and if zoned as requested will permit approximately 25 to 29 one-bedroom units. The area to the north is a well-developed and well-defined residential area which is for the most part owner-occupied. There was recently a request for "B" Residence, Second Height and Area zoning on property to the north along Wild Street at which time the Committee and the Commission recommended denial and because of the overwhelming objection in the neighborhood, the request was subsequently withdrawn. To the south of the subject property is another well-developed and well-defined residential area. To the east along Lamar Boulevard there is "C-2" Commercial zoning which is developed with a mixture of uses. Property adjoining the site to the east was before the Commission for consideration of a change of zoning to "B" Residence, First Height and Area which was granted in 1965, for the purpose of a nursing home, but the property is still vacant although there is a nursing home on the adjoining lot to the north. The staff normally has no objection to apartment zoning when there is a well-defined area; however, even though the subject property is adjacent to an apartment district, it was granted for a special purpose and is not developed with apartments and also serves as a buffer between the residential development to the west and the commercial area to the east. The staff recommends that the request be denied because of intrusion into a residential area. Even though the area is predominantly used for rental purposes, the dwellings are still one and two family and zoning consideration should be the same as for single-family owner-occupied areas. It should also be pointed out that Romeria Drive, with a present right-of-way of 45 feet in front of the property, should be widened to a minimum of 50 feet regardless of the zoning which will require five feet from the site. If the requested zoning is granted, 15 feet of right-of-way would be needed from the site in order to bring the street to a 60 foot width to serve apartment density.

TESTIMONY

WRITTEN COMMENT

Code

AB	Elbert Ray Johnson: 1009 Arcadia	AGAINST
AC	Bill Joseph: 1502 Piedmont	FOR
Z	Mcrae Hill: 1001 Arcadia	AGAINST
A	Mrs. R. D. Dudley: 908 Romeria	FOR

PERSONS APPEARING AT HEARING

Code

	Paul Hardy (applicant)	
AB	Ray Johnson: 1009 Arcadia	AGAINST

C14-69-039 Paul Hardy--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Hardy appeared at the hearing and stated that the character of the neighborhood is rental. The lot adjoining to the east was granted "B" Residence zoning for a nursing home but the nursing home is established immediately to the rear of that site. On the corner of Romeria Drive and Lamar Boulevard there is a club which is not presently being used. There is a duplex dwelling adjoining the site to the west and there are rental houses immediately across the street with numerous duplexes established further down Romeria Drive on both sides of the street. This is a neighborhood which has changed in character and is continuing to change. The property owner of the established "B" Residence area has no plans to develop his property at this time so it is in effect a buffer. Mr. Hardy stated that he and his associates own other property along Lamar Boulevard that intrudes further back from Lamar Boulevard than the subject property so this would not be out of line. More and more of the property along and adjacent to "C" Commercial zoning will be changed and it is felt that the time is now. The property needs to be developed as the neighborhood is going down. He further stated that he has talked to several people in the area who do not oppose the proposed use which is the erection of 22 units on the site.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that the streets in the area are not wide enough for the neighborhood as it exists at the present time and the development of apartments would create a great deal of traffic and only add to the problem. This is a well-developed residential area and the congestion of traffic would be dangerous for the children.

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 Paul Hardy for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 906-908 Romeria Drive be DENIED.

C14-69-040 William C. Kennedy, et al: Int. A, Int. 1st to BB, 1st

Tract 1: Rear of 7608-7640 Balcones Drive

Tract 2: Rear of 7018-7024 Balcones Drive

STAFF REPORT: This is a request for a change in zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area for approximately 27 acres of undeveloped land which is located just off Balcones Drive north of Far West Boulevard. The subject property is divided into two tracts, the larger tract containing approximately 23 acres and the smaller tract containing approximately 4 acres. (A land use and zoning map and a schematic land use plan for the area west of Mo-Pac Boulevard between Northland Drive and U. S. Highway 183 was presented showing the existing zoning which has taken place and the zoning applications that will, in all probability, be before the Commission in the near future.) The land use along Mo-Pac Boulevard is still predominantly undeveloped although there have been a number of zoning requests in 1967, and in 1968. Westover Hills and Point West are low-density residential subdivisions which are developing in the vicinity of Balcones Drive and U. S. Highway 183. South, in the vicinity of Spicewood Springs Road, is Balcones West which is also a low-density residential subdivision. Continuing south along Balcones Drive are Northwest Hills and Highland Park residential subdivisions. There are "C" Commercial and "GR" General Retail zoning changes which have been applied for and granted by the City Council in the vicinity of U. S. Highway 183 and Balcones Drive; "BB" Residence, First Height and Area zoning on property located north of Balcones West subdivision and "LR" Local Retail and "BB" Residence zoning in the Shadow Park Subdivision, a subdivision designed for apartment and local retail use, located south of Spicewood Springs Road at Greystone Drive. To the south in the vicinity of North Hills Drive and Balcones Drive there is "LR" Local Retail, "B" and "BB" Residence zoning and further west along North Hills Drive within the confines of the gravel pit, there is more "LR" Local Retail and "BB" Residence zoning which was granted by the City Council. Property near the proposed elementary school on Far West Boulevard was zoned "GR" General Retail in 1966. This area was before the Commission recently for consideration of a special permit for an apartment dwelling group. To the south in the vicinity of Northland Drive and Balcones Drive there are a number of acres zoned "LR" Local Retail, "GR" General Retail and "C" Commercial which are developed with several isolated, independent commercial facilities. Extending out Bull Creek Road in the vicinity of Dry Creek Drive is "LR" Local Retail zoning which is partially developed. On the south side of Bull Creek Road in the same vicinity a request for "BB" Residence zoning was granted and a special permit approved for apartment development. Land use which has taken place is predominantly residential within the subdivisions themselves and the development is for single-family homes. There are several commercial facilities established in the areas zoned as such. Land north of Spicewood Springs Road is presently being cleared for apartment development and Mr. David Barrow has apartments under construction near the intersection of North Hills Drive and Balcones Drive. The zoning which has been approved along Balcones Drive, recommended by the Planning Commission and approved by the City Council, in general is restricted to a depth of approximately 300 to 600 feet from Balcones Drive north of Spicewood Springs Road. In the Shadow Park area the depth is around 1000 feet.

C14-69-040 William C. Kennedy, et al--contd.

The expressway and major arterial plan adopted by the Council in 1967, proposes the development of several major arterials and an expressway. The expressway will be Mo-Pac Boulevard and the first construction that will take place will be a grade separation at Northland Drive. The other major streets are Spicewood Springs Road, Far West Boulevard and Mesa Drive. Greystone Drive is a residential collector street which will be constructed from Mesa Drive to Balcones Drive. All of the streets which are designated as major arterial or residential collector streets, with the exception of one, is undeveloped. In some cases the streets are partially developed but the plans are to extend the streets through land which is presently undeveloped.

There are several problems involved in the planning of an area of this size. There is multiple ownership of land, with a number of individual owners each attempting to maximize the land value of his piece of property independent of cooperative planning. Another problem is the ability of the City to properly serve an area of this size with water, sanitary sewer and street facilities. The staff has prepared a schematic land use plan for this area with the following suggestions:

1. That development of retail or office facilities on large tracts be established adjacent to Mo-Pac and on east-west arterial streets.
2. That development of apartments along Mo-Pac Boulevard be considered to a depth of between 500 to 1000 feet.
3. That development of clusters or very limited density residential (10 to 12 units per acre) be considered at locations where topographical conditions warrant.
4. That development of the balance of the area be as single-family residential with supporting schools, park and related facilities.

Shadow Park Subdivision with the exception of the subject tracts, which were reserved for future study, was designed for multi-family and retail development. The final plat for a portion of the Shadow Park Subdivision has been approved and recorded. The street plan was designed to encourage development to front onto the interior streets with the total subdivision oriented to Mo-Pac Boulevard. A north-south collector street was planned through the subdivision with the purpose of connecting Far West Boulevard on the south and Spicewood Springs Road on the north in order to provide circulation for the area without using Mo-Pac. There is an interchange proposed on Mo-Pac Boulevard at Spicewood Springs Road and also at Far West Boulevard. The design of the subdivision was such that the intent was to limit the penetration of multi-family zoning and development at the eastern boundary of the subject 23 acre tract under consideration. The 23 acre tract which has been applied for "BB" Residence zoning extends the line which has been agreed upon through the subdivision approximately 1000 feet to the west. If approved, it would likely require consideration of similar zoning to the south and to the north for approximately 75 additional acres. If zoning on the subject tract is

C14-69-040 William C. Kennedy--contd.

considered favorably there should be concern as to how far west apartment development should be continued and the effect on the existing residential property, street pattern and municipal facilities. It is estimated that if the 1000 foot depth is extended an additional 1000 feet in depth, approximately 1500 to 1800 more units could be developed in the area. The staff feels that the subdivision which was approved establishing the line at approximately 1000 feet from Mo-Pac is the proper line for the zoning break between multi-family and low-density development and it is recommended that the large 23-acre tract be denied but that the small tract, containing approximately 4 acres, be granted as it is within the 1000 foot area and is in conformance with the plan for Shadow Park.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

	Tom Curtis (representing applicant)	
B	David Barrow: 4101 Edgemont Drive	FOR
?	Charles E. Felger, M.D.: 4106 Greystone	AGAINST
?	William S. Sullivan & Mrs. Sullivan: 4000 Greystone	AGAINST
?	Marilyn B. and D. S. Scott	AGAINST
?	Ray K. and Mrs. Nita Motsenbocker: 3923 Greystone	AGAINST
?	James M. Perdue, Jr.: 4016 Greystone	AGAINST
?	Paul Wheeler: 4001 Edgerock Drive	AGAINST
?	Joe D. Baker: 3909 Edgerodk Drive	AGAINST
?	Mrs. C. S. Beightler: 7007 Edgefield	AGAINST
?	Donald H. Bunnow: 6302 Highland Hills Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Tom Curtis, representing the applicants, presented an aerial photograph of the area with overlays showing the existing zoning and the street pattern. He stated that he could possibly agree with the staff about limiting the apartment development to a certain depth from Mo-Pac if this is located in town and if there were not approximately 3500 acres of land in the area which are not zoned. The question should be where the high-density development should occur. The subject property is located close to the major thoroughfare streets which are Mo-Pac Boulevard, Spicewood Springs Road which is existing, Far West Boulevard which is existing, Mesa Drive, part of which is existing and Hart Lane which is proposed as a 70 foot collector street extending from Far West Boulevard through the area. The logical place for high-density development is close to the major streets. The subject property adjoins property that is already zoned "BB" Residence, First Height and Area. There is not a single-family residence within 1000 feet of the property other than those across

C14-69-040 William C. Kennedy--contd.

Mo-Pac Boulevard. It should be significant that Mr. David Barrow who owns or has option on approximately 2500 acres in the area is in favor of this request as being consistent with plans for his property. All of the abutting property owners who are effected by this request are in favor of a change.

Mr. Curtis stated that he does not agree with the staff that there should be an arbitrary cut off line for apartment development. Through the large tract there is a substantial gulley which ties up a lot of the area. The gulley is roughly a 45 degree angle. It is felt that the land can better be utilized for apartment development rather than cutting into individual lots. It is also felt that the requested zoning would allow a good use of the land as it is close to the major streets and is adjacent to existing "BB" Residence zoning. In answer to statements concerning schools, Mr. Curtis pointed out that the traffic will be heavy away from the school area in order to get to Mo-Pac.

Mr. David Barrow appeared at the hearing and advised the Committee that he owns a good deal of property in the area, including the land that adjoins the subject property on the south and west. If both tracts under consideration are rezoned, there will be no reasonable use other than apartments for the property he controls which adjoins the subject tracts, and there should be consideration of a buffer for this area. He also stated that in his opinion the view by the Planning Department that the amount of apartment land use in the area should be restricted by a depth of 1000 feet is erroneous because of the tremendous growth in apartments which are being occupied. To zone property for apartments and for long term use of planning and zoning of the area should be reviewed from a long term standpoint. Mr. Barrow indicated that he does agree with the staff that apartment zoning should generally be close to the Boulevard so that the traffic from the development will be through an apartment area and not a residential area.

Arguments Presented AGAINST:

Mrs. Beightler advised the Committee that she has recently been elected chairman of the Northwest Hills Civic Association of homeowners whose property is between Spicewood Springs Road, the West Loop, F. M. 2222 and Balcones Trail, which also includes residents living in Northwest Hills and Highland Hills. The membership drive has not yet been stated but there are already 300 members. A number of the members of this organization live in the area along Greystone Drive and Edgefield Drive and they feel that they will be effected by a change in zoning on this property. The Executive Committee recently held a meeting and unanimously agreed that the residents of the area support the recommendation by the Planning staff to limit the apartment development. All of the questions raised concerning this request indicates that an overall planning study of this area is needed for long range planning. As long as it is not known how the area will develop up to the subject property it is felt that approval should be held up. There is no opposition to the requested zoning on the small four acre tract for apartments, and it is realized that after a comprehensive study is worked out, that it may be that apartments

C14-69-040 William C. Kennedy--contd.

should be placed further than 600 to 1000 feet from Balcones; however, under the existing conditions it is felt that this application should hold the line until it is better known how the entire area is to be developed. A junior high school is located at the corner of Hart Lane, which would be the street that would be used by the apartment dwellers to get their children to school. The elementary school is between Far West and North Hills Drive and there will be traffic from Hart Lane over to either of these two streets. There is a traffic problem in this area now which should be given serious consideration. Property owners recently opposed a request for special permit for apartments on a tract of land in this area that was zoned in 1966. At the time there was no residence within 1000 feet of the property. Since that time some of the property owners who purchased their homes were not aware of the zoning that was granted in 1966. It is felt that even though there are no residents within 1000 feet of the property at this time, the future purchasers of property can be effected by what is developed on the site.

Several other nearby property owners also appeared and stated they are opposed to the indiscriminate building of apartments in the area. Most of the people in the residential area purchased their homes with the feeling that this would be a low-density residential area and have seen the zoning changes, which have been granted, erode the area. There was no objection to the development of the Shadow Park Subdivision as it is appropriate to build apartments along the Mo-Pac Boulevard to a certain depth. They indicated that the property owners support the recommendation by the staff as the extension of apartments further back from Mo-Pac create too much traffic on the streets in the area. There is no objection to the requested zoning of the four acre tract under consideration.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and a majority concluded that the requested zoning should be denied on Tract 1 as the change penetrates into the area west of the western boundary of Shadow Park Subdivision which was designed to terminate the depth of apartment zoning and would be premature; however, they recommended that the requested zoning be granted on Tract 2 as it is within the area of the Shadow Park Subdivision which has been planned as an apartment subdivision and is in conformance with departmental recommendations on depth that apartment zoning should be considered from Balcones Drive.

At the Commission meeting, Mr. Dunnam explained that a letter from Mr. Tom Curtis, attorney for the applicant, has been received. The basis of the letter is that the Zoning Committee vote was based on inaccurate information by the staff and he is requesting an opportunity to present further information.

Mr. Curtis explained that the data he has is intended as corrective and not additional information.

C14-69-040 William C. Kennedy--contd.

Dr. Hazard stated that the Zoning Committee requested information from the staff on the capital improvements scheduled for this area and requested that this report be given to the Commission.

