

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- April 8, 1969

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

Present

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

Absent

Roger Hanks  
Robert Kinnan

Also Present

Hoyle M. Osborne, Director of Planning  
Richard Lillie, Assistant Director of Planning  
Walter Foxworth, Acting Supervising Planner  
Bill Burnette, Planner

MINUTES

Minutes of the meetings of May 28, June 25, September 17, October 15, and November 12, 1968 were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of March 31 and April 1, 1969.

Present

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

Also Present

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

PUBLIC HEARINGS

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

STAFF REPORT: This request for a change in zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area on approximately 18 acres was before the Commission in February of this year at

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

which time the staff recommended that the request be denied. Copies of the minutes of that meeting were submitted to the Committee. Mr. Lillie explained that the Zoning Committee recommended denial to the full Commission and at the Commission meeting, a letter was received from the applicant requesting that the application be postponed. The request for postponement was granted. Just before the filing deadline for this cycle of zoning requests, the staff contacted the applicant and was requested to put the application on this month's agenda. The request has been readvertised and the effected property owners have been notified.

Mr. Lillie explained that he has discussed this request with Mr. Foxworth, Subdivision Administrator of the Planning Department, with regard to a schedule of subdivision occurrences in the area. On December 10, 1968 the final plat for Highland Hills, Section 9, Phase 2, which includes the 18 acres under consideration, was filed with a low-density residential layout and disapproved pending departmental reports, fiscal arrangements and annexation. In February the request for zoning on the subject property was held and postponed at the request of the applicant. On March 14, 1969, a month after the Zoning hearing, the fiscal arrangements were made for the development of the final plat of the subdivision of Highland Hills, Section 9, Phase 2, with the residential layout. Fiscal arrangements is generally the last item accomplished before a subdivision is recorded. The fiscal arrangements were for low-density residential development. This action indicates that the developers intended to go through with the low-density development. All of the departmental reports are now cleared on the subdivision with the exception of the Engineering report and it has progressed through the two to three month period towards approval and recording. In the general area there are other low-density subdivisions which are being developed. There is a preliminary plan for Northwest Hills, Section 13, west of and adjoining this subdivision. The preliminary plan has been submitted and the Department has one portion submitted as a final. All streets have 50 feet of right-of-way and are residential streets as are other streets within the area. The preliminary plan for Northwest Hills, Section 14, in the area located to the north, has been given partial approval and a portion of the area in the gravel pit is already zoned "BB" Residence. The staff feels that the conditions in the area have not changed since the original hearing in February. The streets within the subdivision are still planned with 50 feet of right-of-way and there is, at the present time, only one connection with an existing street which is Shadow Mountain Drive. There is a proposed street with 50 feet of right-of-way for access with the extension of Hart Lane which is a 60 foot street and a proposed connection with a 50 foot street to the west.

In view of the conditions in the area which have not changed and the indication by the completion of fiscal arrangements for low-density residential development, the staff recommendation is the same as it was in February which was to deny the request.

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

## TESTIMONY

## WRITTEN COMMENT

## Code

|                                                     |         |
|-----------------------------------------------------|---------|
| Mr. & Mrs. Tini Brown: 3910 Sierra Drive            | AGAINST |
| Mr. & Mrs. W. H. Arrow: 3906 Sierra Drive           | AGAINST |
| Mr. & Mrs. Frank A. Gibson: 3916 Sierra Drive       | AGAINST |
| Mr. & Mrs. Fred Straud: 3900 Sierra Drive           | AGAINST |
| Mr. & Mrs. D. A. Flanagan: 3926 Sierra Drive        | AGAINST |
| Dr. & Mrs. M. James Moritz: 6308 Highland Hills Dr. | AGAINST |
| Mr. & Mrs. R. L. Phillips, Jr.: 6304 Highland Hills | AGAINST |
| Mr. & Mrs. Harold M. Raines: 3920 Sierra Drive      | AGAINST |
| Mrs. Kenneth Gray: 3920 Sierra Drive                | AGAINST |
| Dr. & Mrs. Glen E. Journey: 3908 Sierra Drive       | AGAINST |
| Mr. & Mrs. Richard J. Kocurek: 3932 Knollwood Dr.   | AGAINST |
| Ned H. & Martha F. Burns: 3917 Rockledge Drive      | AGAINST |
| Charles W. Beck, II: 3911 Rockledge Drive           | AGAINST |
| Harold W. Smith: 3807 Rockledge Drive               | AGAINST |
| Mr. & Mrs. Leroy Robbins: 3902 Rockledge Drive      | AGAINST |
| Earle F. McBride: 6001 Highland Hills Drive         | AGAINST |
| Mr. & Mrs. E. A. Murchizon, Jr.                     | AGAINST |
| Donald H. Bunnell: 6302 Highland Hills Drive        | AGAINST |
| Mr. & Mrs. Robert M. St. Pierre: 6112 Highland      | AGAINST |
| Keith Johnson: 6200 Highland Hills Drive            | AGAINST |
| Mrs. Frank Jones: 6104 Highland Hills Drive         | AGAINST |
| Harold Wolf: 7004 Edgefield Drive                   | AGAINST |
| Byron Fullerton: 7401 Waterline Road                | AGAINST |
| Stanley B. Cavitt: 7101 Waterline Road              | AGAINST |
| DeWayne S. Nymann: 6701 Edgefield Drive             | AGAINST |
| Jerry V. & Mrs. DeCamp: 6102 Highland Hills Drive   | AGAINST |
| Peyton D. Cauley: 4400 Ridgeoak Drive               | AGAINST |
| Mr. & Mrs. L. W. Hudgens: 3912 Sierra Drive         | AGAINST |
| Steve S. Sesnic: 6204 Highland Hills Drive          | AGAINST |
| D. G. Lainiotis: 6106 Highland Hills Drive          | AGAINST |
| Sterling K. Berberian: 6100 Shadow Mt. Drive        | AGAINST |
| Dr. & Mrs. E. B. Konecci: 6206 Highland Hills Dr.   | AGAINST |
| Michael M. Nesbit: 6208 Highland Hills Drive        | AGAINST |
| Robert O. Smith: 5959 Highland Hills Drive          | AGAINST |
| Mr. & Mrs. Paul A. Loftin: 6307 Highland Hills      | AGAINST |

## PERSONS APPEARING AT HEARING

## Code

|                                                  |         |
|--------------------------------------------------|---------|
| Rogan Giles (attorney for the applicant)         | FOR     |
| Tom Bradfield (applicant)                        | FOR     |
| David Barrow, Jr.                                | FOR     |
| Jeryl D. Hart (representing applicant)           | FOR     |
| H. W. Curington (engineer for the applicant)     | FOR     |
| Harold Legge (representing applicant)            | FOR     |
| Mr. & Mrs. Julian G. Martin: 5902 Highland Hills | AGAINST |

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

## PERSONS APPEARING AT HEARING--contd.

|                                                     |         |
|-----------------------------------------------------|---------|
| Mr. & Mrs. Steve S. Sesnic: 6204 Highland Hills     | AGAINST |
| Mr. & Mrs. Roy S. Rodman: 5925 Highland Hills Drive | AGAINST |
| Mr. & Mrs. R. L. Phillips, Jr.: 6304 Highland Hills | AGAINST |
| Mr. & Mrs. Neal Duniven: 5927 Highland Hills Drive  | AGAINST |
| Mr. & Mrs. Donald H. Bunnell: 6302 Highland Hills   | AGAINST |
| Mr. & Mrs. Paul A. Loftin: 6307 Highland Hills      | AGAINST |
| Keith Young: 5919 Highland Hills Drive              | AGAINST |
| Pat H. Robertson: 6110 Mountainclimb Drive          | AGAINST |
| C. W. Fisher, Jr.: 6110 Highland Hills Drive        | AGAINST |
| W. Keith Johnson: 6200 Highland Hills Drive         | AGAINST |
| Michael M. Nesbit: 6208 Highland Hills Drive        | AGAINST |
| Mrs. John E. Fryman: 5903 Highland Hills Trail      | AGAINST |
| Carol Berberian: 6100 Shadow Mountain               | AGAINST |
| William F. Bateman: 5937 Highland Hills Drive       | AGAINST |
| A. Arauzo, M. D.: 6210 Highland Hills Drive         | AGAINST |
| Mrs. C. S. Beightler: 7007 Edgefield                | AGAINST |
| William J. Lord, Jr.: 3500 Hillbrook Drive          | AGAINST |
| Joan Smith: 5959 Highland Hills Drive               | AGAINST |
| Mr. & Mrs. I. R. Salmanson: 5955 Highland Hills     | AGAINST |
| Robert C. Jeffrey: 3903 Rockledge Drive             | AGAINST |
| Jack Crier: 5953 Highland Hills Drive               | AGAINST |
| J. H. Templeton: 8000 Havenwood Drive               | AGAINST |
| Don Cummins:                                        | FOR     |
| E. F. McBride: 6001 Highland Hills Drive            | AGAINST |
| Mrs. Sue Atkins: 5917 Highland Hills Drive          | AGAINST |
| Mrs. Betty M. Williams: 5915 Highland Hills Drive   | AGAINST |

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Rogan Giles, attorney for Bradfield-Cummins, Inc., stated that the application as it was made in February proved to be somewhat of a surprise to the applicants in that a number of people appeared and expressed concern and worry about what development would occur in the area. Realizing this concern, the applicants withdrew the request at the hearing in order to prepare and bring additional evidence before the Committee in support of the application.