Mr. Lillie advised the Commission that he has checked with the Water and Sewer Department as well as the Highway Department on the plans for this area. He presented a land use map indicating the ridge line separating Shoal Creek, Dry Creek and Bull Creek water sheds. All of the development which will take place in the approximate 1600 acres, including the subject site, bounded by Balcones Drive, U. S. Highway 183, the ridge line of the water shed and North Hills Drive, drains to Shoal Creek. Mr. Lillie stated that he was informed that the Shoal Creek sanitary sewer line, the lines which are in the ground at the present time, were designed for a capacity of low-density residential development, about 10 persons per gross acre, and are presently over capacity in the lower portions of Shoal Creek south of 34th Street to the terminal point at the sanitary sewer treatment plant by the Montopolis bridge. During inclement weather, storm water also seeps into the line. There is at present a study underway to recommend future improvements to Shoal Creek water shed, to study the Dry Creek water shed and the feasibility of constructing an interceptor tunnel from the northwest area to the terminal treatment plant. The studies presently underway will not be completed within the next nine to twelve months. Mr. Lillie further explained that to increase the density much over 10 persons per gross acre would require improvement to the existing facilities in this portion of the drainage area. The existing density in the area is approximately $8\frac{1}{2}$ persons per gross acre. The City is about 3 to 5 years away from adequately being able to handle increased density in this area of the water shed. An overlay was presented indicating the staff's proposal for medium density residential development to a depth of approximately 1000 feet from Balcones Drive and with this pattern the density would increase from about $8\frac{1}{2}$ persons per gross acre to about 11 persons per gross acre at full development. If apartment zoning is approved back to Hart Lane, approximately another 1000 feet in depth, the gross density would increase to about 15 persons per acre. According to the Water and Sewer Department this increase would require extensive capital improvements to the existing sanitary sewer line in Shoal Creek. The water system in the area is adequate to handle about any development that may occur.

The timing for Mo-Pac Boulevard from Northland Drive south will be the period from 1969 to 1972. Phase 2 which is expected to be from Northland Drive to U. S. Highway 183 is expected to be constructed during 1971 to the end of 1972. During this next four year period to 1972, traffic generated by the development in this total 1600 acre area will be required to use Balcones Drive which is a two lane county road. Balcones Drive will also have to be used during construction of the expressway. Traffic conditions on Balcones Drive as it presently stands has reached approximately 5500 cars per day and it is becoming hazardous at a number of major intersections, namely Northland Drive, North Hills Drive and Anderson Lane. Cars during the peak hours of the morning and evening back up considerably at these locations. The City's capital improvements program does not include improvements to Spicewood Springs

C14-69-040 William C. Kennedy--contd.

Road or to Far West Boulevard. Spicewood Springs Road is a county two lane road. Far West Boulevard has been constructed from the new junior high school west but is not yet constructed from the junior high school to Balcones Drive and likely will not be constructed until the interchange of Far West and Mo-Pac is constructed which is approximately four years away. In this instance as with the sanitary sewer facilities, the City is about 3 to 5 years away from having adequate streets in the area to serve increased density and traffic.

Mr. Curtis advised the Commission that prior to the vote of the Zoning Committee at the last meeting there were three statements by the staff that were incorrect. The first was that Shadow Park Subdivision would take some 90 acres for apartment and "LR" use. Factually there are 30.9 acres now zoned "BB" Residence, First Height and Area and 6.3 acres now zoned for "LR" Local Retail in Shadow Park. This is gross acreage from which the streets are taken. It is felt that the land along Mo-Pac based upon what exists by way of the "LR" zoning there now, the proposed shopping center down across Far West Boulevard, the proposed office or shopping center back up north next to Spicewood Springs Road, and the traffic as indicated by the study by the City and the State on Spicewood Springs Road, indicates that it is unlikely that there will be "A" Residence development going up and down Spicewood Springs Road. If the area of the subject property is added to the existing 30 acres of "BB" zoning there will be little more than 60 acres zoned for apartments. The second statement by the staff was that the Committee should not look at just the 23 acre tract under consideration but also at the other 2000 units that would be coming in north and south of the subject property. Mr. Curtis stated that he took this to mean the area immediately to the south and north of the subject site. This was discussed with Mr. Lillie who said that what he was talking about included the area north of Spicewood Springs Road. Mr. Curtis said that his impression was that the staff was talking about an additional 2000 units in the area bordered by Hart Lane on the west, Spicewood Springs Road on the north, Mo-Pac on the east and Far West Boulevard on the south. Mr. Isom Hale has calculated the acreage within those four streets and there are 180 acres. If the 60 acres which has been discussed is deleted, there will be 120 acres and if 15 percent is taken from that for roads there will only be 102 acres. The staff has distributed information showing the projected number of family units per acre for "BB" Residence which comes to approximately 18 units per acre. He further stated that in his opinion the most units that will be within the area delineated will be a maximum of 2200 units. The third statement by the staff is that there is no buffer. Mr. Curtis stated that it was represented that there is a buffer by the way the streets are laid out but it is his understanding of the staff's proposal that there will be "A" Residence backing up to the rear of apartment complexes and it would be much more logical to run the apartments back within a tier of Hart Lane and then have duplex development. There would then be a buffer of duplexes and a street between the apartment development to the south and the development to the north. Otherwise, the people who own the land adjacent to the "BB" Residence zoning will have to create a buffer themselves which is not fair.

C14-69-040 William C. Kennedy--contd.

Mr. Barrow advised the Commission that he owns land adjoining the subject property as well as other land in the area and he plans to develop Far West Boulevard. He stated they are presently engaged in the engineering work for what is necessary to develop the street and the plans are to develop it this year.

Mr. Hanks asked about the difference between the west line on the subject property and Hart Lane. Mr. Lillie explained that in a proposed subdivision there is a tier of lots along the east side of Hart Lane and there is approximately 120 to 130 feet between the subject property and Hart Lane.

Mr. Frank Rocco, 3600 Ceberry, stated it is realized that there is a dire need for apartments in the City of Austin; however, the Planning Department has pointed out that the streets and sanitary sewer services are inadequate for the area and the request should therefore be denied. The evidence presented points out that the fact that there is an existing traffic hazard and the generation of additional traffic on the streets in the area will create even more problems. If the request is granted the streets and sanitary sewer facilities will be overloaded. The people in this area purchased their homes because this is a low-density area. An apartment dweller is not as concerned about the appearance of apartments or the yards as a homeowner. When a person purchases a home in an "A" Residence area there should be some protection. The Master Plan should be designed with more detail in the relation of residential sections to commercial or apartment areas to the extent that a property owner can have some assurance of what is to be developed in a certain area. Mrs. Mary Sullivan, 4000 Greystone, stated that they purchased their home on Greystone as the street did not go through. It is hoped that the street will not be busy but if apartments are allowed, this is the shortest and most direct route to the proposed high school and elementary school. This is not a major street and cannot carry a great deal of traffic. Mr. Stanley Cavatt representing the Northwest Austin Civic Association, advised the Commission that they are opposed to rezoning the area for apartments because of the high traffic density in the area. If the request is granted on the subject property it is only logical for the adjoining property to be zoned in the same manner and then there will be a large apartment block established in the area. There is concern about the Master Plan for Northwest Hills. The Master Plan for the City was adopted only a short time ago but it has already been changed a number of times by rezoning. He stated that in his opinion an organization representing the homeowners, the city, the developers, etc., should get together and draw up a Master Plan for the area that would be adhered to. This is the only way a person moving into an area can be sure of what is going to occur.

Mr. Hanks stated that assuming the area to the west of Hart Lane should remain as "A" Residence, it would be logical to have a tier of "A" Residential duplexes on the east side of Hart Lane backing up to a street and then apartment development. This would be a logical development with the traffic pattern that could be established off of Mo-Pac coming through the property and through the tract to the north and south.

C14-69-040 William C. Kennedy--contd.

Mr. Foxworth explained that on the east side there should be duplexes or residential backing up to an apartment area. It is felt that the property relationship between separate types of uses is back to back rather than fronting apartments onto residential.

Mr. Smith asked if the gross density of persons per acre would change if the zoning on the large 23 acre tract is granted and if it would have any effect on the sewer facilities. Mr. Lillie stated that the gross density would not be very much over 11 but should be pointed out that there would be a larger area to the north and south to also consider if the subject property is changed which would effect the streets and sewer facilities as well as the density. Mr. Smith stated that he is in favor of granting this request because in his opinion a requested "BB" Residence density is not as great as the zoning considered in other areas where "B" Residence zoning was granted. There will be a great deal of traffic for this immediate area but in a few years, Mo-Pac Boulevard will be developed and will carry the major burden of the traffic. There is opposition to this request from some of the people in the area because they felt that apartments would be encroaching into their residential areas; however, there is a need for apartments and it would be better for them to be placed at this location rather than north toward the residential area. It has been stated that the development on the subject property would not change the gross density per acre very much which should not be a burden on the services for the area. The property adjoins property that is already zoned "BB" Residence and it has been stated that the area adjoining will also be considered for apartments, but this is only anticipated and is not certain. Mr. Smith further stated that he has always thought that there should be areas designated for residential and apartment uses. He recommended that there be a Master Plan study of this area and that the different groups of homeowners, builders, developers, and engineers be invited to participate in the discussions in order to get a well-planned designation of zoning for this particular area. He said that at the Zoning Committee meeting he made the suggestion that when the new plans for subdivisions are brought in and are designated for something other than "A" Residential that a sign be required to be placed and maintained on the property indicating the existing zoning and the proposed use. This would in some degree take away the hard feelings and resentment when people purchase homes in an area and then find later that there is commercial or apartment zoning in a near vicinity.

Dr. Hazard stated that the issue is whether or not it is desirable to develop all single-family suburbs without a variety or change or whether or not it is desirable to develop large blocks of apartment dwelling groups. At the Zoning meeting, Mr. Taniguchi pointed out that he would prefer to see a clustering of apartments further to the north than moving them into a large concentrated area. Dr. Hazard stated that he agrees with Mr. Taniguchi. The experiences in larger cities where there have been large concentrations of apartment houses have led to a rapid turnover among residents and certain kinds of problems also merge in complexes where there is large acreage devoted to this. He stated that in his opinion this request should be denied.

C14-69-040 William C. Kennedy--contd.

Mr. Milstead stated that there is "A" Residence property to the northwest and asked if they would be obligated to provide a buffer if the property is rezoned. Mr. Burnette stated that it would be the obligation of the Planning Commission to decide where the buffer should be placed as this is a change that would effect an overall area and not just one small tract of acreage.

Mr. Hanks stated that a main point is whether or not this area will need this many apartments going all the way up to Hart Lane. It may be better to hold the development back 300 feet south of Hart Lane to see how this area does develop and if there is a need for more apartments.

Mr. Brown stated that he accepts the fact that there is a need for more space for apartment houses. The question is where they are going to be located. A request is denied in one location so it will have to be granted in another location. He stated that he cannot see that this particular location imposes any more problems for the capital improvements program than in other areas of town. There has been evidence that there is no construction now within 1000 feet of the 23 acre tract and it is felt that the property owners should be allowed to develop this land rather than the Commission telling them how to develop.

Mr. Dunnam pointed out that the first large apartment zoning request on property west of Balcones Drive was made less than one year ago. The hearings were lengthy and very controversial. At that time the staff was requested to draw up a plan which would accommodate the admittedly large desire for apartments, and at the same time protect the essentially low-density residential character close to the area. It is unrealistic to expect all the area along Mo-Pac Boulevard to be "A" Residential particularly the low-lying area. The staff came up with a Master Plan which was examined at the Master Plan Committee meeting. A great deal of thought went into the plan and the future traffic loads were taken into account. The Master Plan Committee, and the Commission approved its actions, essentially adopted the staff's plan. In less than a year there is now the second large acreage request for apartments to extend back beyond the plan which was approved and thought to be a reasonable plan. This is not too unusual as this is an era of change with conflicting requirements. There must be plans, certainly in the capital improvements program, for the multi-million dollar construction of roadways and sewage facilities, gas lines, telephone lines, and electrical power outlets and at the same time the future cannot be anticipated particularly the economic portion. There is no doubt that there has been a very sharp rise in higher income families in Austin who desire to live in the west, northwest and southwest areas of town. This was not anticipated five years ago. With planning and the long time it takes to raise money, there must be flexibility but there must also be planning and there has to be limits in timing. It may be that if the demand grows very much stronger for multi-family development in this area and as the public improvements go in to handle higher density loads and as there is some anticipation of this by market forces, the plan may have to be changed.

C14-69-040 William C. Kennedy--contd.

Mr. Dunnam stated that in his opinion to have a plan which was drawn up very carefully and was debated over a 90 day period less than a year ago is now to be changed and pushed back another 1000 feet is going too rapidly. The city is already 3 to 5 years behind in the provision of utilities. There is a strong generation in market forces in this area and the city is struggling to catch up and hopefully it can but the answer to catching up or not getting further behind is not to change the plan which is less than a year old. All of the great change in growth in this area has occurred in the period of 18 to 24 months, since the announcement that Mo-Pac Boulevard was going to go ahead. The very first dollars by the state are being invested in Mo-Pac Boulevard this year so this roadway is not anywhere near physical reality. There is no doubt of the enormous change it will bring to the city and the enormous pressures and forces it will exert on this area of town. The need for flexibility is recognized but it should also be recognized that there is a need for some reasonably constant plan within limits on which long range planning, particularly capital improvements, has to be done.

Mr. Brown stated that he could agree with Mr. Dunnam if it could have been predicated that Austin's population was going to grow at a moderate rate instead of the explosive rate that it has taken in the last few years. Mr. Dunnam stated that the future cannot be predicted but the City government and citizenry must be given time and if the growth is wanted then the people must be willing to pay for it. The public is a very great and real partner in the changes. For every million dollars of apartment use put in, the public is looking at an increase in public facilities, roads and things of this sort. The public interest cannot be ignored and the City cannot continue to grow unless the people are willing to pay the price which would be a sharp increase in taxes.

Mr. Milstead stated that it is the obligation of the community of Austin to provide services for its citizens and higher taxes should not be involved in the decision on the zoning request. There are capital improvements that have to be spread in many areas of the City.

Mr. Hanks stated that there is going to be a major shopping center on Far West Boulevard and also Spicewood Springs Road is going to be carried through as a major artery. He said that he is not necessarily opposed to the requested zoning but feels that there should be an adequate buffer off of Hart Lane which would be suitable. If the applicant would be willing to give an adequate buffer there would be an overall pattern of what can be done. Mr. Lillie pointed out that Northwest Hills, Section 12 does extend 120 feet east of Hart Lane and there is a tier of lots that front onto the street.

Mr. McNeil stated that he realized that there is a traffic problem but this is a problem in other areas of the city as well and it will not be solved by granting or denying this request for apartments.

The Commission members agreed that the requested zoning on Tract 2 is proper and should be granted. They discussed the request on Tract 1 which is the

C14-69-040 William C. Kennedy--contd.

23 acre tract, the possibility of a buffer and the effect of the zoning on the overall area. Some of the members felt that the request should be denied as it is premature and would penetrate beyond the area which was designed to terminate the depth of apartment zoning. A majority of the members concluded that the request would be logical and proper; however, they recommended that the request be denied but stated they would look with favor on the request provided a buffer of approximately 120 feet is provided on the northwest portion of the site. After further discussion, it was then

VOTED: To recommend that the request of William C. Kennedy, et al for a change in zoning from Interim "A", Interim First to "BB" Residence, First Height and Area on Tract 1 located at the rear of 7608-7640 Balcones Drive be DENIED.

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

NAY: Messrs. Dunnam, Hazard

ABSENT: Messrs. Taniguchi, Kinnan

It was then unanimously

VOTED: To recommend that the requested "BB" Residence, First Height and Area zoning on Tract 2 located at the rear of 7018-7024 Balcones Drive be GRANTED.

C14-69-041 Mr. and Mrs. O. W. Reinmuth: A to B
3405 Cedar Street

STAFF REPORT: The subject property containing 8,960 square feet is developed with a two-family dwelling. The stated purpose of the application is for apartment development. The requested zoning will permit nine one-bedroom units on the site. The land use has changed in this area within the last few years. Aldridge Park Subdivision, located south of West 34th Street is deed restricted to low-density residential development. The zoning which has been requested is consistent with a land use and zoning study the staff presented to the Commission in 1967. At that time it was reported that the land use from West 30th to West 38th Streets was changing to a medium-density residential pattern. The area also is outlined in the Master Plan as medium-density residential district. Right-of-way for Cedar Street, is presently 55 feet and should be widened to 60 feet. This would require from 2½ to 5 feet from the site. Because of the nursing home located to the north on the west side of Cedar Street, it will be difficult to acquire the necessary right-of-way from both sides of the street. The staff would recommend up to 5 feet of right-of-way from the subject property be required. It is recommended that the request be granted subject to the street being made adequate.

C14-69-041 Mr. and Mrs. O. W. Reinmuth--contd.

TESTIMONY

WRITTEN COMMENT

Code

AC Frances Malone: 3401 Cedar Street
 AE Forest S. Pearson: P. O. Box 1987

FOR

FOR

PERSONS APPEARING AT HEARING

Code

O. W. Reinmuth (applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that the property was purchased with the idea of developing it as rental property. There is a structure on the site at the present time and the plans are to divide the lower part into two units so that a separate meter can be put in for each unit. This would decrease the population on the street as the tendency now is to have separate apartments rather than four boys living together. Mr. Reinmuth stated that this area has always been rental and pointed out the various units existing in the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mr. and Mrs. O. W. Reinmuth for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3405 Cedar Street be DENIED.

C14-69-042 Bill Milburn: A to B
 1208-1210 Chestnut Avenue
 2301-2305 East 13th Street

STAFF REPORT: The subject property covers two lots totaling 12,400 square feet of land and the stated purpose is for apartment development. If zoned as requested, approximately 13 units would be permitted on the site. The area is predominantly developed with single-family residential uses although there are few non-residential uses located along East 12th Street, and the zoning has been changed to provide for those uses. To the south of East 12th Street and west of Chestnut Avenue is Glen Oaks Urban Renewal project. The

C14-69-042 Bill Milburn--contd.

proposed land use within the project for the area in the vicinity of East 12th Street and Chestnut is for office development and a neighborhood health clinic is presently in operation there. To the east of the proposed Pleasant Valley Road is the urban renewal plan proposal for medium-density apartment development under a "BB" or "B" Residence, First Height and Area zoning. The proposed location of the cross-town expressway has been located on the map. The subject property falls within the proposed right-of-way. No timing is set for this expressway. Normally, Chestnut Avenue with a present right-of-way of 60 feet would be adequate; however, the Major Arterial and Expressway Plan adopted by the Council in 1967, designates Chestnut Avenue as a north-south Major Arterial Street with a proposed right-of-way of 90 feet. East 13th Street has 50 feet of right-of-way. "C" Commercial zoning is existing to the north at the intersection of East 14th Street and Chestnut and the "B" Residence zoning located a block west of Chestnut. Both were zoned prior to or in 1953. It is realized that there have been changes along East 12th Street but the land use along Chestnut and the interior neighborhood along East 12th Street has not changed and the requested zoning would be an intrusion into a residential area on two inadequate streets. If the Committee sees merit to the request, it is recommended that 15 feet of right-of-way be required for the future widening of Chestnut Avenue and 5 feet for East 13th Street.

TESTIMONY

WRITTEN COMMENT

Code

AT	George S. Nalle, Jr.: 1003 Rio Grande	FOR
Z	Stella Hofheinz: P. O. Box 1987	FOR
AZ	Ladonia E. Randall: 1206 Coleto	AGAINST
AX	Lovie Piper: 2200 East 13th Street	AGAINST
BG	Idella Stephens: 2205 East 13th Street	AGAINST
AB	Lillian Houston: 1208 Chestnut	AGAINST
?	E. L. Shell	AGAINST

PERSONS APPEARING AT HEARING

Code

	Richard Baker (representing applicant)	
AZ	Ladonia E. Randall: 1206 Coleto	AGAINST
BD	Mr. & Mrs. Johnnie Shell: 2205 East 14th Street	AGAINST
BG	Idella Stephens: 2205 East 13th Street	AGAINST
AH	Charles L. & Sallie Jett: 2207 East 13th Street	AGAINST
J	Mrs. Charles Burdette: 1207 Chestnut	AGAINST
?	Rev. Charles Watts: 4705 Ribbecke Avenue	AGAINST
?	Mrs. Cora Williams: 1305 Chestnut Street	AGAINST
?	Mr. Booker Thompson: 905 Thompson Street	AGAINST
?	E. L. Shell	AGAINST

C14-69-042 Bill Milburn--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, explained that the houses on the subject property are rental houses which have been owned by Mr. Milburn for some two or three years. He has a problem with one of the houses in that according to the Building Inspector's Office it needs a considerable amount of repair to bring it up to standards for it to continue to be occupied. One of the other houses also needs a considerable amount of repair. Under the conditions that exist at this point in time and with the changing conditions in the area, the applicant does not feel that the property would justify the cost that would need to be incurred to bring it up to standard inasmuch as it is located on a 60 foot street which is carrying a great deal of traffic. The Planning Department staff has indicated that the City has plans to widen Chestnut Avenue from 60 feet of right-of-way to 90 feet which will be a major thoroughfare street. It is already one of the main traffic streets as it leads directly into East 12th Street at the point where Holy Cross Hospital is located. It should be noted that there is some intermittent zoning in the area which lies to the immediate north of this tract at 14th Street which is only one block from the subject property according to the actual traverse distance. The property at 14th Street is zoned "C" Commercial and developed with a grocery store, restaurant and barber shop. It is realized that at this point in time there is a problem as to whether the area should continue as single-family residential or whether or not certain portions of the area are such that it will not justify the continuing of the area as residence. This is a changing area and to bring the existing improvements up to standard or to tear down the existing improvements in the area and leave a vacant lot would not be a benefit to the area. An apartment project of the size and complexity that could be placed on such a small lot would not seriously damage the existing residential neighborhood. It should be pointed out that many of the lots in the area are not conforming as there is more than one single-family structure on a lot. It is felt that the logical extension would be to "B" Residence zoning inasmuch as the 60 foot right-of-way does exist for such development.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that they are opposed because of the traffic in the area and the existing residential development. They felt that the applicant should be required to repair the houses that exist as it would conform to the development in the area and would be a benefit.

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 which is served by inadequate streets.

C14-69-042 Bill Milburn--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bill Milburn for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1208-1210 Chestnut Avenue and 2301-2305 East 13th Street be DENIED.

C14-69-043 Bill Milburn: Int. A, Int. 1st to GR, 1st
7200-7414 Ed Bluestein Boulevard (Loop III)

STAFF REPORT: The subject property, containing 6.39 acres, is located at the intersection of Ed Bluestein Boulevard and Old Manor Road. The stated purpose of the request is for a shopping center. The area to the west and south consists of new subdivisions which have recently been platted and the houses are being built. This subject tract is part of Vintage Hills Subdivision which is presently under review by the Planning Commission. The portion to the west was reviewed by the Subdivision Committee last week and will be before the full Commission at the next regular meeting. At the Subdivision Committee Meeting, the staff pointed out that there was concern about having commercial development or a shopping center directly across the street from four residential lots which are platted in the subdivision. It was recommended that the plat be amended to include a tier of duplex lots on the subject property which would front onto Dubuque Street directly across from the residential lots on the west side of the street. The applicant withdrew this section of the plat which dealt with the shopping center until after the zoning hearing and asked only that the section to the west be filed.

The area is zoned Interim "A", Interim First Height and Area. The area to the north of Ed Bluestein Boulevard as well as some sections to the south are still outside the City limits and the streets are predominantly minor residential. Old Manor Road is proposed in the Major Arterial and Expressway Plan as an expressway route with 200 feet of right-of-way, all of which will come from the east side. There will be a grade separation at Ed Bluestein Boulevard. There is now or will be a break in the median strip on Ed Bluestein at Langston Drive. There is not now nor will there be a break at Dubuque Street.

The area to the south of the subject property is a school site which has been acquired by the Austin Independent School District. A small strip of land across from the school site was also acquired for the purpose of the school but the plans now are to sell that strip of land to the developers of Vintage Hills as the school district does not want the school site split by a street. The school site will have as its western boundary Dubuque Street which will extend from Susquehanna Lane to Ed Bluestein Boulevard. The staff feels that the zoning change to "GR" General Retail should be granted but it is recommended that the Committee consider a tier of duplex lots that would front along Dubuque Street on the east side which should be retained as "A" Residence across from the residential lots in the Vintage Hills Subdivision. There is an alternate to the suggestion which is that a fence be required along Dubuque Street with no break except at the north end of the property to protect the residential uses on the west side of the street.

C14-69-043 Bill Milburn--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

C Richard Baker (representing applicant)
Mike Brennen: 7006 Bryn Mawr Cove

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, stated that the Commission has indicated many times that they would appreciate it if the developers would come in with an overall plan to try to systematically develop their land in an effort to apprise the property owners, prior to the time they acquire their property, what they are attempting to do. Mr. Milburn is making this effort on the subject property. When he cut the property off in the manner he did to extend Dubuque Street through, he also kept in mind the concern expressed by the Commission about the small size tracts which are being zoned "GR" for retail uses. The applicant has been developing land in the City of Austin for many years and for the last three years, he has not sold lots in any of his subdivisions until such time as houses have been constructed thereon. In other words, he owns the land, builds the houses and then sells the houses. On the basis of the plans submitted to the Subdivision Committee, the proposal is that the four lots immediately across Dubuque Street will be used for duplex purposes. He plans on developing the lots and either retaining or selling the duplexes thus it is felt that there will be no problem created. Another point is that Mr. Milburn will own the land and it will be noted that the subject property will be used for a shopping center so anyone who purchases the lots will be on notice as to what is being developed. To provide a tier of lots on this small tract of land would seriously effect the use of the property. The alternate suggestion by the staff for a fence, while certainly not desirable, is more desirable than trying to use a tier of duplex lots. The Planning Department can go so far in attempting to protect the public but the developer owns this land which has been subdivided, and he is making an application of zoning prior to the time he undertakes development. If the applicant is willing to utilize his own lot and look into his own shopping center he should not be requested to go any further as it would be a burden. The 60 foot street actually creates a buffer. If there were other property owners involved there would be a basis to the concern by the staff but there is only the one property owner. With regard to limiting the access, it should be pointed out that when Manor Road is expanded there will be a cloverleaf interchange with Bluestein Boulevard which may create difficulties for access into the subject property; however, at this point in time the plans are not final. It is felt that the recommendation by the Planning Department is unreasonable and would be a burden for the developer.

C14-69-043 Bill Milburn--contd.

Arguments Presented AGAINST:

One of the nearby property owners appeared in opposition to the request and stated that the main concern is not the "GR" General Retail zoning along Old Manor Road and Bluestein Boulevard as this is appropriate; however, there is concern about the opening of Dubuque Street with all of the traffic problems because of the school site. It is planned that Dubuque Street will not cross but will enter into Bluestein Boulevard. The people who live in this area are opposed because of the traffic problem.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate zoning at the intersection of Ed Bluestein Boulevard and Old Manor Road. They further recommended that a sign, stating the present zoning and proposed use, be placed and maintained on the site.

At the Commission meeting, Mr. Lillie requested that the recommendation on the sign be withheld until such time the Commission has an opportunity to consider a general policy that would be consistent on all requests.

The Commission agreed that this portion of the recommendation should be deleted. They recommended that the request be granted as the appropriate zoning at this location. It was then unanimously

VOTED: To recommend that the request of Bill Milburn 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 7200-7414 Ed Bluestein Boulevard (Loop III) be GRANTED.

C14-69-044 Bill Milburn: Int. A, Int. 1st to B, 1st
7416-7532 Ed Bluestein Boulevard (Loop III)

STAFF REPORT: The subject property is part of the Vintage Hills Subdivision and has approximately 1100 feet of frontage onto Bluestein Boulevard. The stated purpose of the request is for apartment development. The area to the north is rural and undeveloped. Vintage Hills Subdivision will be before the Planning Commission next week for approval. The area is either unzoned or zoned Interim "A", Interim First Height and Area and the streets are minor residential streets, with the exception of Ed Bluestein Boulevard. The staff has no objection to the request as it is appropriate zoning at this location; however, there are a few points which the staff recommends the zoning be subject to. It is recommended that the three lots to the west fronting onto Langston Drive be changed from "A" Residence to "B" Residence and that all of the access to this area be from Dubuque Street at one end and Langston Street at the other end with no access from Ed Bluestein Boulevard and that within that subdivision there be a 30 foot common drive between Langston Drive and Dubuque Street which would provide for circulation within the tract. This

C14-69-044 Bill Milburn--contd.

recommendation is made because Ed Bluestein Boulevard, an expressway-type thoroughfare with fast traffic, will be one-way along the frontage of the subject tract with only a crossover at Langston. The cars coming from the tract would be required to get on Bluestein, going through the interchange at Old Manor Road. It is felt that the common drive should be made a part of the subdivision for better interior circulation. It is further recommended that the zoning ordinance for this tract not be approved until the subdivision plan showing a 30 foot common drive from Dubuque to Langston Streets be submitted and approved by the Planning Commission.

Mr. Baker asked if the staff is recommending that there be no access from this tract onto Ed Bluestein Boulevard. Mr. Lillie explained that it is recommended that there be limited access with an interior common drive.

TESTIMONY

WRITTEN COMMENT
Code

None

PERSONS APPEARING AT HEARING
Code

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, stated that there are a few problems in the suggestions by the staff, none of which are objectionable because this has all been laid out in relation to the proposed use of the property. The applicant is aware of the problems and he is going to try to solve them although not as extensively as proposed by the staff. When you take a tract of this size and put a 30 foot common drive through it by a subdivision on the basis of a subdivision at this point in time it is a virtually impossible task. This tract could be developed in any one of a number of ways. It could be subdivided by dividing the large acreage tract into a number of lots. Another solution is to come back before the Commission for a special permit to develop it entirely as a unit with separate structures. If the applicant is required to dedicate a 30 foot private easement by subdivision through the tract at this time it undoubtedly would not be the proper place when it was time to develop the tract in the proper fashion. The tract does not have enough depth to run a 30 foot drive through the middle and properly utilize the land on either side. In relation to the suggestion by the staff to zone the three lots fronting onto Langston Drive "B" Residence zoning, this would be agreeable but two of the lots are restricted; however, in relation to these lots, the applicant would propose to take the first lot at the intersection of Bluestein Boulevard and Langston Drive and propose that no construction be placed on the lot so that it will be used as an easement from the subject property to Langston Drive. Mr. Baker stated that they would further propose and provide for a driveway through the tract so that

C14-69-044 Bill Milburn--contd.

there could be circulation from one street to the other without getting onto Ed Bluestein Boulevard; however, it is not proposed that this be done by subdivision but rather by agreement before development of the tract. It may be that the most practical development of the tract would be to utilize the easement area as suggested by the staff but until the plans for the development on the property are made, the applicant should not be burdened under a subdivision. Even if the property is subdivided into four or five lots, a common driveway easement would be used for circulation. On this basis, it is requested that the applicant not be restricted as recommended by the staff although there is no contention to the intent of the scope of the plan they proposed if there is just some latitude to work in.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate zoning for the site, subject to departmental approval on a common drive through the property between Langston Drive and Dubuque Street, and subject to the approval of the subdivision creating the site and the extension of Dubuque Street out to Ed Bluestein Boulevard.