The 31 protests reported by the staff should be analyzed for a number of reasons as to location. The Ordinance requires people to be within 200 feet to legally protest and there are only about 25 separate parcels of land within 200 feet of the subject property that are in a position to legally protest. It is realized that anyone has a perfect right to express their opinion but the required area should be considered. The Planning Department staff may have made a different recommendation if they had availed themselves of the opportunity extended to them to go out and look at the property and have the

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

time for more calm and detailed reflection as to the facts and relation to development and how long it had been in planning stages for this particular multiple-family use.

Mr. Giles presented a map of the area and explained that the entire subdivision of Highland Hills, Section 9, Phase 2 is not under consideration for rezoning. "BB" Residence zoning is requested for only 38 lots which would allow four-plex development. It should be pointed out that this is not apartment density. The remainder of the subdivision is intended as "A" Residence development. There are 17 lots along Highland Hills Drive which are to be left as single-family residence which is a perfect buffer zoning for the residences across Highland Hills Drive. There are currently no houses on the 17 lots but there is residential development across the street facing into the direction of the subdivision. This is also true on Shadow Valley Cove in that there are 11 lots to be left as "A" Residence. As to the multiple-family portion of this project and the use, no surprise is being sprung on anyone in the subdivision if they simply had paid attention to the records as it has been filed in the deed records and is part of the restrictions in each of the subdivisions, the earliest of which was filed in 1962. Mr. Giles read the deed records pertaining to the two sections of Highland Hills, Section 5, Phase 2, abutting the subject property, filed in September, 1964 and Highland Hills, Section 9, Phase 1, directly across from the subject property, filed in October, 1965 indicating that multiple-family use may be contemplated in the unplatted area lying east and south of the main channel of Dry Creek. It is recognized that not everybody reads the deed records but the restrictions were on file which is not consistent with trying to hide anything.

Mr. Giles presented a plat of the area showing the subject property, Murchison High School, Far West Boulevard, North Hills Drive, Balcones Drive and Mo-Pac, indicating the street pattern and flow in the area and advised the Committee that the plat was primarily prepared under the auspices of Mr. David Barrow but also in conjunction with Mr. Jac Gubbels who was formerly with the Highway Department and is a consultant in traffic matters. This particular map has been used by the Engineering Department and the Planning Department of the City for a period of at least 2½ to 3 years. Mr. Gubbels could not be at this meeting but he will be available at the Commission meeting to answer any questions the Committee may have. Mr. Giles reported that Mr. Gubbels has written a letter, dated April 1, 1969, which was submitted to the Committee, in which he states that in participating in the planning of this, it is his feeling that the traffic out of the subdivision, which was one of the main objections voiced at the earlier hearing, will not flow into the residential area but will flow to North Hills Drive and Far West Boulevard. Mr. Currington of the Engineering firm of Bryant-Currington has helped with the street layouts of Highland Hills, Section 9, Phase 2, for the applicant and has been responsible for the paving widths, utilities, the engineering and the drainage and will verify that the streets are planned with 50 feet of right-of-way and 40 feet of paving which does support fourplex development as proposed, and sidewalks in the area to get to the Murchison Junior High School area to the north.

Cl4-69-004      Bradfield-Cummins, Inc.--contd.

Mr. Currington verified that the streets are planned to have 50 feet of right-of-way with 40 feet of paving and there will be sidewalks through this section which will be continued by Mr. David Barrow to North Hills Drive and the school area.

Mr. Giles asked Mr. Barrow, Jr. to comment on the plans for their property which is on the other side of Dry Creek. Mr. Barrow stated that a portion of the streets are under construction at this time and practically finished grade. It is expected that the street connections to the adjoining property will follow in the normal course of events and sidewalks are planned to the school area. He also stated that the direct connection out of Highland Hills, Section 9, Phase 2, has been graded and paving and curbing will be done after the portion through the subject site is finished.

Mr. Giles pointed out that it is possible to build duplexes in "A" Residence and they only want to build fourplexes on the 38 lots under consideration with the balance of the subdivision being developed under "A" Residence. The lots have approximately 13,750 square feet on the average which will easily support the development which is proposed. The applicant has met the objections pertaining to street widths and sidewalks through the area. There was considerable objection from the property owners in the vicinity as they felt it would be a lessening of the value of the surrounding area. People are concerned about this and properly so. In view of this, Mr. Harold Legge, MAI Appraiser, has been requested to speak on the question as to whether or not fourplex development on the subject site will have the effect of depreciating the value of the property surrounding the area.

Mr. Legge informed the Committee that he was engaged by the applicants to make an inspection of the property and to give an opinion as to whether or not the development proposed would effect and depress the value of the surrounding area. There is a major factor involved because of the terrain. There is a large difference in the terrain in that it drops approximately 75 feet from Highland Hills Drive down to the Creek bed and the property that is to be developed is along the bed of the creek. The development proposed is fourplexes and if built in the creek bed, cannot be seen from the street above, even if the development is two-story and neither can the houses which are built on top of the hill be seen in the valley. Mr. Legge stated that in his opinion the best use of the property is either duplexes or fourplexes because of the differences in the terrain and it should not be any reason why this development should effect the value of the surrounding area one way or the other. The traffic has been considered as to whether an additional hazard would be created with the proposed use. It should be pointed out that Mo-Pac Boulevard is proposed to the east and the only entrance ramp will be just below Far West Boulevard. It seems logical that anyone coming from the area and going to the downtown area would take the street to the north and come out Far West in order to get to Mo-Pac. The difference in the terrain offers more than adequate buffer for the area.

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

Mr. Giles stated that in order to alleviate concern and worry they are willing to deed restrict to single-family use the 17 lots fronting onto Highland Hills Drive. The 11 lots along Shadow Cove will remain as "A" Residential property also but it is contemplated that they will be developed with duplexes. The 17 lots fronting onto Highland Hills Drive and the drop off down into the creek area creates a complete buffer for the existing residential development. It is felt that the applicants have met all the concerns expressed by the property owners and it is requested that the application be granted.

Arguments Presented AGAINST:

Mrs. Charles Beightler appeared at the hearing and stated that she represents an organization which was recently formed after this case was originally heard. The organization is called the Northwest Austin Civic Association and the purpose is to seek an overall master plan study of the area and have good community development, including good zoning and good planning. There are approximately 900 dues paying members in the organization who live between Balcones Drive, Spicewood Springs Road, the proposed West Loop, and FM 2222. People in the area are willing and eager to discuss plans for this area with the builders and developers. Approximately 2 weeks ago a letter was written to the applicant asking him to discuss the area of interest with the Executive Committee. The people in the area are not against apartment development per se but are concerned about where they should be placed. It is felt that given an opportunity, some form of compromise could be worked out that would be agreeable to the homeowners. The subject property is in very close proximity to single-family residences and under the present conditions, apartment zoning is not proper. The traffic has been discussed and the inference was that traffic would flow towards Mo-Pac but there are other reasons why traffic might not flow in that direction as there are schools and shopping areas in the area. All of the traffic will not be going toward Mo-Pac as it will be going right through the single-family residential area. In talking about good planning, the people are very much interested in where the park facilities for the area will be located as there are none at the present time. The only park area which is planned in the immediate future is the elementary school playground and a playground in conjunction with the Murchison Junior High School but they are only for the schools. With the rapid development taking place it is felt that the needs have not been met in the area and it is requested that the zoning be denied.

Mr. Irwin Salmonson stated that he lives in this area and is an attorney representing the Northwest Austin Civic Association. This matter has been before the Zoning Committee and it was before the Planning Commission at which time it was withdrawn by the applicant, who at the time stated in his letter that he wanted the application withdrawn so that it could be presented to the Zoning Committee in about a month to show the interrelationship of the street development, neighborhood planning and the applications for Mr. Barrow's property. At this time Mr. Barrow is not presenting his application. At the previous zoning meeting, at which time the Committee did not approve the application, the citizens showed that there was an interrelationship in that the

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

burdens placed on the homeowners in the area would be because of a combination of the development on the subject site and on Mr. Barrow's property. The applicants have again come in and showed only what they are going to do and not the interrelationship to the proposals. It was stated that some people in the area are not being effected as they are more than 200 feet away from the site but this is not true. It should be emphasized that if there is heavy traffic on Highland Hills Drive everyone will be effected. If there is noise in the area the people will be effected. If there are people moving out of the area to go to the lakes and not Mo-Pac Boulevard, pulling their boats, all of the people will be effected. The amount of fall-off and depression has been discussed considerably. This whole area is one of fall-off, hills and valleys and that is the beauty of it. Many people would be proud to own homes in the valley along the creek as that is one of the prettiest pieces of property in the area. In fact, there are people who live in very expensive homes in this valley now. To the statements that this area is best for duplexes and fourplexes, the people who are there now were sold single-family lots. This causes a considerable problem for the citizenry of the area to have to go to the City every four or five weeks to defend the same proposal. There have not been any changes in the proposal since a month ago. This same recommendation is made by the staff and yet the people have to again register their protest when the application could eventually be withdrawn again. It is felt that it should be stopped on the same basis that they have proposed nothing new. There are no assurances they can give that traffic will not flow onto Highland Hills Drive in order to get to FM 2222 and Lake Austin and Lake Travis as this is the most accessible route.

Mr. Salmonson presented photographs taken at various locations showing existing residential development and the street system. He pointed out that the entrance to Highland Hills Drive out of the Dry Creek area is one of the worst inter-sections in the City of Austin as it is completely blind because of the grade. There is a 90 degree angle at one point and there are steep inclines and declines following the natural contours of the land which flows all through the area. It is difficult to say how many units and people will be in the area. If the development and the interrelationship of the subject property as well as the adjoining property is considered, it could be considerably more than 30 to 50 units established which would create a problem. The whole area has to be taken into consideration. Even on the basis of small development for this one area, the Planning Department recommended denial for two very sound and valid reasons which are that the proposed development has no place in such a beautiful area which is a natural setting for single-family development and it will create traffic problems.

Several other property owners spoke in opposition to the request which is briefly summarized as follows: When many of the people purchased homes in this area it was represented that this would be a single-family residential area. There are no residents in the area who are in favor of a change in zoning. Specific concern should be expressed for the total area which is undeveloped between Highland Hills Drive and North Hills Drive, as it could



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

be developed with a considerable number of apartment units. There are questions involved on the way the area should develop and the property owners would like the opportunity to get together with the developers to discuss the area so that an adequate buffering system can be worked out to protect the homeowners. If the change is granted, a precedent will be set and the entire area will be effected.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the proposed zoning and development in relation to the existing development and the street pattern in the area. They were of the opinion that there should be an overall plan for development of the area owned by the applicant and the adjoining vacant land to the north. They concluded that the request should be denied as an intrusion into a well-established residential area with an inadequate street pattern.

At the Commission meeting, the Chairman reported a letter from Mr. Rogan Giles, attorney for the applicant, and Mr. Irwin R. Salmonson, attorney for the Northwest Austin Civic Association, which objected to the change, stating that the attorneys have met to discuss the application and the concern expressed by the Association with development of other adjacent tracts and mutually agreeing that the Planning Commission should be requested to defer and postpone further consideration until further notice by either the applicant or the Association. The request is made for the purpose of allowing time for the further exchange of ideas by the applicant and the Association and others to occur.

The Commission then

VOTED:      To POSTPONE this request until further notice.

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: This application covers two tracts of land located along West Lake Drive which was before the Committee last month at which time it was postponed because of inadequate notice. The request has been readvertized. The land use in the area to the west of West Lake Drive and away from the lake is residential. On the east side of West Lake Drive are a number of non-conforming uses. The subject property is developed with a marina which requires "C" Commercial zoning and is presently non-conforming. West Lake Drive has 60 feet of right-of-way at this location which is adequate, and the staff recommends that the request be granted as it is in keeping with the development on the east side of West Lake Drive.

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

## TESTIMONY

## WRITTEN COMMENT

## Code

City of West Lake Hills (Eddie G. Wooley)  
Woods B. Kyle, Jr.: 1900 Scenic Drive

AGAINST  
FOR

## PERSONS APPEARING AT HEARING

## Code

Sidney Purser (representing applicant)  
Mrs. Keith Bardin for Mrs. W. W. Bennett:  
2103 Trail of Madrones

FOR

## SUMMARY OF TESTIMONY

Mr. Sidney Purser, representing the applicant, stated that the subject property is being put to a commercial use and the request is made to conform the zoning to the present use.

Mrs. Keith Bardin, representing Mrs. W. W. Bennett, appeared at the hearing in favor of the request and stated that there are plans to file an application for the same zoning on the property adjoining to the north of the subject site.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this request should be granted as it is in keeping with the development pattern in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Carl E. Wooten for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at (Tract A) 2215 West Lake Drive and (Tract B) 2219 West Lake Drive.

C14-69-060 P. J. Brewington: Int. A, Int. 1st to GR, 1st  
6814-6906 Manchaca Road

STAFF REPORT: The property under consideration contains 2.9 acres of land fronting onto Manchaca Road. The stated purpose of the request is for "GR" General Retail development. The area is predominantly developed with residential characteristics. To the north of the site as well as to the east of Manchaca Road there is new single-family development. Mimosa Manor Sub-division to the south which was recorded in 1962, proposes a shopping center

C14-69-060      P. J. Brewington--contd.

fronting onto Manchaca Road and single-family development to the west of the shopping center. A 120 foot thoroughfare is proposed between the subject property and property to the south. The subject site, along with approximately 10 acres directly to the east is part of a subdivision which is presently under consideration in which the applicant has indicated that the plans are to develop the property just west of the site with single-family homes and two-family dwellings. Manchaca Road is a major arterial street with a present right-of-way of 80 feet. The staff has no objection to the request as the proper location for shopping facilities is at the intersections of major streets and recommends that the request be granted subject to the approval of the subdivision on the site and the necessary rights-of-way which would include the thoroughfare at this point.

#### TESTIMONY

##### WRITTEN COMMENT

Code

P

James W. Waters: 6800 Manchaca Road

AGAINST

##### PERSONS APPEARING AT HEARING

Code

P. J. Brewington: 6902 Manchaca Road

#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that because of the traffic in the area, this is not an ideal location for residential development. It is felt that the development submitted under the requested zoning would be a benefit and is needed in that there are no service stations or shopping centers within several miles of the area. There are a number of people commuting past the property from subdivisions that are located further south.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to the approval of the subdivision, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of P. J. Brewington 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 6814-6906 Manchaca Road be GRANTED.

C14-69-061      Hans Blangger & Albert W. Fell: A to BB  
                   1908-1912 Goodrich Avenue  
                   1805-1811 Ford Street

STAFF REPORT: The subject property, covering approximately 59,000 square feet has frontage along Ford and Goodrich Avenue. The stated purpose of the request is for apartment development. The site is large enough to support six two-family dwellings. The area immediately surrounding the site is predominantly developed with single-family and two-family homes. An elementary school is located to the west at the southwest intersection of Rundell Place and Bluebonnet Lane. A request for "BB" Residence, First Height and Area zoning was made on property to the south along Bluebonnet Lane in 1964, at which time the staff and Commission recommended denial as an intrusion into a residential area; however, the request was granted by the City Council. In 1966, a request for "B" Residence, First Height and Area zoning was granted on property adjoining the "BB" Residence district to the south as a logical extension of the zoning existing to the north. There is "B" Residence zoning established at the northwest intersection of Nash Avenue and Kinney Avenue which is developed with a retirement home. "C" Commercial zoning, developed with apartments and a washateria is established to the north at the southeast intersection of Anita Drive and Bluebonnet Lane. Even though there is "B" and "BB" Residence zoning in the area, which occurred in the late 1950's and early 1960's, the area continues to be predominantly residential in character and the staff feels that the requested zoning on the subject property would be an intrusion into a well-established and well-developed residential area and recommends that the request be denied. If the Commission sees merit in granting the request, the streets should be widened which would require at least 5 feet of right-of-way from the property for Ford Street and Goodrich Avenue.

#### TESTIMONY

##### WRITTEN COMMENT

Code

C                Austin Optimist Boys, Inc.: 1709 Bluebonnet Lane      FOR

##### PERSONS APPEARING AT HEARING

Code

Albert Fell (applicant)

Dave Schmidt: 1701 Garner

NO OPINION

#### SUMMARY OF TESTIMONY

Mr. Albert Fell stated that the reason for this request is the size of the property and the streets in the area. The site has 176 feet of frontage along Goodrich Avenue and is 282 feet deep and has 162 feet of frontage along Ford Street and is 232 feet deep from that street. The only streets effected by the request are Ford and Goodrich Streets. At one time, consideration was given to subdividing the property; however, it was indicated that 10 feet would be needed for Goodrich Avenue because there was a plan to develop the street for thoroughfare purposes and it was decided that the

C14-69-061      Hans Blangger & Albert W. Fell--contd.

property should not be subdivided. It is felt that the proposed development on the site would not be detrimental to the area. There are very small homes in the area and there is "B" Residence and "C" Commercial zoning in close proximity. The development of apartments on the site is the most practical way to develop and it would not harm the existing residences.