Mr. Robert Davis, representing the applicant, stated that there is no objection to providing the common drive through the property but requested that it not be required on the subdivision plat.

The staff advised Mr. Davis that the common drive could be provided by special permit or by subdivision plat.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bill Milburn for a change in zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at 7416-7532 Ed Bluestein Boulevard (Loop III) be GRANTED.

<u>C14-69-045</u>	Development Associates, Inc.: Int. A, Int. 1st to LR, 1st (Tr. 1) Tract 1: 6220-6226 F. M. 969 <u>and GR, 1st (Tr. 2)</u> Tract 2: 6000-6212 F. M. 969 4901-5103 Ed Bluestein Boulevard (Loop III)
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STAFF REPORT: The subject property contains two tracts of land located at the northeast intersection of Ed Bluestein Boulevard and F. M. 969. Tract 1 contains 1.25 acres and Tract 2 contains 7.68 acres and the stated purpose is for commercial development. The area is predominantly zoned Interim "A" First Height and Area and some of the area is outside the city limits. The land use in the area is predominantly undeveloped although just to the north of the subject property is a subdivision entitled Cavalier Park which is in the process of being developed. The subject property was a portion of the approved preliminary and a portion of the subdivision as finally developed. The Tracor plant

C14-69-045 Development Associates, Inc.--contd.

located south of F. M. 969. Ed Bluestein Boulevard and F. M. 969 are both designated as major arterial streets in the Major Arterial and Expressway Plans and both are adequate. The staff recommends that the request be granted as it is in conformance with the preliminary and final subdivision plan for the property.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, stated that Cavalier Park, Section 1 is still owned by the same developer on which the zoning change is requested. The zoning change is requested at this time before development in the area occurs so that anyone who purchases in the area will be aware of the proposed 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 the appropriate zoning at the intersection of Loop 111 and F. M. 969.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Development Associates, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area (Tract 1) and "GR" General Retail First Height and Area (Tract 2) for property located at Tract 1: 6220-6226 Farm Highway 969 and Tract 2: 6000-6212 Farm Highway 969 and 4901-5103 Ed Bluestein Boulevard (Loop 111) be GRANTED.

C14-69-046 Lewis Barclay Herring: A to BB (as amended)
1414-1502 Wheless Lane

STAFF REPORT: This application covers 39,330 square feet of land fronting onto Wheless Lane. The stated purpose of the request is for apartment development and if zoned as requested, would permit approximately 40 units to be developed on the site. The subject property is located south of U. S. Highway 290 which has recently been improved. The land use to the north of Wheless Lane is for the most part large tracts which are undeveloped. The area to the south is predominantly "A" Residential and developed with single-family homes. "LR" Local Retail zoning adjoins the site to the north, and was zoned in 1968. "B" Residence, First Height and Area zoning along Berkman Drive was granted in 1968, and the "BB" Residence zoning fronting onto Wheless Lane was part of the three lots that front onto Berkman Drive zoned "B". Berkman Drive and U. S. Highway 290 are both part of the Major Arterial and Expressway Plan. Wheless Lane, with a present right-of-way of 50 feet, has until this time been a single-family street. If the zoning is granted, Wheless Lane should be widened to 60 feet. The staff feels that the request to "B" Residence zoning should be denied as it is inconsistent with the zoning recommended by the Planning Commission and granted by the Council in the past; however, the staff would look with favor on "BB" Residence, First Height and Area zoning, provided Wheless Lane with a present right-of-way of 50 feet is made adequate which would require 10 feet from the site.

TESTIMONY

WRITTEN COMMENT

Code

L	John P. Combs: 1507 Wheless Lane	AGAINST
AB	Kerry L. McAlister: 1502 Ashberry Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

	John Selman (representing applicant)	
X	Albert Edward Kebrdle: 1601 Wheless Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, stated that he agrees with the staff that Wheless Lane will need additional right-of-way and he will submit a letter dedicating the right-of-way by next week. The staff report shows the "BB" Residence zoning to the east, "B" Residence zoning on Berkman Drive and "LR" Local Retail zoning to the north. It does not show the "LR" development to the west of Brookside Drive which is the Reagan Square commercial area. The area has changed and there is commercial already established. The property is served for all practical purposes by U. S. Highway 290 and Wheless Lane. There is a problem in that some of the houses across the street are single-family; however, there are a number of duplexes close to Reagan Square.

C14-69-046 Lewis Barclay Herring--contd.

The property will probably be sold with the tract to the north which is zoned "LR". The cost of the land in this area is in the neighborhood of \$1.00 per square foot and if the density is dropped from "B" Residence, First Height and Area to "BB" Residence, First Height and Area it will considerably cut the value of the property. Mr. Selman further stated that the property adjoining to the west will come in for rezoning next month so the entire area is changing and it is felt that the request on the subject property is logical and would be a gradation.

Arguments Presented AGAINST:

Mr. Albert Kebrdle appeared at the hearing and stated that he was requested by the property owners in this area to speak against the zoning change. There is a house on the property that was moved in from Manor Road when the owner sold his property to the golf course. The house has been remodeled but now the applicant wants it zoned for apartments and the people in the neighborhood are opposed to this. It is realized that the property along U. S. Highway 290 is business property but the property along Wheless Lane is narrow in depth and it is across the street from residential property. There is apartment zoning at the corner of Berkman Drive and Wheless Lane but there is an alley from the area to U. S. Highway 290 whereas the only outlet for the proposed development on the subject property would be Wheless Lane, which is too narrow for increased traffic.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area and because of the inadequate right-of-way of Wheless Lane; however, they stated they would look with favor on granting "BB" Residence, First Height and Area zoning, provided Wheless Lane is made adequate, as the proper zoning for the site.

At the Commission meeting, the staff reported a letter from the attorney for the applicant, requesting that this application be amended to "BB" Residence, First Height and Area and offering to dedicate 10 feet of right-of-way for the future widening of Wheless Lane.

The Commission accepted the request to amend the application and felt that in view of the offer of right-of-way this request should be granted as the proper zoning for the site. It was then unanimously

VOTED: To recommend that the request of Lewis Barclay Herring for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 1414-1502 Wheless Lane be GRANTED.

C14-69-047 Phil Mockford, Trustee: A, 1st to B, 2nd
103-111 West 38½ Street

STAFF REPORT: This application covers 22,080 square feet and the requested zoning is for apartment development. The existing land use in the area is varied. There is a great deal of apartment development in the area especially along West 38th Street and Speedway but at the same time there are a number of single-family homes which are being maintained in good condition. There are a number of non-residential uses on West 40th Street, Speedway and West 38th Street. The zoning in the area is predominantly "B" Residence, Second Height and Area. The area along Speedway is "B" Residence, Second Height and Area and the previous request for rezoning along West 38th Street have been for the same. There is "B" Residence zoning already established on three sides of the site and on the fourth side, the three lots fronting onto West 38th Street, the zoning is still "A" Residence. West 38th Street is a Major Arterial street that is scheduled to be widened to 80 feet. The improvements are programmed within the next five years. The staff feels that the zoning as requested is appropriate; however, the access to the property is extremely limited in that the only access is from a 20 foot street-alley right-of-way which extends westward from Speedway to Guadalupe. The right-of-way on which the subject property fronts is only 42 feet and the requested zoning would permit about 30 units which would overload the street. The staff feels that the request is appropriate as previously stated but feels that the recommendation to grant should be with the condition that the street is made adequate. Unless the subject property is joined with property that fronts onto West 39th Street, West 38th Street or Speedway it would be very difficult to adequately take care of traffic generated from 30 units exiting and entering onto a 20 foot street. The street should be widened to 60 feet of right-of-way adjacent to the subject property which would require 18 feet from the north side of the tract and 30 feet of right-of-way would be needed for the portion of the street opening to Speedway. When zoning along Avenue B was approved by the City Council only 50 feet of right-of-way was required with 40 feet of paving. It may be that Public Works could do the same with this property but this would have to be checked. The zoning is proper but the access is not proper and at least a minimum of 50 feet of right-of-way with 40 feet of paving is requested.

TESTIMONY

WRITTEN COMMENT

Code

M Frank W. Cook: 207B West 39th Street (P.O. Box 4064) FOR
 Q Mrs. Ollie Ellen Goodson: P. O. Box 85 Nursery, Tex. FOR

PERSONS APPEARING AT HEARING

Code

A Phil Mockford (representing applicant)

C14-69-047 Phil Mockford, Trustee--contd.

SUMMARY OF TESTIMONY

Mr. Phil Mockford appeared at the hearing and stated that he represents the prospective purchasers and he is also authorized to act for the sellers of the property. There are four individually owned lots in this application developed with four single-family dwellings which are still occupied by the owners. The people who own the property are in an unusual position. They are surrounded on three sides by apartments and apartments are in very close proximity on the fourth side. The tract is the last island of residential zoning in this area. It is realized that this street is a problem but it is not a problem of the applicants making. They have contributed to the City the additional 15 feet on West 38½ Street which has been recently referred to as an alley. It should be pointed out that it is a street and is not an alley as it is paved, curbed and guttered. In fact, it is felt that 15 feet which was dedicated from the front of the property should be given back to the owners as the street will never change from Speedway to Guadalupe. The Planning Department has had an opportunity to talk to the people of the area and know what has been asked for in the way of additional right-of-way. If additional right-of-way was needed for the street, the problem should have been anticipated when the area started going to "B" Residence zoning. Even though the property fronts onto West 38th Street; Speedway is only a short distance away and then there are several major streets to carry the traffic. The property owners did not create the street problem and they are entitled to make the proper zoning use of their land.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to the existing zoning and development in the area. They further recommended that on-street parking be prevented along West 38½ Street from Avenue B to Speedway Avenue.

At the Commission meeting, Mr. Lillie reported that there is a street vacation request to be considered by the Commission in connection with this application. The applicants have requested that 10 feet of the existing 35 feet of right-of-way for West 38½ Street in front of the subject property be vacated which would leave a 25 foot dedicated alley. In review of this case, the Zoning Committee did not feel that in this location additional right-of-way should be requested because of the fact that there is a 20 foot access off of Speedway, 35 feet of right-of-way in front of the site and likely, West 38½ Street would never be widened to 60 feet which is generally required for apartment development. From Speedway west, between 38th and 39th Streets, there is only one area which does not front onto either of those streets and that is the subject site. The replies from the various City departments on the vacation are okay with the exception of two. On the basis of the apartment zoning request, Traffic and Transportation Department recommends that the vacation be denied and the Advanced Planning section of the Planning Department recommends against the vacation, unless other access is provided to the site, due

C14-69-047 Phil Mockford, Trustee--contd.

to the proposed change in land use from single-family to multi-family development.

After further discussion, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Phil Mockford, Trustee for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 103-111 West 38½ Street be GRANTED.

C14-69-048 Sharon Anderson and Frances M. Blakemore: B to O
4205-4207 Duval Street
501-503 Park Boulevard

STAFF REPORT: This application covers two lots totaling 9,750 square feet. The stated purpose is for a doll museum. The request is for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area and irregardless of whether the zoning is changed, the same density would be permitted. The zoning along Duval Street, with the exception of two areas, is "B" Residence, Second Height and Area. "C" Commercial zoning is established at the intersection of East 43rd Street and Duval Street and "LR" Local Retail zoning is established at the intersection of Park Boulevard and Duval. The "LR" Local Retail zoning was granted in 1968 and until 1966, there were no zoning changes in the area. At that time the northeast corner was changed from "B" Residence, Second Height and Area to "LR" Local Retail for the stated purpose of an antique shop; however, it is the staff's understanding that the property is used for other purposes. The comments of people in the area who object to this change indicate the concern that the development on the subject property will be maintained in the same manner as the "LR" Local Retail property which is objectionable to them because of outside storage. To the west of Duval is a well-maintained single-family area as is the area extending along Park Boulevard. Park Boulevard with a right-of-way of 60 feet is adequate; however, Duval with a present right-of-way of 60 feet, is scheduled to be widened to 70 feet which will require 5 feet of right-of-way from the subject site. The staff feels that the existing "B" Residence, Second Height and Area zoning is appropriate as the requested zoning would be an intrusion into a well-defined apartment zoned area and recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

Code

AW	Mrs. Grace M. Smith: 512 East 42 Street	AGAINST
X	Mrs. Forrest Housman: 506 East 42 Street	AGAINST
G	Laurence A. Becker: P. O. Box 1868	AGAINST
B	Joe Amstead, Jr.: 4005 Avenue F	AGAINST
AE	Mrs. A. Otting: 4200 Duval	AGAINST
AL	Clyde Rhodes: 4115 Avenue H	AGAINST

C14-69-048 Sharon Anderson and Frances M. Blakemore--contd.

AP	J. B. Rutland: 603 Perry Brooks Building	AGAINST
Y	Mrs. Kelley M. Housman: 506 East 42 Street	AGAINST
BB	Adolf Young: 507 East 42 Street	AGAINST
L	J. J. Brown: 502 East 42 Street	AGAINST
AB	Mrs. Van Kirkpatrick: 500 East 42 Street	AGAINST
J	Mrs. Mary Bledsoe: 4110-A Duval	AGAINST

PERSONS APPEARING AT HEARING

Code

	Fancher Archer (representing applicant)	
G	Lawrence Becker: P. O. Box 1868	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Fancher Archer appeared at the hearing and stated that he represents Sharon Anderson who wishes to operate a doll and toy museum on the site which requires an "O" Office zoning. She does not anticipate selling anything but only wants to display various antique, art and historical items. She will not have a retail store and does not anticipate increasing the size of the building. It will be remodeled for display only. The proposed use should not increase the traffic but the right-of-way required on Duval Street will be dedicated. It should be pointed out that the proposed use would not generate as much traffic as the uses allowed under the "B" Residence zoning.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that the proposed use would attract many people to the area and cars would be parked along the street in front of the existing residences. There is a problem of parking and traffic in the area at the present time as Park Boulevard is a main entrance into Hancock Center. Houses in the area are well-maintained and the request would be an intrusion.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, Mr. Burnette reported that the recommendation by the staff was to deny this request as an intrusion into a well-established apartment district fronting on either side of Duval Street which is zoned "B" Residence, Second Height and Area. This is a well-defined apartment district although many of the structures fronting onto the street are single-family and two-family.

C14-69-048 Sharon Anderson and Frances M. Blakemore--contd.

Mr. Smith stated that he does not oppose the proposed use of the site and asked if the zoning could be granted with the condition that the zoning would be rolled back if not used for the purposes as stated by the applicant.

Mr. Lillie stated that the granting of the request in this manner would likely lead to more such requests and would create administrative and enforcement problems.

After further discussion, a majority of the members felt the request should be denied as it is inconsistent with the well-defined apartment zoning to the south and the residential area to the east. It was then

VOTED: To recommend that the request of Sharon Anderson and Frances M. Blakemore for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 4205-4207 Duval Street and 501-503 Park Boulevard be DENIED.

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

NAY: Mr. Hanks

ABSENT: Messrs. Kinnan and Taniguchi

C14-69-049 Leon Schmidt, Trustee: A, 1st and GR, 6th to GR, 6th (Tr. 1)
 Tract 1: 8111-8205 and 8215-8217 Burnet Road and B, 6th (Tr. 2)
 2306-2314 Teakwood Drive
 Tract 2: 2300-2304 Teakwood Drive
 8108 and 8204 Exmoor Drive

STAFF REPORT: This application is made for the purpose of establishing "GR" General Retail zoning on Tract 1, which is the large tract containing approximately three acres of land fronting onto Burnet Road, and "B" Residence, First Height and Area zoning on Tract 2, containing approximately 32,000 square feet which fronts onto Teakwood and Exmoor. The immediate area is developed with a mixture of uses. The area along Burnet Road is predominantly zoned "C" Commercial and developed with varied commercial uses. The area to the east is for the most part developed with single-family and two-family dwellings. Seven lots, along Exmoor Drive, including one of the tracts in Tract 2, are developed with duplexes. Even though that area is predominantly a rental duplex area, it is a new area and the homes in this particular subdivision are not more than 5 or 6 years old. The staff has little objection to the requested zoning on Tract 1, as it is appropriate zoning for the land fronting onto Burnet Road. The applicant has indicated that he is willing to provide 25 feet for a buffer area during the proposed development on Tract 1 and the existing duplex development along Exmoor Drive. The buffer area agreed to is the western most 25 feet of Tract 2. The staff has no objection to the establishment of "B" Residence, Sixth Height and Area zoning for that portion but does feel that the requested zoning should be denied on the remaining portion of Tract 2 (or the two lots fronting onto Exmoor) as it would intrude into an "A" Residential district and would be

C14-69-049 Leon Schmidt, Trustee--contd.

piecemeal zoning. If the Commission feels that either of the two lots fronting onto Exmoor should be granted in no case should there be any commercial traffic extending from Burnet Road into the residential area. It is the staff's understanding that the 25 foot buffer area will be used for a driveway for the commercial development on Tract 1. It is recommended that "GR" General Retail, Sixth Height and Area zoning be granted for Tract 1 and the "B" Residence, Sixth Height and Area zoning on Tract 2 be denied save and except for the western most 25 feet of the tract which should be granted.

TESTIMONY

WRITTEN COMMENT

Code

Y	Don J. Jackson: 6002 Spancreek	FOR
AF	Mrs. Ruth Mercia Moore: 2205 Teakwood	FOR
R	Walter M. Frederickson: 8102 Flamouth Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

	Walter Young, Jr. (representing applicant)	
Y	Don J. Jackson: 6002 Spancreek	FOR

SUMMARY OF TESTIMONY

Mr. Walter Young, Jr., representing the applicant, stated that the "B" Residence zoning was requested for the two lots fronting onto Exmoor Drive so that the area could be used for parking. If so desired, a fence could be built around it which would completely separate the property from the residential area. The property in this area should be developed to the fullest and the two lots are needed.

Mr. Don Jackson, nearby property owner, stated that he developed property to the north which is zoned "C" Commercial and dedicated a 12 foot roadway which would extend through the property. There are retail establishments on the front of the tract and apartments on the rear and the road could be extended to the south through the subject property. There is no objection to the proposed development. Mr. Jackson further stated that it is his understanding that most of the area to the east is restricted to duplex development.

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 for Tract 1 should be granted, but that the "B" Residence, Sixth Height and Area as requested on Tract 2 be denied, save and except the most western 25 feet of the tract should be granted

C14-69-049 Leon Schmidt, Trustee--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Leon Schmidt, Trustee for a change of zoning from "A" Residence, First Height and Area and "GR" General Retail, Sixth Height and Area to "GR" General Retail Sixth Height and Area (Tr. 1) located at 8111-8205 and 8215-8217 Burnet Road and 2306-2314 Teakwood Drive be GRANTED and the request for "B" Residence, Sixth Height and Area (Tr. 2) located at 2300-2304 Teakwood Drive and 8108 and 8204 Exmoor Drive be DENIED, save and except the most western 25 feet of the tract which should be GRANTED.

C14-69-050 Carl E. Wooten: Int. A, Int. 1st to C, 1st
 Tract A: 2215 West Lake Drive
 Tract B: 2219 West Lake Drive

STAFF REPORT: There are two tracts of land involved in this application which front onto West Lake Drive on the west side of Lake Austin. Tract 1 contains approximately 25,700 square feet and Tract 2 contains 51,000 square feet. The land use in the area is residential away from the lake. West Lake Drive after it rounds the bend on top of the hill, drops quite rapidly and then swings north along Lake Austin. The subject property is located below the 504.9 elevation which is the assumed City limit line for the City of Austin. The subject tracts are used at the present time as a marina for boat storage and rental. "C" zoning is required for this type of use. The Oak Harbor Marina is located between the two tracts under consideration. To the north along the lake front are a few large single-family homes located just west of Yacht Harbor. Approximately 1½ years ago there was a request for "B" Residence, First Height and Area zoning on property to the north but it has not had final Council approval and is still pending. The uses that are on the subject tracts are presently non-conforming as there has not been any zoning. Lake Shore Subdivision, which was filed in 1915, shows a subdivision of lots along Lake Austin. The north end of the subdivision, approximately a mile, right-of-way for West Lake Drive is shown on the plat as 40 feet. Lake Shore Drive in front of the subject property is shown as having 60 feet and the staff needs to check to determine the validity of the right-of-way. The City of Austin is at the present time establishing a water and sewer line along West Lake Drive. The staff recommends that the application be granted as the appropriate zoning for the existing uses subject to the establishment of 60 feet of right-of-way for West Lake Drive.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A

Sidney Purser (representing applicant)

C14-69-050 Carl E. Wooten--contd.

SUMMARY OF TESTIMONY

Mr. Sidney Purser, representing the applicant, stated that they are trying to conform the zoning to the use which the property has been made. The area has been held up because of a question about the city limit line but this has been checked with the Legal Department and the property is below the 504.9 elevation. If the street does not have 60 feet of right-of-way, it will be dedicated from the subject property.

Mrs. J. Jacobson advised the Commission that she is on the West Lake Hills zoning board and asked questions about the type of development, the restrictions and the requested zoning. She also asked about the notification of nearby property owners.

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.

At the Commission meeting, the staff reported that a question has been raised with regard to proper notification of the property owners within 200 to 300 feet of the site and because of this, the applicant's attorney has requested that the application be postponed so that it can be readvertized.

The Commission ACCEPTED the request to POSTPONE this application.

C14-69-051 Wayne M. Laymon: A, 1st to B, 2nd
4300-4302 Avenue H
306 East 43rd Street

STAFF REPORT: The subject property covers 7,000 square feet of land which is presently undeveloped. The stated purpose of the request is for apartment development. This is an area which has been before the Commission previously. The most recent zoning was a request for "B" Residence, Second Height and Area zoning on property to the east across Avenue H, which was recommended for "B" Residence, First Height and Area but was never amended and is still pending. To the west along Avenue F is a pending request for "B" Residence, First Height and Area zoning which was granted for the purpose of an eleemosynary institute or "half-way house". The remaining area has stayed very stable as low-density residential with the exception of the property along Avenue H and north of East 43rd Street. Property at the corner of 43rd Street and Avenue H was zoned "B" Residence, First Height and Area zoning for the purpose of establishing a parking lot. Property to the south at the southeast corner was zoned "GR" General Retail in 1966, and is developed with single-family homes. The area has maintained itself to the west as a well-developed single-family area; however, to the east there has been a series of changes in the past. It is felt that the requested zoning would be too dense for the area as it will allow 10 units to be developed on the

C14-69-051 Wayne M. Laymon--contd.

site. The staff feels that "B" Residence, First Height and Area zoning, which will permit seven units on the site, could be recommended as it is in keeping with the property to the east and would be in conformance with previous recommendations and other zoning for First Height and Area zoning on the interior area of the neighborhood.

TESTIMONY

WRITTEN COMMENT

Code

D Mrs. B. B. Arledge: 310 East 43rd Street

AGAINST

PERSONS APPEARING AT HEARING

Code

Bob Porterfield (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bob Porterfield, representing the applicant, stated that even though the staff says that 10 units would be allowed on "B" Residence, Second Height and Area zoning, physically only 8 or 9 units could be established because of the parking requirements. The "B" Residence, First Height and Area recommended by the staff will permit 7 units and the difference of only one or two units should not make any difference in the traffic. The house existing on the site is in a bad state of repair and any improvement on the site would enhance the neighborhood.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they stated they would look with favor on granting "B" Residence, First Height and Area zoning as it conforms to previously granted zoning in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Wayne M. Laymon for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4300-4302 Avenue H and 306 East 43rd Street be DENIED.

C14-69-052 Ivy L. Kilpatrick: A to B
 505 Swanee Drive

STAFF REPORT: The subject property contains 10,950 square feet and is developed with a two-family dwelling. The stated purpose of the request is for apartment development and if zoned as requested, approximately 11 to 13 one-bedroom units would be permitted. This area has been before the Commission for consideration a number of times. "B" Residence, First Height and Area zoning was granted on property at the intersection of Swanee Drive and Guadalupe in 1965, and also 1967. "B" Residence, Second Height and Area zoning is also established on one lot along Kenniston Drive. City owned property to the north was before the Commission for consideration of the establishment of the proper zoning in 1968, at which time there was a drainage problem that had to be worked out by the City and the Commission recommended that the request be either denied or that the property be developed with low-density apartment development provided the City could acquire access out to Guadalupe Street. Since that time there have been a number of zoning requests in the area. "BB" Residence, First Height and Area zoning was granted on two pieces of property along Guadalupe Street to the north and requests for "BB" Residence, First Height and Area zoning was recently considered by the Commission on property directly to the north of the subject site and on some property along Kenniston Drive. In both cases, the Commission recommended in favor of the requests subject to the streets being made adequate. There is no objection to apartment zoning in this area as it is starting to occur; however, it is recommended that the zoning be established as "BB" Residence, First Height and Area zoning, which is a low-density zone consistent with previous recommendations; rather than "B" Residence, First Height and Area which is too intensive for the area. Swanee Drive, with a present right-of-way of 50 feet is inadequate and should be widened to 60 feet which would require five feet from the site. The staff recommends that the requested zoning be denied but that "BB" Residence, First Height and Area zoning be granted, provided Swanee Drive is made adequate.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Bob Porterfield (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bob Porterfield, representing the applicant, stated that the pattern in this area has been set for apartments. This is an area of small homes which is not well kept and the people are not opposed to a change to "B" Residence, First Height and Area.

No one appeared in opposition to the request.

C14-69-052 Ivy L. Kilpatrick--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Swanee Drive and is too intensive for the area; however, they stated they would look with favor on "BB" Residence, First Height and Area zoning, provided the street is made adequate, as it conforms to recently established zoning in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Ivy L. Kilpatrick for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 505 Swanee Drive be DENIED.

C14-69-053 I. N. White: A to O
7100 Bethune Avenue

STAFF REPORT: This application covers 8,200 square feet and the stated purpose is for a community neighborhood center. This is a single-family and duplex area which is predominantly zoned "A" Residential. "C" Commercial zoning was granted on one lot north of the subject property and also on one lot to the west of Carver Avenue. These lots are not used for commercial purposes. There was an earlier request for a community center of this type in the area at which time the staff recommended in favor of the "O" Office zoning. The proposed center was not located on the lot. The existing "A" zoning is appropriate for the area and to establish "O" Office zoning on the site would be piecemeal zoning. The streets in the area with the exception of St. Johns Street are 50 foot streets and are inadequate for more intensive use. The staff recommends denial as an intrusion into a residential neighborhood.

TESTIMONY

WRITTEN COMMENT

Code

Z	Shannon L. Madison: 2900 Morton Avenue	St. Joseph, FOR
		Michigan
AQ	Frances Shaw: 411 West Mary	AGAINST

PERSONS APPEARING AT HEARING

Code

	K. Louis Routh (representing applicant)	
AF	Ira Mullins, Jr.: 7102 Providence	FOR
?	Calvin and Virginia Brown: 7411 Carver	FOR
?	Mrs. Alice Mae Turner: 7603 Meador Avenue	FOR
?	James Roy & Bertha Lee Hill: 7110 Carver	FOR
?	Gilbert & Johnnie Mae Easley: 7606 Providence	FOR
?	Junious E. Scott: 707 Blackson	FOR
?	Mrs. Beulah Taylor: 7205 Bethune Avenue	FOR

C14-69-053 I. N. White--contd.

SUMMARY OF TESTIMONY

Mr. Ken Routh, representing the St. Johns Community Association, Inc., explained that he is the advisor on architectural design problems for this project. He pointed out that there is no community center in this area so the use would not be for a second center. He explained that the Association did request a zoning change on a lot which had a house which was offered to the Association for this use but the financial arrangements involved demanded that they not accept that particular lot. With regard to the zoning of the property it was a conditional zoning and the zoning was to revert back to the original zoning if the property was not used in that manner. The association desires the change on the subject property so that the idea of a community center can become operative and have recently purchased with their own funds the property from Mr. I. N. White. Recently the American Freedom From Hungar Foundation through the recent walk for development by Austin students granted the Association money for material costs and for part of the labor for the Community Center. The design is being done by fourth year architectural students to meet the needs and desires of the people of the St. Johns area. The zoning change is needed so that a building permit can be obtained. The future of the area hinges considerably on the success of this center and it is requested that the change be granted.

Several other interested people appeared at the hearing in support of this request, and stated that the community center is very badly needed for this area. They explained that it has been needed for a long time and the proposal is to use the structure for information and legal aid center as well as numerous other services.

Mr. Burnette advised the Committee that if the request is granted, it is recommended that the same restriction be placed on this property as was placed on the other property which is that the zoning would be rolled back to "A" Residence if the property is not used in the proposed manner.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and indicated this request should be granted; however, they recommended that it be referred to the full Commission pending receipt of a letter requesting a roll back in zoning of the property which was previously zoned for the same purpose and on this property.

At the Commission meeting, the staff reported that an application for a roll back in zoning has been filed on the property in this area previously zoned for a Community Center. In view of this, the Commission recommended that the request be granted. It was then unanimously

VOTED: To recommend that the request of I. N. White for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property at 7100 Bethune Avenue be GRANTED.