Mr. Burnette stated that under the Townhouse Ordinance which was adopted last June, the applicant could develop the property with 16 townhouse units which would include a special permit and a subdivision.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied as an intrusion into a residential area which is served by an inadequate street system designed to carry low density residential traffic.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Hans Blangger and Albert W. Fell for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1908-1912 Goodrich Avenue and 1805-1811 Ford Street be DENIED.

C14-69-062      Morris K. Gully, Jr: A to B  
207-211 West Annie Street  
1801-1807 Newton Street

STAFF REPORT: The application covers three lots located at the southeast intersection of Newton and West Annie Streets. The change is requested to allow for appropriate development on the site. The subject property was until recently a part of property belonging to the City of Austin. At the time of sale, the City retained 5 feet of right-of-way for West Annie Street. The subject property is located two blocks west of Congress Avenue in an area that is predominantly zoned and developed with single-family and two-family dwellings. There have been a number of zoning applications in the area; however, most of the requests have been confined to the area south of West Johanna Street. A request for a change of zoning from "A" Residence to "O" Office was made on property to the south of West Johanna Street in 1968 at which time the staff included as additional area property to the east; however, because of strong neighborhood opposition, the additional area was deleted. The Boy's Club was subsequently zoned "B" Residence, First Height and Area. To the south of the Boy's Club is an apartment district which is zoned "B" Residence, Second Height and Area and "C" Commercial which extends from Wilson Street to South Congress Avenue. A request for "B" Residence, Second Height and Area zoning was made on property at the southwest corner of West Johanna and Wilson Streets in 1968, at which time the Commission and the staff recommended that "BB"

C14-69-062 Morris K. Gully, Jr.--contd.

Residence, First Height and Area zoning be established; however, "B" Residence, First Height and Area zoning was granted by the City Council. It is recognized that there is apartment zoning to the south of Johanna Street but the request on the subject site is too intensive for the immediate area and the staff recommends that the request be denied but that "BB" Residence, First Height and Area zoning be granted as the appropriate zoning for the area.

## TESTIMONY

## WRITTEN COMMENT

## Code

|    |                                             |     |
|----|---------------------------------------------|-----|
| BL | Stella Mae Davis Walker: 1810 Newton Street | FOR |
| AP | C. R. Mitchell: 206 West Johanna (Cha Vel)  | FOR |
| A  | Jeff E. Geeslin: P. O. Box 908              | FOR |
| AE | Walter Martin Jones: 1906 Eve Street        | FOR |

## PERSONS APPEARING AT HEARING

## Code

Ken Gully (applicant)

## SUMMARY OF TESTIMONY

Mr. Ken Gully appeared at the hearing and stated that the area is degenerating as a residential area and will continue further from predominantly single-family use. There is a house on the site which is condemned and there are other houses in this area in the same condition or worse. As a result, the character of the area is changing from single-family to apartment and similar type uses. There is very little traffic on either of the streets involved and it is felt that because of this and the existing development in the area, the request for "B" Residence, First Height and Area zoning is reasonable.

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 recommended that "BB" Residence, First Height and Area zoning be granted as the proper zoning and development for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Morris K. Gully, Jr. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 207-211 West Annie Street and 1801-1807 Newton Street be DENIED.

Mr. Burnette advised the Commission that the applicant has requested that the application be postponed.

C14-69-062 Morris K. Gully, Jr.--contd.

Mr. Osborne advised the Commission that postponement of a request should be done with mutual consent of the applicant and the opponents. The Commission's Rules and Regulations state that the issue of postponement is not simply a prerogative of the applicant or the opponents and the staff recommendation is that the request be continued.

The Commission noted the information by the Director and pointed out that the vote on this request has been taken and recorded.

C14-69-063 Arthur Blomquist, et al: A, 1st to O, 5th  
 1506-1510 Summit Street  
 1507-1511 Interregional Highway

STAFF REPORT: This application covers three lots each of which is presently developed with a single-family dwelling. The stated purpose of the request is for office development. The area directly to the east of the site is a well-developed and well-maintained single-family area. The area north of Elmhurst Drive and on the west side of Summit is a well-developed and well-defined apartment district. To the south is a pending request for "O" Office, First Height and Area zoning which was recommended by the Planning Commission, subject to a five foot sidewalk and utility easement along Summit Street, five feet of right-of-way on Taylor Gaines Street and a 25 foot setback from the Interregional Highway. The five foot sidewalk and utility easement was required because of the narrow depth of the lots. The requested zoning permits a building to a height of 60 feet but the staff feels that this is appropriate for the area along the Interregional Highway and recommends that the request be granted subject to five feet of right-of-way for Summit Street. A 25 foot setback from the Interregional Highway will be maintained because the lots under consideration are through lots and the Ordinance requires a 25 foot setback from both streets.

## TESTIMONY

## WRITTEN COMMENT

## Code

|   |                                                  |     |
|---|--------------------------------------------------|-----|
| A | Mrs. Ira Stockebrand: 1019 East Riverside Drive  | FOR |
| A | Arthur L. Blomquist: 1506 Summit Street          | FOR |
| J | Emmett F. Donnelly: 3507 Mayhew, Dallas          | FOR |
| L | R. E. Gouty: R. R. 1 (Box 268), Lavaca, Arkansas | FOR |
| A | I. D. Stockebrand: 109 E. Riverside Drive        | FOR |
| K | Mrs. Edna J. Duffy: 706 San Antonio Street       | FOR |

## PERSONS APPEARING AT HEARING

## Code

|   |                                          |         |
|---|------------------------------------------|---------|
| A | Arthur L. Blomquist (applicant)          |         |
| A | Sterling Sasser (representing applicant) | FOR     |
| ? | Lenore N. Hawkins: 1511 Summit Street    | FOR     |
| ? | A. J. Adair                              | AGAINST |

C14-69-063      Arthur Blomquist, et al--contd.

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Sterling Sasser, Sr., representing the applicants, stated that there has to be progress and office development is occurring in the area to the south and north. There will be an attractive building established on the site if the requested zoning is granted.

##### Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that he has lived in this area for a number of years. This is a well-established residential area and he moved into it because of the close proximity to his job, the schools, town and churches and he would like to continue to enjoy the existing peace and tranquility of the residential atmosphere. The subject property is located on a high elevation and if the zoning is granted to permit a tall building, it will completely obscure the view of the City which should be protected. Austin has a beautiful view along the Interregional Highway which should not be destroyed by the development of commercial businesses.

#### 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 Summit Street; however, they stated they would look with favor on the request, provided the street is made adequate, as the appropriate zoning for the area along the Interregional Highway.

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

In view of the offer of right-of-way, the Commission felt the request should be granted as the appropriate zoning for the area. It was then unanimously

VOTED: To recommend that the request of Arthur Blomquist, et al for a change of zoning from "A" Residence, First Height and Area to "O" Office, Fifth Height and Area for property located at 1506-1510 Summit Street and 1507-1511 Interregional Highway be GRANTED.

C14-69-064      William A. Stringer: A, 1st to B, 2nd  
                  307 West 41st Street  
                  4013-4015 Avenue B

STAFF REPORT: The subject property consists of approximately 6,400 square feet which is presently developed with a single-family structure. The stated purpose of the request is for apartment development. This general area of the City has been before the Commission on a number of occasions since 1967



C14-69-064 William A. Stringer--contd.

and there have been numerous changes to "B" Residence, Second Height and Area zoning. "B" Residence, Second Height and Area zoning is established at the northwest intersection of West 41st Street and Avenue C; to the west along West 41st Street, and to the south of West 40th Street. The area to the east along Speedway is zoned "B" Residence and "C" Commercial, Second Height and Area. The area from 38th Street north to 45th Street and from Speedway west to Guadalupe Street has generally been recommended for "B" Residence, Second Height and Area zoning. The staff recommends that the request on the subject property be granted as it is in keeping with previous recommendations and is a logical extension of existing development. The streets in the area have 60 feet of right-of-way which is adequate for the proposed use.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Est. of Otto Janke: % Christian Janke,  
Rt. 1, Manor, Texas

FOR

##### PERSONS APPEARING AT HEARING

Code

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is in keeping with previous recommendations for the area and conforms with the existing zoning and development pattern.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of William A. Stringer for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 307 West 41st Street and 4013-4015 Avenue B be GRANTED.

C14-69-065 George H. Jenkins: A to GR  
4316-4318 Gillis Street

STAFF REPORT: The subject property, containing 21,700 square feet, fronts onto Gillis Street. The purpose of the request as stated on the application is for business opportunities. The predominant land use along Gillis Street is single-family. The subject tract backs to the Southwood Theater, a service station, shopping center, and is adjacent to a drive-in restaurant and cleaners.

C14-69-065 George H. Jenkins--contd.

Land use to the north of Ben White Boulevard is mixed with commercial and residential uses. There is a pending request for "GR" General Retail zoning on property to the north of Ben White Boulevard as well as on property to the east of Gillis Street. The commercial development existing in the area is oriented towards Ben White Boulevard whereas the request on the subject property is the first case that would not have this orientation as it would be onto a 50 foot minor residential street. The property does however abut commercially zoned and developed property to the north and west and the staff recommends that the request be granted subject to the provision of 5 feet of right-of-way for the future widening of Gillis Street.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

George H. Jenkins (applicant)

#### SUMMARY OF TESTIMONY

The applicant was present at the hearing and pointed out that this property adjoins property which is developed with a service station and drive-in restaurant and there is a large shopping center just west of the site. There would be no objection to dedicating 5 feet of right-of-way for the future widening of Gillis Street.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

**VOTED:** To recommend that the request of George H. Jenkins for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 4316-4318 Gillis Street be DENIED.

C14-69-066      James C. Lesikar: A to C  
2708-2710 East 12th Street

STAFF REPORT: This application covers 13,000 square feet of land. The stated purpose of the request is for an automobile repair garage and it is the staff's understanding that the use does exist on the site as a non-conforming use and the purpose of the application is to obtain the proper zoning. The area to the north and west is predominantly residential in character. Adjoining the site to the east is "D" Industrial zoning which is presently undeveloped. On the east side of the railroad track is a baseball field and recreational facilities. Directly to the south is the Glen Oaks Urban Renewal Project which is presently in execution and property is being acquired. In that project, the City of Austin tract located at Hargrave and East 12th Streets will be retained. Houses along Graham Street will be rehabilitated with single-family residences being retained. The area to the west of the railroad track and south of East 12th Street will be acquired and redeveloped as an apartment site. East 12th Street is a commercial collector street with 60 feet of right-of-way. The Expressway and Major Arterial Plan tentatively proposes the location of the Crosstown Expressway between 13th and 14th Streets. The right-of-way crosses East 12th Street at the railroad track with the total right-of-way east of the railroad track coming from the south side of East 12th Street. The subject property is within the right-of-way, but there is no timing for construction of the expressway at this time. The zoning as requested on the site is appropriate as it is on a commercial collector street. The staff has been unable to check the right-of-way requirements for East 12th Street but this will be reported to the full Commission. It is recommended that the request be granted, subject to the provision of right-of-way if needed.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Alfred Dove: 2703 East 13th Street

FOR

Mrs. Hattie Mae Stein: 3721 Colonial Street

FOR

##### PERSONS APPEARING AT HEARING

Code

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

C14-69-066 James C. Lesikar--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James C. Lesikar for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2708-2710 East 12th Street be GRANTED.

C14-69-067 Mrs. A. N. Slack & Mrs. M. Morgan: A to B  
3700-3702 Tom Green Street

STAFF REPORT: This application covers two lots containing approximately 19,800 square feet of land. The stated purpose of the request is for future development. The land use in the area is mixed. This is an older residential area which is now in transition to apartment development. The staff did a study of the area from 30th Street to 38th Street between Duval and Guadalupe Streets in 1966, reporting that the Master Plan had forecast this area to the north of the University for medium density residential purposes and recommending that the zoning conform to that proposal. The staff went on record at the time recommending that the Planning Commission look with favor on "B" and "BB" Residence zoning provided the rights-of-way of the streets were adequate. In 1967, "B" Residence, First Height and Area zoning was granted on property to the south at the corner of Grooms Street and East 35th Street and "B" Residence, Second Height and Area zoning was granted on property west of Grooms Street. East 38th Street, with a present right-of-way of 60 feet, is a major arterial street which is scheduled to be widened to 80 feet. Tom Green Street has 60 feet of right-of-way which is adequate. In view of the adequate street widths and existing zoning and development in the area, the staff recommends that the request be granted.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Clark C. Gill: 3606 Grooms Street  
 Mrs. Mary N. Morgan: 8319 Burrell Drive

FOR  
 FOR

##### PERSONS APPEARING AT HEARING

Code

Mr. and Mrs. A. N. Slack (applicant)

#### SUMMARY OF TESTIMONY

Mr. A. N. Slack appeared at the hearing and stated that this is no longer a residential area. There is an older house existing on the property that needs some improvement but it is felt that the investment in improving the house would be lost because the area is changing toward apartment development. The best use of the site is for apartments.

C14-69-067      Mrs. A. N. Slack & Mrs. M. Morgan--contd.

Mrs. Slack advised the Committee that this area is too noisy for residential property.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is in keeping with an area study which recommended apartment zoning and development within the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. A. N. Slack & Mrs. M. Morgan for a change in zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3700-3702 Tom Green Street be GRANTED.

C14-69-068      Morgan Nesbitt & Alexander Mata: A to LR  
 6504-6506, 6600-6614 Manor Road  
 3407, 3406-3408 Carol Ann Drive

STAFF REPORT: This application involves two tracts of land, separated by Carol Ann Drive, fronting onto Manor Road. The stated purpose of the request is for neighborhood retail and apartment development. The land use in the area along Northeast Drive, Carol Ann Drive and Loyola Lane is single-family residential. There is a proposed subdivision which is in preliminary form on property adjoining Tract 1 to the north. The zoning in the area has for the most part been strip zoning along Manor Road. Adjoining Tract 2 to the west is "BB" Residence, First Height and Area zoning which was granted in 1968. "LR" Local Retail zoning is established on property at the southwest corner of Manor Road and Northeast Drive, and a request for "C" Commercial zoning was made on that area this year but was withdrawn. "LR" Local Retail zoning was granted on property adjoining Tract 1 to the east in 1968. There is a church located directly across from the site along Manor Road and there is "GR" General Retail zoning, granted in 1968, on property at the southwest corner of Manor Road and Loyola Lane. Adjoining the "GR" district to the south is "BB" Residence zoning. Springdale Road and Manor Road, both major arterial streets at the present time, are proposed as the northeast extension of the Crosstown Expressway and in this location, all of the right-of-way is expected to come from the east side of the street so the subject tracts will not be effected. The staff has no objection to the requested zoning on Tract 1 and recommends that it be granted; however, "LR" zoning on Tract 2 is questioned in that the property sides to residential development and backs to "BB" Residence zoning. In view of this, the staff recommends that the request on Tract 2 be denied but that "BB" Residence, First Height and Area zoning be granted as a logical extension of existing zoning.

C14-69-068      Morgan Nesbitt & Alexander Mata--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

Svea Sauer (representing applicant)

## SUMMARY OF TESTIMONY

Svea Sauer, representing the applicants, explained that the new subdivision planned on Carol Ann Drive, north of Tract 1 proposes duplex development. The corner property is not very convenient for residential development because of the traffic. It is realized that the tract abutting Tract 2 is zoned "BB" Residence but that property is not in the same situation as the subject property because of the traffic flow and it is requested that the application be granted.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Morgan Nesbitt & Alexander Mata for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 6504-6506, 6600-6614 Manor Road and 3406-3408, 3407 Carol Ann Drive be GRANTED.

C14-69-069      Gordon M. Lantz: A to O  
3408-3410 Red River Street

STAFF REPORT: This application covers 14,000 square feet of land and the stated purpose of the request is for office development. The land use in the area is mixed. To the north, northwest and northeast is single-family and two-family development. The area to the south along Red River has built up recently with apartment development, south of Duncan Lane. The request for "BB" Residence, First Height and Area zoning was made and subsequently withdrawn on the subject property in 1962 and again in 1967. A request for "B" Residence, First Height and Area zoning was made on property to the north in 1968; however, this request was also withdrawn. To the south there is existing "BB" Residence, and "O" Office zoning. Adjoining the "BB" District to the north is a pending request for apartment zoning. "B" Residence, zoning

C14-69-069      Gordon M. Lantz--contd.

is established to the east across Red River Street. The staff feels the same as in previous considerations for rezoning in this area. To rezone north of Harris Street would be an intrusion into a low-density area. The land use conditions in this area have not changed and the staff recommends that the request be denied. If the request is considered, five feet of right-of-way would be needed from the site for the future widening of Red River Street in order to conform to the Expressway and Major Arterial standards.