Planning Commission -- Austin, Texas

Reg. Mtg. 3-11-69 53

C14-69-054 Richard R. Gildon: A, 1st to C-2, 6th
 3612-3624 South Congress Avenue
 100-110 Pickel Road

STAFF REPORT: This application covers 20,720 square feet of land which is located at the northwest intersection of Pickel Road and South Congress Avenue. The stated purpose of the request is for a wholesale and retail beer distributor. The area is designated in the Master Plan for commercial services and semi-industrial uses. The existing land use is predominantly non-residential or vacant. Land use to the west is predominantly single-family. The zoning to the east of South Congress is "D" Industrial and to the west is "C" Commercial with the exception of the subject property. Pickel Street is a 50 foot dead end street that extends back approximately 500 feet from South Congress Avenue. In the past year, a short form was approved on a tract on the south side of Pickel Road at which time 10 feet of right-of-way for the street was obtained. In an industrial area, 80 feet of right-of-way is usually required, but because of the short length of Pickel Street, it is felt that 70 feet would be adequate. This would require 10 feet of right-of-way from the subject property. The staff feels that the requested zoning is appropriate but recommends that the request be granted subject to Pickel Street being made adequate.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Richard R. Gildon (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Gildon appeared at the hearing and stated that he was not aware that right-of-way was needed for Pickel Street but if it is required, 10 feet of right-of-way will be provided.

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 Pickel Road; however, they stated they would look with favor on the request, provided the street is made adequate, as this is a well-defined commercial area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Richard R. Gildon for a change of zoning from "A" Residence, First Height and Area to "C-2" Commercial, Sixth Height and Area for property located at 3612-3624 South Congress Avenue and 100-110 Pickel Road be DENIED.

C14-69-055 T. E. Wiley: C, 1st to C, 2nd
506-508 Hearn Street

STAFF REPORT: The subject property containing 18,354 square feet of land fronts onto Hearn Street. The stated purpose of the request is for apartment development. The area to the north, west and south along Lake Austin Boulevard is developed with the University of Texas housing. To the east along Lake Austin Boulevard there is a small cluster of commercial development, and adjoining the site to the south is a drive-in grocery and a service station. The remaining land use in the immediate vicinity is single-family residential.

The existing zoning on the site permits one unit to be developed for every 700 square feet which would be approximately 26 units on the site, whereas the requested zoning permits one unit for every 500 square feet which would be approximately 35 units. The Second Height and Area as requested also permits a height of 60 feet. It is felt that the existing First Height and Area zoning is appropriate and the Second Height and Area would be too intensive for the area and the streets. It is recommended that the request be denied. If the Committee feels that the request should be granted, Hearn Street with a present right-of-way of 50 feet should be widened to 60 feet which would require five feet from the site.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

T. E. Wiley (representing applicant)

SUMMARY OF TESTIMONY

Mr. T. E. Wiley was present on behalf of this request and presented a picture of the property. He said that he is aware of the fact that the existing zoning permits one unit for every 700 square feet, but it should be pointed out that until recently when the Zoning Ordinance was amended, the existing zoning permitted one unit for every 500 square feet. This application is made so as to change the property back to the original density before the density requirements in the Ordinance were changed. To the north on Hearn Street, fronting onto Seventh Street is a commercial area which is "C-1" and developed with apartments on the basis of the older zoning. The University development to the north, west, and south is higher density type apartments. It is felt that the additional 11 units which would be allowed under the requested zoning would not be a burden for the streets and not create a traffic problem. The property is located 117 feet from Lake Austin Boulevard and it is felt that the requested zoning would allow the highest and best use for the site.

No one appeared in opposition to the request.

C14-69-055 T. E. Wiley--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied as it is too intensive for the area.

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

The Commission then

VOTED: To ACCEPT the withdrawal of this request.

C14-69-056 Robert D. Jones: B, 2nd to O, 2nd (as amended)
1504-1506 West 6th Street

STAFF REPORT: The subject property consists of two lots totaling 20,000 square feet of land. The stated purpose of the request is for apartment and commercial development. The zoning existing on the site would permit the construction of 30 apartment units whereas the requested "C" Commercial, Second Height and Area zoning would permit 40 units. The land use in the area is predominantly residential. There is some "C" Commercial usage and some light industrial usage to the south along West 5th Street. The nearest commercial use on West 6th Street is the Oldsmobile dealership which is located approximately 2 to 3 blocks east of the site. The zoning along West 6th Street is "B" Residence, Second Height and Area and the zoning along West 5th Street is "C" Commercial and "D" Industrial. West 5th and West 6th Streets are part of the Major Arterial and Expressway Plan and are ultimately proposed as a one-way pair with West 6th Street being one-way west and West 5th Street one-way east. West 6th Street is adequate and right-of-way is not needed from the site. The staff recommends that the request be denied as existing zoning is appropriate and to grant the change to "C" Commercial, Second Height and Area would be an intrusion into the area.

TESTIMONY

WRITTEN COMMENT

Code

AQ	Sol Smith: 3221 Cherry Lane	FOR
Q	Mrs. Helena Hardcastle: 923 Littlefield Building	FOR
T	F. B. Inks, Jr.: 205 West 7th Street	FOR
S	Hardy Hollers: 1209 Perry Brooks Building	FOR
R	Mrs. W. E. Harty: 1413 West 6th Street	FOR
?	Regina Browning: 6125 Dillingham, Shreveport, La.	FOR

PERSONS APPEARING AT HEARING

Code

	T. E. Wiley (representing applicant)	
Q	Mrs. Helena Hardcastle: 923 Littlefield Building	FOR
W	Bob Conrad	AGAINST

C14-69-056 Robert D. Jones--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. T. E. Wiley, representing the applicant, stated that commercial zoning is continuous from downtown Austin to the Oldsmobile dealership which is only a short distance from the subject property. Since West 6th Street will be the one-way feeder going west, the trend should definitely continue as commercial zoning along the street. One reason the "C" Commercial, Second Height and Area zoning is requested on this tract is that it allows some flexibility in development of the tract with regard to commercial and apartment uses. The property immediately to the west is zoned "B", Second Height and Area and the development is jammed onto the lot. Commercial zoning would give a flexibility of a unique development onto the tract allowing commercial frontage to be developed with parking related to it and then apartments being developed with parking being related to the apartments. Since commercial would be using the parking facilities at different hours, it is felt that a unique package could be put together that would allow for more efficient use of parking on the property. A mixture will allow more cars to park during the commercial hours for commercial business and more cars for apartments after the business hours. This would also allow higher use as far as rental is concerned. Complete plans have not been made at this time pending the zoning change. The property gently rises to the rear and so some excavation would probably be needed. It is felt that the proposed development would allow the highest and best use of the land.

One nearby property owner appeared at the hearing and stated that in her opinion this request is fully justified. The area has been slow in developing and a change should be granted so that the area can be permitted to grow. The residences are becoming fewer and they are being turned into apartments. The area has been taxed as if it were commercial property and the change should be granted so that it can be used in this manner.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that if the area is going to be rezoned commercial then it should be taken all the way to West Lynn, and not piecemeal the zoning. If the entire area is considered, there would be no objection to the change, but until that time it cannot be supported.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they stated they would look with favor on granting "O" Office, Second Height and Area zoning as the proper zoning for the site.

At the Commission meeting, the staff reported a letter from the applicant requesting that this application be amended to "O" Office, Second Height and Area.

C14-69-056 Robert D. Jones--contd.

The Commission accepted the request to amend the application and concluded that this is the proper zoning for the site. It was then unanimously

VOTED: To recommend that the request of Robert D. Jones for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area (as amended) for property located at 1504-1506 West 6th Street be GRANTED.

C14-69-057 Robert D. Jones: A, 1st to B, 1st (as amended)
2305 Longview Street

STAFF REPORT: This is a request for apartment development, on property containing 10,860 square feet fronting onto Longview Street. If zoned as requested, approximately 10 to 15 one-bedroom units would be permitted on the site. The Second Height and Area classification would permit a structure to a height of 60 feet as opposed to 35 feet under the First Height and Area District. The area has been before the Commission previously. In 1968, a request for a change in zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area on property located at 1112 West 22nd Street was before the Planning Commission. At that time, the Commission recommended granting of the request as the lot was adjacent to an apartment district and would be a logical extension of existing zoning. Even though the lot is zoned "B" Residence, First Height and Area, it is still developed with five or six single-family structures used for rental houses. To the east of Leon Street is a mixed zoning pattern consisting of "O" Office, "B" Residence, and "BB" Residence, First and Second Height and Area districts which are developed with a mixture of uses. The existing "B" Residence zoning, even though it is for apartment development, is not always developed as such. A large tract of land east of Leon Street was recently converted, through a special permit, from a dormitory to an apartment dwelling group. There is a mixture of single-family and duplex development throughout the area. On the west side of Leon Street is a well-developed and well-defined residential district which has been for a number of years zoned "A" Residence with exception of "B" and "O" zoning along 24th Street. In 1967, a request for "B" Residence, Second Height and Area zoning was denied on property directly south of the site; however, this request prompted an area study which included the area from 24th Street south to 19th Street and from Leon Street west to Lamar Boulevard. The Commission concluded as did the Council that even though there was high density apartment development to the east, the existing "A" Residential zoning in this particular area was appropriate and should remain. The staff feels that the conditions have not changed sufficiently to warrant a change in zoning on the subject property at this time and recommends that the request be denied. Longview Street in front of the subject property has 50 feet of right-of-way and should be widened to at least 60 feet. To the south there is 65 feet of right-of-way which feeds into this tract but because of the alignment, as much as 10 feet may be needed from the site for future widening.

C14-69-057 Robert D. Jones--contd.

TESTIMONY

WRITTEN COMMENT

Code

AE	Charles E. Nemir: 113 West 22½ Street	AGAINST
AT	Carol Nettleton Simpson: 3019 Perry Lane	FOR
H	Marguerite Craig: 2310 Longview Street	AGAINST
J	Caroline Crowell: 2311 Longview Street	FOR

PERSONS APPEARING AT HEARING

Code

	Robert Jones (applicant)	
	T. E. Wiley (representing applicant)	
V	J. J. Lagowski: 1114 West 22nd Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Tom Wiley, representing the applicant, stated that they were aware when they purchased the property that an area study by the Commission was under way. If the overall area is considered and not just the portion included in the area study, then the situation has changed. The University is growing and because of this growth the high-density development is moving toward and into this area. The University is growing at the rate of approximately 3,000 students per year and because of the University East Condemnation Program, the apartment units available for the students are being removed and there has to be another area available, for this type of use. There is a mixture of uses but it is inhabited by student residents. There are large apartment developments occurring in the area on land which is very expensive. The staff pointed out that the area west of Leon Street is a well-developed residential area and it should also be pointed out that there are a number of non-conforming uses in the area and that a number of units do exist that are being rented to students. There is presently an up-down duplex existing on the subject property and a garage apartment in the rear.

Mr. Wiley presented photographs of the street traffic in the area which were taken at approximately 3:15 p.m. to 3:30 p.m. which prohibits those hours when working cars should be off the street. The pictures indicate that there is high-density traffic on the street in the area west of Leon Street which is zoned and developed as low-density but to the east of Leon Street where there is high-density apartments with required parking, there is very little street parking which indicates that high-density development under the proper zoning and with the required parking removes cars from parking along the streets. It is felt that the zoning request is reasonable since a change in use would allow a proper structure to be placed on the property removing at least a portion of cars from the street and that future use of this property in this manner would relieve part of the traffic congestion in the area. With the high density uses occurring in the area and the current market changes

C14-69-057 Robert D. Jones--contd.

occurring in the area due to condemnation, and the high demand for rental units along with proper usage of the land, it is felt that the subject site is a parcel that would be of material benefit if the zoning was changed. Denial of the request prolongs the situation and does not relieve the problem for the people in the area.

Robert D. Jones was present at the hearing and stated that if the zoning is conditioned upon dedicating 5 or 10 feet of right-of-way for widening of Longview Street that they would be more than happy to grant it. He explained that he has been in the area during the day and night and those areas where there is "B" zoning to the east of Leon Street are not as congested as this area.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that he has lived in the area for approximately 10 years. There is a parking problem existing in the area at the present time and it is felt that the high-density on the site which would be allowed under the requested zoning would only increase the problem. It should be pointed out that the parking problems are not created by only the development in this immediate area but are also created by the overflow of parking from "O" Office area to the north and "B" Residence area to the east. The problem has improved slightly since the City has prohibited parking on both sides of the street but this has not completely resolved the problem. The area is close to the University and it is one of the last residential areas which has been maintained and not developed with high density apartment development. Access is limited as West 22 $\frac{1}{2}$ Street, Leon and Longview Streets are not through streets and the traffic is very congested. High density development will not help the situation.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they stated they would look with favor on "B" Residence, First Height and Area provided the street is made adequate, as the proper zoning for the site.

At the Commission meeting, the staff reported a letter requesting that this application be amended to "B" Residence, First Height and Area and offering to dedicate the necessary right-of-way for the widening of Longview Street.

The Commission accepted the request to amend the application and was cognizant of the offer of right-of-way. They concluded that this request should be granted as the proper zoning for the site. It was then unanimously

VOTED: To recommend that the request of Robert D. Jones for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 2305 Longview Street be GRANTED.

C14-69-058 J. H. Hudson: A, 1st to B, 2nd (as amended)
Rear of 617-703 Barton Springs Road

STAFF REPORT: This request is for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Second Height and Area to "LR" Local Retail, Second Height and Area for a tract of land containing 53,310 square feet. The stated purpose of the request is for apartment development and if zoned as requested, approximately 60 to 70 one-bedroom units would be permitted. Along Barton Springs Road, there is "C" Commercial zoning which is developed with a used car lot, floor shop, furniture store and similar type uses. The Municipal Auditorium is established north of Barton Springs Road. The area along South First Street is zoned "C" and "C-2" Commercial and is developed with a mixture of uses. Directly to the south of the site is a large tract of land which was zoned "B" Residence, First Height and Area in 1952, and in 1967, a request for an apartment dwelling group was approved, and is presently being developed with apartments. A special permit request was withdrawn on property adjoining the site to the east and the zoning change from "A" Residence, First Height and Area and "C" Commercial, Second Height and Area to "B" Residence, Second Height and Area is pending. The staff recommended in favor of the change but the request is pending right-of-way inasmuch as 10 feet is needed from the site for South First Street. Another special permit has been filed on that property, and when the zoning change is granted, the special permit will be approved. The subject tract, as is the pending case, is part of a land lease to Mr. John Byrum who proposes to use both tracts in a joint development with access from South First Street and Barton Springs Road. The staff has discussed the request with the attorney for the applicant and they are willing to amend the application to delete the 25 feet fronting onto Barton Springs Road which is presently zoned "C" Commercial, Second Height and Area and to request "B" Residence, Second Height and Area zoning on the remaining portion of the property as it would be in keeping with the present zoning. The staff recommends that the amended request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Robert C. Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed appeared at the hearing and advised the Committee that he represents the applicant and Mr. John Byrum who is the holder of a ground lease with regard to this property. He stated that it was his understanding that the zoning on the adjoining property was granted and an effort will be made to see if the problem will be resolved so that the Ordinance can be passed. There was a house on a portion of the property under consideration and the applicant attempted to get a short form subdivision for the site but

C14-69-058 J. H. Hudson--contd.

the request was turned down as the small area extending out to Barton Springs Road did not have 50 feet of frontage onto a street. Mr. Byrum proposes to extend the project on the adjoining site and wants to short form it for the purpose of financing, but there has been an agreement that they will not require a short form subdivision but will accept two different mortgages on metes and bounds description. It is requested that the applicant's application be amended to delete the 25 foot strip extending out to Barton Springs Road and to request "B" Residence, Second Height and Area zoning on the remaining portion of the property as recommended by the staff. There will not be anything built on the 25 foot strip extending out to Barton Springs Road. This is a high traffic count area and the traffic generated by the proposed development can exit onto Barton Springs Road, and continue towards town whereas the traffic coming into the property may commute from town and make a right-hand turn into the property from South First Street which will eliminate any crossing of the streets which will be a material safety factor. There will be an amended special permit requested to cover the development on the subject property and the tract adjoining to the east.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to delete the "C" Commercial portion of the property fronting onto Barton Springs Road and to amend the remaining portion of the application to "B" Residence, Second Height and Area. They felt that the zoning as amended is appropriate and recommended that the request be granted.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. H. Hudson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area (as amended) for property located at the Rear of 617-703 Barton Springs Road (as amended) be GRANTED.