## TESTIMONY

## WRITTEN COMMENT

Code

|                                        |         |
|----------------------------------------|---------|
| Petition with 37 signatures            | AGAINST |
| Glen E. Lewis: 3406 Red River          | FOR     |
| Petition with 16 signatures            | FOR     |
| H. H. Rothell, Jr.: 2210 Hancock Drive | FOR     |

## PERSONS APPEARING AT HEARING

Code

|                                                  |         |
|--------------------------------------------------|---------|
| Gordon M. Lantz (applicant)                      |         |
| Mrs. John B. Williams: 834 East 37th Street      | AGAINST |
| Mrs. Natalie Collins: 829 East 37th Street       | AGAINST |
| Mr. & Mrs. A. L. Horstmann: 838 East 37th Street | AGAINST |
| Gladys H. Goedall: 836 East 37th Street          | AGAINST |
| Guy C. Baird: 828 East 37th Street               | AGAINST |
| Mrs. Robert R. Black: 3700 Hampton Road          | AGAINST |
| Barbara J. Meyers: 818 East 37th Street          | AGAINST |
| Mrs. Monroe Hagn: 3701 Hampton Road              | AGAINST |
| Lois Horstmann: 838 East 37th Street             | AGAINST |
| Mrs. Dorothy A. Johnson: 822 East 37th Street    | AGAINST |
| Monroe Hagn: 3701 Hampton Road                   | AGAINST |
| Ernie W. Tullis: 837 East 38th Street            | AGAINST |
| James R. Meyers: 818 East 37th Street            | AGAINST |
| William Shive: 843 East 38th Street              | AGAINST |
| R. M. Roberts: 841 East 38th Street              | AGAINST |

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request and presented a petition of signatures from the property owners endorsing the change. He explained that he would like to open a hobby shop at this location and was advised by the City that "O" Office zoning would be needed for that use. There is "B" Residence zoning directly across the street, and "BB" Residence and "O" Office zoning to the south. Even though property to the west is zoned "A" Residence, it should be considered "B" zoning as this area is developed with approximately six apartment units. This area has changed because of the development of Hancock Center and the heavy traffic load on Red River Street which is a main artery. Plans are not to change the grounds of the property but only

C14-69-069      Gordon M. Lantz--contd.

to use it as a hobby shop which will only be on a part-time basis. It will not be large business and there will not be any outside employees. If the use could be established on the site without a zoning change, the application would be withdrawn.

#### Arguments Presented AGAINST:

A number of people appeared in opposition to the request and presented petitions with approximately 46 signatures opposing the change and also photographs of the development existing in the area. The following information was presented: There is no objection to the use proposed by the applicant and the people in the area would join with him if the use could be carried on without a change of zoning; however, it would set an inappropriate precedent if the zoning in this area is changed from "A" Residence, which it so clearly is, to "O" Office. It is recognized that there are certain pressures for changes in zoning in the area, but the property owners have met the pressures from the north imminating from Hancock Center by purchasing property on both corners of Red River and East 38th Street, the two other corners are publicly owned as parks, and the north corners of 38th Street and Red River Street. The property owners will continue their efforts to protect themselves and keep this a residential area by this method. The property owners have also recently filed deed restrictions for single-family development on a substantial portion of the homes in the area of 37th, 38th, Hampton Road and Greenway Streets. There has not been any property purchased or deed restricted to the south for protection of the area but it is hoped that this will be accomplished by denying the change in zoning. The property owners have made a special effort to maintain this as a single-family area as it is one of the last relatively nice neighborhoods in close proximity to the University which should be protected. The type of zoning requested can greatly harm a neighborhood as it sets a precedent for gradual deterioration of a neighborhood when opened up which cannot be overcome by diligent homeowners.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending information as to whether the use proposed on the site can be permitted without a change in zoning.

At the Commission meeting, the staff reported that this request has been discussed with the Building Inspection Department and the use proposed on the site would not be permitted under the existing zoning.

The Commission agreed that this request should be denied as an intrusion into a well-established residential area. It was then unanimously

VOTED: To recommend that the request of Gordon M. Lantz for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3408-3410 Red River be DENIED.



At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, agreeing to erect a privacy fence along the west boundary line and on the south property line to the point where the drive would be constructed.

C14-69-070      Walter Wukasch--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Walter Wukasch for a change of zoning from "A" Residence, First Height and Area and "C-2" Commercial, Sixth Height and Area to "C" Commercial, First Height and Area (Tr. 1) and "C-2" Commercial, Sixth Height and Area (Tr. 2) for property located at (Tr. 1) 3208-3218 South Congress and 100-104 Frederick Street and (Tr. 2) 106-112 Frederick Street be GRANTED.

C14-69-071      Oscar Glendening: O to GR  
4005-4007 South 1st Street  
510-514 Clarke Street

STAFF REPORT: The subject property contains 9,906 square feet of land which is presently undeveloped. The stated purpose of the request is for retail development. There is a mixed zoning pattern in the area consisting of "C" Commercial, "GR" General Retail, "LR" Local Retail and "C-2" Commercial along Ben White Boulevard and Clarke Street. The area on the south side of Clarke Street is a well-defined residential area. There is a commercial area established at the intersection of South First Street and Radam Lane. The staff has no objection to the change as it is appropriate development for the area. It is realized that Clarke Street has only 50 feet of right-of-way, but the subject property has access from South First Street as well as Clarke Avenue and there is no justification in requesting additional right-of-way as it is a dead end street. The staff recommends that the request be granted.

#### TESTIMONY

WRITTEN COMMENT  
Code

C. B. Maynard: P. O. Box 516, Bastrop, Texas

AGAINST

PERSONS APPEARING AT HEARING  
Code

Oscar Glendening (applicant)

#### SUMMARY OF TESTIMONY

Mr. Oscar Glendening appeared at the hearing and explained that the property adjoining to the east is already zoned "GR" General Retail and the subject site should be connected so that the area between Clarke Street and Ben White Boulevard will be one "GR" General Retail tract.

No one appeared in opposition to the request.

C14-69-071 Oscar Glendening--contd.

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Oscar Glendening for a change of zoning from "O" Office, First Height and Area to "GR" General Retail, First Height and Area for property located at 4005-4007 South First Street and 510-514 Clarke Street be GRANTED.

C14-69-072 Sam E. Dunnam: A to O  
 800-806 West 16th Street  
 1600-1602 West Avenue

STAFF REPORT: This application covers 25,706 square feet of land and the stated purpose of the request is for office development. The area is a well-developed residential area and also includes a number of different office uses. There is some single-family and duplex development along West 16th and Pearl Streets and also to the south along West Avenue. A request for "LR" Local Retail, First Height and Area zoning was made on property to the south at the corner of West 15th Street and West Avenue in 1967 at which time the Commission recommended denial as an intrusion into a residential area; however, the request is still pending. There is apartment zoning to the north which is developed with a girls' dormitory and on the adjoining property is a boys' dormitory. To the east along Rio Grande and Nueces Streets, there is an "O" Office district which was granted as a result of an area study in 1961. The recommendation in the study was that the area from 19th Street south along San Antonio and Nueces Streets be developed with office development. Since that time there have been a number of changes in the area to "C" Commercial and "O" Office uses. The staff feels that the request should be granted as the appropriate zoning for either side of West Avenue.

## TESTIMONY

## WRITTEN COMMENT

## Code

|                                                |         |
|------------------------------------------------|---------|
| Mrs. W. B. Shoe: 712 West 16th                 | AGAINST |
| William E. Denham, Jr.: 805 West 16th          | AGAINST |
| Dr. & Mrs. Roman Berezovytch: 1510 West Avenue | AGAINST |

## PERSONS APPEARING AT HEARING

## Code

|                                                  |         |
|--------------------------------------------------|---------|
| Tinsley Penick (representing Mrs. W. T. Caswell) | AGAINST |
| 1502 West Avenue                                 |         |
| William Terry Bray: 2607 McCallum Drive          | FOR     |
| R. H. Dear: 1707 Pearl                           | AGAINST |
| Mrs. William P. Danforth: 1400 West Avenue       | AGAINST |
| George Shelley: 1700 West Avenue                 | AGAINST |

C14-69-072 Sam E. Dunnam--contd.

|                                         |         |
|-----------------------------------------|---------|
| Mrs. George Shelley: 1700 West Avenue   | AGAINST |
| Worth Beal: 1503 West Avenue            | AGAINST |
| Mrs. Samuel W. Mickey: 1504 West Avenue | AGAINST |
| Max H. Bickler: 901 West 16th Street    | AGAINST |

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Terry Bray, representing the applicant, explained that the structure existing on the site is located at the northwest corner of West 16th and West Avenue. There is a rather large old house that was until recently the applicant's residence. When Mr. Dunnam moved, he concluded that the best use he could make of the property and still retain it as is would be to use it as his own personal office. He plans to continue his general real estate business without making any exterior changes to the structure. There is a potential of developing the lower floor into some other office use. The lot is approximately 25,000 square feet in size and if the zoning is obtained, he will develop off-street parking to the west of the structure which is presently on the premises. There have been fairly recent developments in the area that effect the use of the property. The 15th Street bridge has been recently opened and the Brackenridge Urban Renewal area has moved development over into this vicinity. Mr. Dunnam considered the changing nature of the area and the fact that "B" Residence, First Height and Area zoning has recently been approved in close proximity. He feels that the use as proposed would be more compatible than high-density development in the area.