C14-69-059 Mrs. N. J. Wonsley: A to B
311-501 Wonsley Drive

STAFF REPORT: This application covers 204,720 square feet of land which is presently undeveloped. The stated purpose of the request is for apartment development and if zoned as requested, approximately 215 one-bedroom units would be permitted. The subject property backs to "GR" General Retail property fronting onto U. S. Highway 183 which is presently developed with apartment complexes. To the east is a church and east of the church is "B" Residence, First Height and Area zoning which was granted by the Council in 1967. South of U. S. Highway 183 is "C" Commercial zoning which was established in 1967. To the north of East Wonsley Drive is a well-developed residential neighborhood. East Wonsley Drive is in front of the subject property with 60 feet of right-of-way and is adequate. The staff has no objection to the

C14-69-059 Mrs. N. J. Wonsley--contd.

requested zoning in view of the apartment zoning to the east and "GR" General Retail district to the south. The staff recommends that the request be granted as a logical extension of existing apartment development and a gradation from the commercial development to the south.

TESTIMONY

WRITTEN COMMENT

Code

?

Max M. Kaplan: P. O. Box 2352, Houston, Texas

FOR

PERSONS APPEARING AT HEARING

Code

Robert C. Sneed (representing applicant)

AD

Mrs. J. A. Tomison: 204 Wonsley

AGAINST

J

Mrs. Wilbert Felfe: 302 East Wonsley

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, attorney for the applicant, stated that the subject property as well as the "GR" property to the south is under contract of sale to Mr. John Byrum. The sale of the property is not conditioned upon the zoning change but it is hoped that the change will be granted as it conforms to the prior pattern which has taken place.

Arguments Presented AGAINST:

One nearby property owner appeared at the hearing and stated that there are problems in the area now. There is one-way traffic on the Interregional Highway and all of the traffic has to come down Wonsley as there is no other outlet. He asked if there is any possibility of a street extending from the subject property to U. S. Highway 183 to help alleviate the traffic problem.

Mr. Sneed stated that there has not been any planning on the site and when the property is developed, it would be logical to have access out to U. S. Highway 183.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. N. J. Wonsley for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 311-501 Wonsley Drive be GRANTED.

SPECIAL PERMITS

CP14-69-005 John F. Carrigan: 136 Unit Apartment Dwelling Group
 1524-1612 Royal Crest Drive
 1523-1611 Parker Lane

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 consisting of 136 units, 273 off-street parking spaces, one swimming pool, storage facilities, laundry facilities, and an office and recreation building. The subject property covers 5 acres which was rezoned from "BB" Residence, First Height and Area to "B" Residence, First Height and Area in 1967. Property on the west side of Parker Lane and north of Taylor Gaines Street has been developing with a low density apartment district. North of the subject property is Riverside Drive which is classified as a Major Expressway in the Austin Development Plan. The site plan has circulated to the various City Departments and comments are as follows:

Building Inspection

- 1. Plot plan seems to be very good except wheel stops should be put on Parker Lane and Royal Crest Drive parking area, also fence along division property lines at parking area.
- 2. This approval does not include Building Code requirements.

Health
 Office Engineer

- Waste Water System to be available.
- Okay. Request for commercial driveway required.

Fire Prevention

- Follow Fire Department recommendation.

Advanced Planning

- Okay if driveway locations on Royal Crest Drive and Parker Lane are approved by Traffic and Transportation Department.

Fire Protection

- Existing fire hydrants are ample for protection of this property.

Storm Sewer

- Show existing drainage easement. Drainage facilities required.

Tax Assessor

- 3-0407-0101 Taxes are paid through 1968.

Water and Sewer

- Both water and sanitary sewer service is available from the adjacent streets. No additional fire protection is required.

Electric

- A five foot easement will be required for underground utilities.

Director of Public Works

- Driveway locations meet with our approval. Will need request for and approval of them before construction begins.

CP14-69-005 John F. Carrigan--contd.

Traffic Engineer

- Okay. It is not required, but I would like to suggest that the driveway on Royal Crest Drive be widened from 28 feet to 35 feet.

The staff recommends approval of this request subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John Carrigan (applicant)

SUMMARY OF TESTIMONY

Mr. John Carrigan was present at the hearing and stated that he and his associates plan to develop the proposed apartments on the site. The units will be attractive apartments established in an area which is designated and developed in this manner. All of the City requirements will be complied with.

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.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of John F. Carrigan for a Special Permit for the erection of a 136 unit apartment dwelling group on property located at 1524-1612 Royal Crest Drive and 1523-1611 Parker Lane, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-006 Leo E. Nitch: Montessori Kindergarten
 1500-1504 Aggie Lane
 7500-7504 Woodrow Avenue

STAFF REPORT: This application has been filed as required under Section 4 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a Montessori School (kindergarten) consisting of eight classrooms, a residence, two recreation areas and seven off-street parking spaces. The subject property is presently zoned "A" Residence, First Height and Area and the proposed use is permitted in this district; however, when there will be more than seven children in a kindergarten or day nursery, the Ordinance requires that a special permit be applied for and granted by the Planning Commission. There is a church structure presently established on the site which will be used by the school. The area immediately surrounding the site is "A" Residence in character. Woodrow Avenue has 80 feet of right-of-way; however, the east-west streets are minor residential streets with only 50 feet of right-of-way. The site plan has circulated to the various City Departments and the comments are as follows:

- | | | |
|--------------------------|---|---|
| Advanced Planning: | - | Aggie Lane has only 50 feet of right-of-way. If traffic is increased due to the proposed operation provision for increasing the right-of-way to 60 feet should be made. |
| Office Engineer | - | Okay. Request for commercial driveway required. |
| Fire Prevention | - | No recommendations. |
| Fire Protection | - | Existing fire hydrants and streets are adequate for our use. |
| Traffic Engineer | - | Okay |
| Building Inspector | - | Okay |
| Electric | - | Okay |
| Health | - | Waste Water System to be available. |
| Director of Public Works | - | Driveway locations meet with our approval. Will need request for and approval of them before construction begins. |
| Tax Assessor | - | 2-3508-0616, 0617 & 0633 Tax Exempt. |
| Water and Sewer | - | Sanitary Sewer is available from existing main in Aggie Lane. Water is available from existing mains in both Aggie Lane and Woodrow Avenue. Additional fire protection is not required. |
| Storm Sewer | - | Plan complies with requirements. |

The Zoning Ordinance makes no provision for parking requirements but there are seven spaces provided. There is a drive which will bring the traffic on and off of Woodrow and Aggie Lane so that pick-up for the children will be on the site

CP14-69-006 Leo E. Nitch--contd.

and not the streets. The staff recommends that the request be granted subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Leo E. Nitch (applicant)	
Arthur Swenson: 1307 Ridgehaven Drive	FOR
Rev. Bernard Hamilton: 1425 Ridgemont Drive	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Leo Nitch was present at the hearing and stated that he is the owner and operator of a Montessori school. He explained that they have been in operation in a different location for two years and the response has been so good that there is a need to expand the facilities and the subject property lends itself to this type of operation. It is felt that the school will serve a need for the people as there have been many requests for enrollment. The only noise that would be made from the outside of the building would possibly be at a maximum of 30 minutes a day as almost all of the time is spent in the building. With regard to a fence, it is necessary for the safety of the children.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request. They stated that their objection is based on the fact that this is a well-established residential area with desirable moderate cost homes. To establish a commercial enterprise of any kind would deteriorate the neighborhood considerably and would be a precedent for other changes. There are people in this area who have spent considerable money to improve their homes because they like the area. There are other areas in the City where this type use would be more appropriate. It has been indicated that there will be a number of children and most of the people are middle-age and the noise would be disturbing. There is a traffic problem in the area now and additional cars are not needed. There is strong opposition to widening of the street and to a fence that would extend around the property as this would be unsightly.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted subject to compliance with departmental reports. It was further recommended that the applicant not build their fence to the property line on Aggie Lane but only to the existing parsonage and church buildings' setback line.

CP14-69-006 Leo E. Nitch--contd.

At the Commission meeting, Dr. Hazard stated that it is his understanding that the parsonage will not be used as part of the school and will not therefore have to be fenced. The Committee agreed that the fence line should not be on Aggie Lane and the actual location should be worked out with the staff.

After further discussion, the Commission members agreed that this request should be granted, subject to compliance with departmental reports. They further recommended that the fence not be extended beyond the front of the church but that the location be worked out in conjunction with the staff. It was then

VOTED: To APPROVE the request of Leo E. Nitch for a Special Permit for a Montessori Kindergarten to be located at ~~1500-1504~~ Aggie Lane and 7500-7504 Woodrow Avenue, subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution.

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

NAY: Mr. Milstead

ABSENT: Messrs. Kinnan and Taniguchi

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.

SUBDIVISIONS

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of February 24, 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 February 24, 1969, on the minutes of this meeting.

SUBDIVISION PLATS - FILED AND CONSIDERED

The staff reported that the following final plats have previously been before the Commission, were accepted for filing and disapproved pending technical items which were requirements of the Ordinance, and now have been given approval by the staff through the new procedure adopted by the Commission at the last meeting.

SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

This procedure is in accordance with the rules and regulations whereby the Director of Planning, the Chairman of the Planning Commission and the Secretary of the Planning Commission can now give approval to the final plats when the technical requirements of the Ordinance have been met. The Commission then

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

<u>C8-68-29</u>	<u>M.S.Z. Addition</u>
	La Casa and Montclair
<u>C8-68-50</u>	<u>O. H. Pool Subdivision, Section 2</u>
	South First Street south of Dittmar
<u>C8-68-95</u>	<u>Cherry Creek IV</u>
	Berwyn & Buffalo Pass
<u>C8-68-113</u>	<u>Lakeway, Section 13</u>
	Electra & Snapper
<u>C8-68-117</u>	<u>Westover Villa</u>
	Honeysuckle Trail
<u>C8-68-123</u>	<u>Vintage Hills, Section 3</u>
	Geneva Drive and Fred Morse
<u>C8-68-93</u>	<u>N. W. Hills, Mesa Oaks 5-B</u>
	Mesa Drive and Myra Drive

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

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

VOTED: To APPROVE the final plat of CRAIGWOOD, Section 1.

C8-67-89 Barton Hollow
Barton Hills Drive

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

VOTED: To APPROVE the final plat of BARTON HOLLOW.

C8-68-104 Imperial Valley
F. M. 969

The staff reported that this is the first appearance of this final plat and recommended that it be accepted for filing and disapproved pending the required additional easements, fiscal arrangements, completion of departmental reports and a restriction on the plat pertaining to no-occupancy. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of IMPERIAL VALLEY, pending the requirements as indicated.

C8-69-5 Willow Creek, Section 1
Willow Hill Drive and Willow Creek Drive

The staff reported that this is the first appearance of this final plat and recommended that it be accepted for filing and disapproved pending completion of departmental reports and subject to a cul-de-sac being provided at the east end of Willow Hill Drive and south end of Willow Brook Road or additional fiscal arrangements in lieu thereof. The Commission then

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

C8-69-16 Las Plazas
U. S. Highway 183 and Lazy Lane

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of LAS PLAZAS pending the requirements as indicated.

C8-69-18 Vintage Hills, Section 4
Dubuque Lane and Val Drive

The staff reported that this is the first appearance of this final plat and recommended that it be accepted for filing and disapproved pending completion of departmental reports, annexation and a letter from the School Board on location of Dubuque Lane which was a condition of the preliminary approval. The Commission then

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

C8-68-41 Northcape
Hansford and Childress

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

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

C8-69-20 Kassuba Beach, Phase 3
South Lakeshore and Elmont Drive

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

C8-69-20 Kassuba Beach--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of KASSUBA BEACH, Phase 3, pending the items as noted.

C8-69-3 St. Johns Commercial Area, Section 3
Dillard Circle

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and a cul-de-sac at the north end of Dillard Circle, or additional fiscal arrangements required in lieu thereof. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of ST. JOHNS COMMERCIAL AREA, Section 3, pending the items as indicated.

C8-69-15 Westwood Park
Beaver Trail south of Bee Caves

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

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

C8-68-101 Reagan Hill - Revised
Cameron Road

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

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

C8-69-13 Sefcik Subdivision, Section 2
East 51st Street

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

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

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C8-69-14 Crockett Heights, Section 1
Cougar Drive and Turtle Creek Blvd.

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CROCKETT HEIGHTS, Section 1, pending completion of departmental reports.

C8-69-25 Twin Oaks, Industrial Sub. #2
Alpine Road and Manufacturing Boulevard

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of TWIN OAKS, Industrial Sub. #2, pending completion of departmental reports.

SHORT FORM PLATS - CONSIDERED and FILED

C8s-69-33 Windsor Park Commercial Area, Resub.
Cameron Road and Broadmoor

The staff reported that this is the first appearance of this short form plat before the Commission; however, all of the requirements have been met and the staff recommends that it be accepted for filing and approved. It was then

VOTED: To ACCEPT for filing and APPROVE the short form plat of WINDSOR PARK COMMERCIAL AREA, Resub.

C8s-69-34 Raymond Addition - Resub.
Henderson Street and North Lamar

The staff reported that this is the first appearance of this short form plat before the Commission; however, all of the requirements have been met and it is recommended that it be accepted for filing and approved. It was then

VOTED: To ACCEPT for filing and APPROVE the short form plat of RAYMOND ADDITION - Resub.

C8s-69-35 Emerald Forest, Section 1 - Resub.
Englewood Drive

The staff reported that this is the first appearance of this short form plat before the Commission; however, all of the requirements have been met and it is recommended that it be accepted for filing and approved. It was then

VOTED: To ACCEPT for filing and APPROVE the short form plat of EMERALD FOREST, Section 1 - Resub.

C8s-69-25 Shaminaw, Section 1
McNeil Road

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

VOTED: To APPROVE the short form plat of SHAMINAW, Section 1.

C8s-69-36 Southern Oaks, Section 7, First Resub.
Ektom Drive and West Gate Boulevard

The staff recommended disapproval of this short form plat pending release of public utility easement. The Commission then

VOTED: To DISAPPROVE the short form plat of SOUTHERN OAKS, Section 7, First Resub., pending the requirement as indicated.

C8s-69-37 J. W. Croslin Subdivision, Section 3
Marcell Street at West Croslin Street

The staff recommended disapproval of this short form plat pending the required deed reference on the plat. The Commission then

VOTED: To DISAPPROVE the short form plat of J. W. CROSLIN SUBDIVISION, Section 3 pending the requirement as indicated.