## Arguments Presented AGAINST:

A number of people appeared in opposition to the requested change in zoning and presented the following information: There is a considerable amount of office area along Rio Grande facing the street on the west but there has been no change in the development along this area of West Avenue. This is an existing single-family area which has been established for a number of years and the people do not want it to be changed at this time. Most of the homeowners have lived in this area for a number of years and do not want the encroachment of office type development.

## 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 area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Sam E. Dunnam for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 800-806 West 16th Street and 1600-1602 West Avenue be GRANTED.

DISQUALIFIED: Mr. Dunnam

C14-69-073      E. J. Hood: DL, 1st to O, 2nd (as amended)  
5100-5204 Bolm Road  
 1101A-1107A Shady Lane

STAFF REPORT: This request is for a change in zoning to "DL" Light Industrial, Second Height and Area zoning for approximately 1.62 acres of land for the purpose of establishing a nursing home. The area to the west of Shady Lane is zoned "D" Industrial and developed with the Telephone Construction Department and gasoline storage and depot. There is also "D" Industrial zoning to the south of Bolm Road which is developed with a doll hospital and a trailer court. To the west of Airport Boulevard there is single-family development. A city park is located to the east of the site. East along Bolm Road there is single-family development and Johnston High School. The staff has no objection to the proposed use but recommends that "B" Residence, Second Height and Area zoning be granted rather than "DL". "B" zoning would permit the nursing home and would also serve as a gradation between the Industrial area to the west and south and the park and residential area existing to the east. Bolm Road and Shady Lane may have to be widened but this will be checked and reported to the full Commission.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

E. J. Hood (applicant)

#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and explained that the project proposed on the site is new. The Health Department has divided the nursing home into three categories called intensive care, intermediate care 2 and 3. They have up-graded the qualifications for the building so much that the people who have been having this are going to be put out of business. Mr. Hood further explained that they are trying to build a building that will in the future be ahead and in order to do that the plans have to be made that would allow the maximum and minimum occupancy that could be handled and still make a profit. It is contemplated that there will be approximately 240 beds in the hospital and because of this plans are for a five story structure which will allow for the maximum number of beds, sufficient parking and green area. A five story structure will allow for the most economical development of the site and will be in line with the various heights in the area. The request is not out of line with the surrounding territory. If the proposed development is allowed under "B" Residence, Second Height and Area as recommended by the staff, it is requested that the application be amended to that district.

No one appeared in opposition to the request.

C14-69-073      E. J. Hood--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "B" Residence, Second Height and Area. They reviewed the information and concluded that this request as amended should be granted, provided the streets are made adequate, as a gradation of zoning between the "D" Industrial and residential areas.

At the Commission meeting, the staff reported that when the applicant requested an amendment to "B" Residence, Second Height and Area he was not aware that a doctors office would not be permitted. The staff has advised the applicant to request an amendment to "O" Office, Second Height and Area as this would be in keeping with the area, would still be a gradation in zoning and would allow the development of an office.

The Commission accepted the request to amend the application to "O" Office, Second Height and Area. They noted that the requested change is less intensive than the existing zoning and felt that the request should be granted as a gradation of zoning. It was then unanimously

VOTED: To recommend that the request of E. J. Hood for a change of zoning from "DL" Light Industrial, First Height and Area to "O" Office, Second Height and Area (as amended) for property located at 5100-5204 Bolm Road and 1101A-1107A Shady Lane be GRANTED.

C14-69-074      Joe Lundell: A to LR  
                  5900-5904 Manor Road  
                  2802-2808 Sweeney Lane

STAFF REPORT: The subject property, containing approximately 26,832 square feet, is located at the northwest intersection of Sweeney Lane and Manor Road. The purpose of the request as stated on the application is for the appropriate use as permitted in an "LR" District. To the west and south of the site is a well-developed residential area; however, the area along Manor Road, particularly on the east side, has during the past year been developing with apartments. "LR" Local Retail, First Height and Area zoning was granted on property to the south in 1963 and 1965 and is presently developed with a shopping center. "C" Commercial zoning is established to the south of the subject property, directly across Sweeney Lane. There is no objection to the requested zoning although Sweeney Lane, with a present right-of-way of 50 feet should be widened and will require five feet from the subject site. A large tract to the north is presently zoned "A" Residential and is undeveloped. The staff would not object to some form of commercial zoning to a depth of 200 or 250 feet but would question deeper extension west as it would encroach into the residential area. If the Commission feels that this request can be granted and the 200 to 250 foot line can be maintained, there would be no objection.

C14-69-074 Joe Lundell--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

Togie Baylor: 5908 Manor Road  
 Andrew L. Nobles: 5803 Manor Road

FOR  
 FOR

## PERSONS APPEARING AT HEARING

Code

Joe Lundell (applicant)

## SUMMARY OF TESTIMONY

The applicant was present and stated that the subject property fronts onto Manor Road which is not suitable for residential development and the change is requested in order to conform to the trend 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 Sweeney Lane; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joe Lundell for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 5900-5904 Manor Road and 2802-2808 Sweeney Lane be DENIED.

C14-69-075 Richard M. Peterson, et al: A & C, 1st to B, 2nd (Tr. 1) and C,  
 Tract 1: 4001-4007 Lewis Lane 2nd (Tr. 2)  
 1200-1212 West 40th Street  
 Tract 2: 1100-1106 West 40th Street  
 4000-4008 Medical Parkway

STAFF REPORT: This application covering two tracts of land involves 2½ acres. The stated purpose is for apartment, office, and commercial uses. There is a mixed zoning pattern in the area consisting of "B" Residence, "LR" Local Retail and "C" Commercial zoning to the north along Medical Parkway; strip "C" Commercial zoning to the east along Lamar Boulevard and directly across from the subject property to the east and south. A request for "O" Office zoning is pending on property to the north along Medical Parkway just south of West 42nd Street. There have been some changes in the area from "A" Residence to "LR" Local Retail and "C" Commercial along Medical Parkway. The most recent request was a change to "C" Commercial zoning on

C14-69-075 Richard M. Peterson, et al --contd.

property at the southeast corner of West 40th Street and Medical Parkway which was for a 20 foot lot for the purpose of a sign. Extending north along Medical Parkway there are a number of uses relating to apartment and commercial development. A change to "C-2" Commercial zoning was recently granted on property to the north along Medical Parkway, which is presently being developed. To the west along Lewis Lane there is a well-developed single-family and duplex area. The area south of West 40th Street has had a number of changes. The staff feels that "B" Residence, Second Height and Area zoning requested on Tract 1 is too intensive for the area and that "B" Residence, First Height and Area zoning would be more appropriate. There is no objection to the requested "C" Commercial, Second Height and Area zoning on Tract 2 as it is in keeping with the zoning on a portion of the property and is appropriate along Medical Parkway. The staff recommends that the request for "B" Residence, Second Height and Area zoning on Tract 1 be denied, and that "B" Residence, First Height and Area zoning be granted subject to five feet of right-of-way for West 40th Street and approximately 10 feet of right-of-way for Lewis Lane which presently has only 40 feet of right-of-way. It is recommended that the request on Tract 2 be granted subject to five feet of right-of-way for West 40th Street and up to five feet of right-of-way for Medical Parkway.

## TESTIMONY

## WRITTEN COMMENT

## Code

|                                                    |         |
|----------------------------------------------------|---------|
| Mrs. Clara Krueger: 4101 Burnet Road               | AGAINST |
| Mrs. Madaline Montgomery: 4013 Burnet Road         | AGAINST |
| M. A. McCombs: 4010 Burnet Road                    | FOR     |
| Mr. and Mrs. Earl Dickens: 4006 Medical Parkway    | FOR     |
| R. M. Peterson & Mildred Blomquist: 1208 West 40th | FOR     |
| Mrs. W. M. Peterson Est. (by R. M. Peterson) 1208  | FOR     |
| West 40th Street                                   |         |
| A. A. Peterson: 1105 West 40th Street              | FOR     |
| Philip A. Carlson: 4013 Marathon Boulevard         | FOR     |
| Mildred L. Blomquist: 1206 West 40th Street        | FOR     |

## PERSONS APPEARING AT HEARING

## Code

|                                                |     |
|------------------------------------------------|-----|
| Don J. Jackson (representing applicant)        |     |
| Marlowe (Rusty) Johnson: 7100 Highway 290 East | FOR |
| John W. Placek: 5000 Burnet Road               | FOR |

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Don Jackson appeared at the hearing and explained that he will be the new owner of the subject property pending a change in zoning. He introduced the architect for the development and the construction engineer, and



C14-69-075      Richard M. Peterson, et al--contd.

presented exhibits of the proposal. Commercial zoning is requested on the corner of Medical Parkway and "B" Residence, Second Height and Area zoning on West 40th Street and Lewis Lane. Mr. Jackson stated that when he first started building an office on Medical Parkway that was the first real change to occur in the area and now the area is changing rapidly. He advised the Committee that approximately two years ago he built an apartment project on West 38th Street called Buckingham Square. He presented photographs of the exterior and interior of the project and explained that the development proposed for the subject site will be similar. The structure will be built for a long duration and will be appropriate for any market. This area was an urban renewal area before the development of the medical tower was started and since that time there has been a number of private enterprizes coming into the area to change the character. This is an ideal area for development as it was at one time composed of small single-family residences and there are still a few nice homes left. A map was presented of the area showing the existing zoning and development and the street pattern. There are wide arterial streets on all four corners of the project and also leading to it which improves the dispensing of traffic. There is mixed zoning occuring in the area which is beginning to block itself out because of the pressure being created for development. There is a buffer around the area so that zoning will be stopped.