ADMINISTRATIVE APPROVAL

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

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

C8s-68-157 Chernosky Subdivision #8, Resub.
Ledesma Street and Nichols
C8s-68-222 Wooten Terrace, Section 3
Fireside Drive
C8s-69-14 Creekside Resubdivision
Brookhollow and Coronado Hills
C8s-69-27 LaHacienda Estates, Resub.
Doss Road

OTHER BUSINESS

C2-69-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENT

Approximately 100 acres located east and west
of 10400-11200 North Lamar Boulevard

Mr. Wayne Golden explained that because of the existing and proposed development, approximately 100 acres situated on both sides of North Lamar Boulevard and south of Braker Lane is being considered for a change in the Master Plan. The area is presently designated as Low-Density Residential in the Master Plan; however, the occurrence of warehousing, commercial building, storage of materials supplies and similar types of commercial and semi-industrial uses are becoming predominant in the area. The staff felt that consideration should be given for a Master Plan designation as a Commercial Services and Semi-Industrial area. The area under consideration is surrounded by residential subdivisions. The Walnut Creek Elementary School is located immediately east of the subject area on the south side of Braker Lane. Included in the area under consideration is the subdivision of E. S. Barrow and two sections of White Plains Addition. The Barrow Subdivision originally proposed commercial and industrial uses on the eastern portion along North Lamar Boulevard. The balance of the subdivision was designed for residential development. McPhaul Street in the subdivision was originally dedicated with 80 feet of right-of-way for an industrial street, prior to the adoption of the Master Plan, but later the street was reduced to 60 feet. The streets within the area have 60 feet of right-of-way with the exception of North Meadows Drive which has 50 feet of right-of-way.

There has been some recent construction on Sagebrush and North Meadows Drive and several proposals for development of commercial and semi-industrial uses. It is the staff's understanding that portions of the subdivision of North Meadows have been sold for residential development (fourplexes) and other lots have been sold for semi-industrial and commercial uses.

The area presently has water available and sanitary sewer can be made available by an extension from Little Walnut Creek. Consideration within the subject area should be given to making the streets of adequate width inasmuch as the Subdivision Ordinance requires 80 foot widths for industrial development and further consideration should be given to adequate fire protection for this type use as well as protection to the adjacent residentially developed areas.

Mr. Nelson Puett was present at the hearing and advised the Commission that he purchased property on McPhaul and North Lamar Boulevard, on which he located his lumberyard, in 1948. Most of the tracts up to Kramer Lane were sold with the exception of the site where the Cherico Kennels is located. He stated that his first subdivision which was for commercial on the eastern portion and residential on the western portion was on the area south of Kramer Lane. Subsequently, the remaining subdivisions for the area between Kramer Lane and McPhaul Street were submitted with the proposed uses being commercial on the eastern most portion and residential on the western most portion. This was approved by the Planning Department with 60 foot streets within the area and development of this type has subsequently occurred. Mr. Puett indicated that he had informed Mr. Harvey Smith, the surveyor of North Meadows Subdivision, of his intentions to develop his portion of the subdivision along Sagebrush Drive as commercial and semi-industrial and assumed

C2-69-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

that the subdivision was submitted on this basis and approved by the City. The lots along Sagebrush were sold to individual contractors who were advised approximately 2 weeks ago of the inability to obtain water and electric services from the City. Mr. Puett stated that all of the other development has been able to obtain these services and there is no reason to deny the service now. He also stated that he does not own any of the lots along North Meadows Drive but there are a number of apartment units now under construction.

Mr. Foxworth advised the Commission that the Subdivision of North Meadows was submitted and approved by the City on the basis that the proposed uses were for single-family development. There has been no water services cut off or disconnected in the area but there have been no new connections within the North Meadows Subdivision due to the fact that the uses as proposed are in conflict with the requirements of the Master Plan. If the Subdivision had been submitted with industrial uses proposed, the staff could not have processed and the Planning Commission could not have approved the subdivision without first having consideration of a Master Plan change, and had a Master Plan change been granted by the City Council, then the Subdivision Ordinance would have required 80 foot streets instead of 60 foot streets for industrial development. It was brought to the staff's attention after the subdivision had been approved for residential purposes and recorded, that the lots were being sold for commercial and industrial use and applications for water and electric services were being received at which time the staff issued a directive to the Water and Electric Departments to withhold services to all uses in conflict with the Master Plan.

Mr. Foxworth explained that the Master Plan change can be accepted because of the fact that the uses are existing now whether the Master Plan is changed or not. The Commission could extend the area for consideration to the east line of Newmont Avenue; to the north line of North Meadows Subdivision and then easterly along the north line of North Meadows Subdivision to the line shown on the Master Plan map which basically follows a drainageway, because of the existing uses in the area. This should be subject to adequate provisions for street right-of-way to meet the Subdivision Ordinance requirements for the existing and proposed uses. The streets should be made adequate before the Master Plan is changed; however, in view of the uses which are predominantly commercial and industrial in nature, the staff recommends that the streets within the subject area have a minimum of 70 feet of right-of-way.

Mr. Puett stated that it is impossible to widen the streets as the curbs are in and the streets are paved. It should be emphasized that the previous subdivisions were approved with 60 foot streets.

Mr. Foxworth explained that the E.S. Barrow Subdivision, which was the first subdivision approved, was designed and laid out for industrial purposes and approved prior to the adoption of the Master Plan. This subdivision involved only McPhaul Street and all of the uses which have developed to the north have been since that time; however, the subdivision of North Meadows was approved last year and was approved on the basis that it was for residential use and

C2-69-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

nothing more and this is the reason only 50 feet of right-of-way was required for North Meadows Drive. Since the development is not proposed as single-family, as indicated on the approved preliminary plan, it is felt that the street should be made adequate. It should be pointed out that even though apartment development is now proposed on a portion of the subdivision, streets serving this type development normally require a minimum of 60 feet of right-of-way.

Mr. Brown stated that in his opinion it is not necessary to widen the streets as they only extend for approximately 3,000 feet and do not continue any further.

Mr. Ralph Harris stated that he represents Harvey Smith and he designed the North Meadows Subdivision with the approval of the Planning Department. There is apartment construction in the 1,000 foot strip to the west of North Lamar Boulevard along North Meadows Drive.

Mr. Hanks asked if there would be any objection to making North Meadows Drive a 60 foot street as it is now proposed to serve apartment development. Mr. Harris said that there would be objection to increasing the width of the streets as plans have already been made on a number of the lots and questioned whether it should be necessary.

Mr. Golden pointed out that if the Master Plan is changed in this area to Commercial Services and Semi-Industrial, the proposed apartment use on North Meadows Drive will be in conflict with the Plan and will preclude development of the property for residential purposes.

The Commission discussed the area proposed for change, the existing and proposed development. They were of the opinion that the area outlined by the staff should be changed from Low Density Residential to Commercial Services and Semi-Industrial, subject to working out the street right-of-way widths with the Planning Department so that they will be adequate for the proposed uses. It was then unanimously

VOTED: To recommend that the land use designation for approximately 100 acres located east and west of 10400-11200 North Lamar Boulevard be changed from Low Density Residential to Commercial Services and Semi-Industrial uses.

C2-69-4-(a) ZONING ORDINANCE: Interim Revisions
Zoning Text Amendments

The Assistant Director reported that during the past two years as amendments to the Zoning Ordinance were approved, inconsistencies occurred between sections of the Ordinance. One example is that the Accessory Uses in "A" Residence District are not carried through to the "BB" or "B" Residence Districts.

C2-69-4(a) ZONING ORDINANCE: Interim Revisions--contd.

In order to eliminate these problems the following text amendments are recommended:

1. SECTION 2. DEFINITIONS: under RESIDENCE amend to read:
"in an "SR", "AA", "A", "BB" and "B" Residence District".
2. SECTION 4A. "BB" RESIDENCE DISTRICT: amend Paragraph 5 as follows: "Accessory uses as permitted in "A" RESIDENCE DISTRICT.
3. SECTION 5. "B" RESIDENCE DISTRICT: amend Paragraph 7 as follows:
 1. Accessory uses as permitted in "BB" RESIDENCE DISTRICT.
 2. An individual office for the conduct of the professional and semi-professional occupations authorized in SECTION 5-A pertaining to "O" OFFICE DISTRICT, Paragraph 3, when located within or when directly attached to the main dwelling, and when not more than one (1) person not a member of the immediate family is employed therein; and customary home occupations as permitted in "BB" RESIDENCE DISTRICT.
4. SECTION 10-A. SPECIAL PERMIT USES IN ALL DISTRICTS: amend Paragraph 8, 9, 10 and 11 by adding: "SR" and "AA" to list of USE DISTRICTS.
5. SECTION 10-C. OFF-STREET PARKING - ALL ZONES: amend Paragraph 1, Sub-paragraph 1a by deleting: (d) Rowhouses.
6. SECTION 13. HEIGHT AND AREA REGULATIONS: amend this SECTION by adding the following Sub-sections:
 - (p) Reductions in lot area in the "SR" RESIDENCE DISTRICT can be made providing all the following conditions are met:
 - a. The lot size is not reduced more than twenty-five (25) percent. No reduction in lot width below one hundred (100) feet shall be permitted.
 - b. The population density is no greater than if the tract were developed with eighteen-thousand (18,000) square foot lots.
 - c. The subdivider dedicates for public purpose or sets aside as common land for open space or recreational use the same percentage of the entire tract as that by which the lot area has been reduced from eighteen thousand (18,000) square feet.

C2-69-4(a) ZONING ORDINANCE: Interim Revisions--contd.

- d. The area dedicated for public purpose or set aside as common land for open space or recreational use by the owners of residential lots is in a location and shape approved by the Parks and Recreation Board and Planning Commission. A private recreational use, such as a golf course or a swimming pool, historic buildings or sites, parks and parkway areas, ornamental parks, extensive areas of tree cover, low land along streams or areas of rough terrain where such areas are extensive and have natural features worthy of preservation may be approved as common land.
- e. No area to be dedicated for public purpose shall be less than six (6) acres.
- f. The plan on the reduced lot sizes is only permitted if it is mutually agreeable to both the City of Austin and the subdivider.
- (q) Reductions in lot area in the "AA" RESIDENCE DISTRICT can be made providing all the following conditions are met:
 - a. The lot size is not reduced more than twenty (20) percent. No reduction in lot width below sixty (60) feet shall be permitted.
 - b. The population density is no greater than if the tract were developed with seventy-two hundred (7,200) square foot lots.
 - c. The subdivider at the time of final approval of the preliminary plat dedicates for public purpose or sets aside as common land for open space or recreational use the same percentage of the entire tract as that by which the lot area has been reduced from seventy-two hundred (7,200) square feet.
 - d. The area dedicated for public purpose or set aside as common land for open space or recreational use by the owners of residential lots is in a location and shape approved by the Parks and Recreation Board and Planning Commission. A private recreational use, such as a golf course or a swimming pool, historic buildings or sites, parks and parkway areas, ornamental parks, extensive areas of

C2-69-4(a) ZONING ORDINANCE: Interim Revisions--contd.

tree cover, low land along streams or areas of rough terrain where such areas are extensive and have natural features worthy of preservation may be approved as common land.

- e. No area to be dedicated for public purpose shall be less than six (6) acres.
- f. The plan on the reduced lot sizes is only permitted if it is mutually agreeable to both the City of Austin and the subdivider.

It was then unanimously

VOTED: To recommend to the City Council that the Zoning Ordinance be amended to cover the items as presented, and instructed the Legal Department to prepare the necessary amendment to the text.

C10-69-1(b) STREET VACATION

Little Elm Park north of Viking Drive

The staff reported that this request to vacate Little Elm Park north of Viking Drive is made by H. W. Curington, Agent and Engineer for Austex Development Company, owners of Quail Creek, Section Three. The request is made in order to comply with the approved lot layout as shown on the preliminary plan of Quail Creek, Section Three. The request has been checked by the various City departments and recommended subject to the retention of the necessary sanitary sewer and gas company easements and subject to fiscal arrangements required for the Water Department. The Commission then unanimously

VOTED: To recommend that Little Elm Park north of Viking Drive be VACATED, subject to the retention of the necessary easements and subject to the required fiscal arrangements for the Water Department.

C10-69-1(c) STREET VACATION

Matthews Lane starting approximately 140 feet west of Grigsby Drive and extending approximately 980 feet west

The staff reported that this request to vacate a portion of Matthews Lane which was originally dedicated in the County is made on behalf of Westcrest, Incorporated, owners of the abutting property. The subdivision of Whispering Oaks, Section 1 encompasses the area of the street and the layout for street purposes has been changed in connection with the subdivision of the property. The request has been checked by the various City departments and there is no objection; however, the Traffic and Transportation Department recommends in favor subject to the new subdivision being approved. The Advanced Planning Section of the Planning Department recommends in favor of the request subject to the following conditions:

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

- 1) Vacation of western section of Matthews Drive by County Commissioners as this section is in the County and will not connect with any streets.
- 2) Final approval of Whispering Oaks, Section 1.

After further discussion, the Commission unanimously

VOTED: To recommend that a portion of Matthews Lane starting approximately 140 feet west of Grigsby Drive and extending approximately 980 feet be VACATED, subject to the conditions as indicated.

C10-69-1(d) STREET VACATION

A small area on west side of Cameron Road
(F.M. 3015) north of Coronado Hills Drive

The staff reported that this request to vacate a small area on the west side of Cameron Road north of Coronado Hills Drive is made by Mr. Billy F. Priest on behalf of Mr. Bill Grigsby, developer of abutting property. The request is to vacate a triangular area of the street so that there will be a continuous alignment of Cameron Road rather than an offset at this particular location. The request has been checked by the various City departments, no easements are needed and there is no objection. The Commission then

VOTED: To recommend that a small area on the west side of Cameron Road (F. M. 3015) north of Coronado Hills Drive be VACATED.

C10-69-1(e) STREET VACATION

A portion of West 38½ Street from 115 feet west of
Speedway to 345 feet west of Speedway

The staff reported that this request to vacate a portion of West 38½ Street from 115 feet west of Speedway to 345 feet west of Speedway is made by the abutting property owners in connection with a request for a change of zoning for apartment development on property adjoining to the south (C14-69-047). The applicant's have requested that 10 feet of the existing 35 feet of right-of-way for West 38½ Street in front of the subject property be vacated which would leave a 25 foot dedicated alley. West 38½ Street immediately west of Speedway has 20 feet of access and then widens to 35 feet in front of the site. When the zoning request on the adjoining property was considered, the Zoning Committee felt that in all probability West 38½ Street would never be widened to 60 feet which is generally required for apartment purposes. The request has been reviewed in connection with the proposed zoning change by the various City Departments and there is no objection to the vacation by the departments with the exception of two. The Traffic and Transportation Department recommends that the request be denied and the Advanced Planning Section of the Planning Department also recommends denial unless other access is provided to the property involved in a zoning change, due to the proposed change in land use from single-family to multi-family development.

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

After further discussion the Commission unanimously

VOTED: To recommend that the request to vacate a portion of West 38½ Street from 115 feet west of Speedway to 345 feet west of Speedway be DENIED.

ADJOURNMENT: The meeting was adjourned at 11:00 P.M.

Hoyle M. Osborne
Executive Secretary