The development proposed on Tract 1 which will be called Wellington Place, is apartments and the commercial area on Tract 2 will be developed with small shops. This is an area in which there are a lot of large trees and that is one of the reasons "B" Residence, Second Height and Area is needed. There are approximately 60 large beautiful trees on the site and if the requested zoning is allowed, the area can be developed with more green space and parking. The area is in close proximity not only to the Medical Center but to the University area and is on the main path for the people going to the IBM Plant and other commercial businesses which makes this an ideal place for people to live. An area is needed to replace a lot of apartments that have been removed through the Urban Renewal and LBJ Library. There is a small City park close to the site, a health club and other facilities that apartment dwellers need. The "C" Commercial zoning is needed to the requested depth to get to the point where a jog is located in the site which will square the property off.

Mr. Jackson stated that he represents the property owners and they are interested in the development of the area. They see the need to let this area become one that can serve the growing medical needs of the area. The price being paid for the land is such that "B" Residence, First Height and Area zoning would prohibit the development of the property in the manner proposed. All of the property owners contacted are in favor of the change. With regard to right-of-way there is no objection to 10 feet on Lewis Lane. If the streets are opened up there may be a need for five feet of right-of-way along West 40th but the street is presently closed at one point. He said that if the City does want to widen the street and needs additional right-of-way he will be glad to let the City have an option on it at the price he

C14-69-075      Richard M. Peterson, et al--contd.

is paying for the land. If it is felt that five feet of right-of-way is essential on 40th Street he will also give the City the option to purchase the area.

**Arguments Presented AGAINST:**

One nearby property owner appeared at the hearing and stated that he recently built his office that fronts onto Medical Parkway and Marathon Boulevard and he questions the number of units that would be allowed on the site. He said that he does not oppose the "C" Commercial zoning but there is objection to apartments as there is already a parking problem in the area because of insufficient parking.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information presented and concluded that this request should be granted, subject to five feet of right-of-way for Medical Parkway and West 40th Street and 10 feet of right-of-way for Lewis Lane, as a logical development of the area between Marathon Boulevard and Lewis Lane.

At the Commission meeting, the staff reported a letter offering to dedicate the necessary rights-of-way for the streets.

In view of the offer of right-of-way, the Commission concurred with the Committee recommendation and unanimously

**VOTED:**      To recommend that the request of Richard M. Peterson, et al for a change in zoning from "A" Residence and "C" Commercial, First Height and Area to "B" Residence, Second Height and Area (Tr.1) and "C" Commercial, Second Height and Area (Tr. 2) for property located at (Tr. 1) 4001-4007 Lewis Lane and 1200-1212 West 40th Street and (Tr. 2) 1100-1106 West 40th Street and 4000-4008 Medical Parkway be GRANTED.

C14-69-076      John Browning: A to O  
                          1908-1914 Justin Lane

**STAFF REPORT:** This application covers four lots totaling approximately 49,455 square feet. The stated purpose of the request is for office and apartment development. The land use in the area is predominantly single-family with some two-family dwellings located in the near vicinity of the site. The most recent change in the area was to "C" Commercial zoning to the west along Muroc Street which is developed with fourplexes. Across Justin Lane to the south is "BB" Residence zoning which was established in 1961. Justin Lane, a major arterial street with a present right-of-way of 60 feet, is scheduled to be widened which would require up to 22 feet from the subject site. The traffic count on Justin Lane is 6,790 cars per day and it is recognized the single-family development is inappropriate; however, the staff does object to "O" Office zoning at this location as it is an encroachment into the residential neighborhood but would support a change to

CL4-69-076      John Browning--contd.

"BB" Residence, First Height and Area as a logical extension of existing zoning.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Ivory Brantley: 2000 Cullen Avenue  
Nelson Puett: 5425 Burnet Road

FOR

FOR

##### PERSONS APPEARING AT HEARING

Code

John Browning (applicant)

#### SUMMARY OF TESTIMONY

Mr. John Browning was present on behalf of this request and stated that the staff omitted the fact that to the southwest of Hardy Drive, within 200 feet of the subject property, there is "O" Office zoning. Justin Lane as pointed out is a major arterial street and the single-family residential character is on the downgrade. Most of the homes are now rented in the immediate area and it is apparent that some other type of high use will be coming in very shortly. He stated that he would like the ability to have his own office on the property and also to develop on the front of the property, using one of the other structures that is there and unoccupied, and an office would be in keeping with the surrounding area. The type of building proposed would up lift the area and make it more attractive. Apartment development is contemplated and if developed would be residential in character and consistent with the office units which will also be residential in character.

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 Justin Lane; however, they stated they would look with favor on the request, provided the street is made adequate, because of the heavy traffic count and as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John Browning for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1908-1914 Justin Lane be DENIED.



C14-69-077 M. J. Railey & O. D. Kendrick--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of M. J. Railey & O. D. Kendrick for a change of zoning from "A" Residence, First Height and Area to "O" Office, Second Height and Area (Tr. 1) and "B" Residence, Second Height and Area (Tr. 2) for property located at (Tr. 1) 4500-4502 Avenue A, 500-504 West 45th Street and (Tr. 2) 4504-4506 Avenue A be DENIED.

C14-69-078 Alvin W. Sanders: A to LR  
 4411-4415 Manchaca Road  
 1906-1914 Redd Street

STAFF REPORT: This application covers three lots covering 34,560 square feet. The stated purpose of the request is for local retail development. The area to the east of Manchaca Road and along Manchaca Road south of the subject tract, is developed with single-family and two-family dwellings. On the west side of Manchaca Road at the corner of Ben White Boulevard there is a drive-in grocery and a service station. There is a church and elementary school established to the west of Manchaca Road. Manchaca Road, with a present right-of-way of 60 feet, is a major arterial street which is scheduled to be widened to 80 feet, at which time 20 feet will be needed from the subject site. The traffic count on Manchaca Road at this location is approximately 9,000 cars per day, and with such a traffic load single-family usage becomes quite difficult to maintain; however, the staff feels that the requested "LR" Local Retail development is an encroachment into a residential area and that the zoning would be inappropriate. It is felt that "BB" Residence zoning would be more appropriate at this location and would serve as a buffer between the single-family residential uses to the southeast and south and the commercial zoning to the north. The staff recommends that the request be denied but that "BB" Residence, First Height and Area zoning be granted.

#### TESTIMONY

#### WRITTEN COMMENT

Code

Thomas C. Wommack: 702 Scarbrough Building

FOR

#### PERSONS APPEARING AT HEARING

Code

Buford Stewart (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Buford Stewart appeared at the hearing and stated that he represents the applicant who has lived on the subject property for 23 years. As pointed out by the staff, Manchaca Road has become a very busy street. The subject site is the last property between Redd Street and Ben White Boulevard that is not zoned commercially. The two corners on Ben White Boulevard and Manchaca

C14-69-078      Alvin W. Sanders--contd.

Road are developed with service stations and there is a store across from the subject property which abuts and adjoins church property. It is felt that the requested zoning is an orderly extension of the zoning on a busy street and that there is no reason for not granting commercial zoning since it is in force in the block in which the property is located.

Mr. Sanders advised the Committee that he owns two lots under consideration and there are two residences on the property. At one time this was a very nice residential area but because of the traffic and the congestion, it has changed. It is felt that the request is in order and should be granted as it is totally unsuitable for residential development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this request should be denied because of the inadequate right-of-way of Manchaca Road and Redd Street; however, they stated they would look with favor on the request, provided the street is made adequate, as the completion of the existing zoning and development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Alvin W. Sanders for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 4411-4415 Manchaca Road and 1906-1914 Redd Street be DENIED.

C14-69-079      James W. Sellstrom: A to LR  
4511-4517 Manchaca Road

STAFF REPORT: This application covers two large tracts of land fronting along Manchaca Road and is one block south of property which is also being considered for a change. The area to the east of Manchaca Road and south along Manchaca Road is developed with single-family and two-family dwellings. On the west side of Manchaca Road is an elementary school. "O" Office, "C" Commercial, and "LR" Local Retail zoning is established to the north towards Ben White Boulevard. To change the zoning to "LR" Local Retail at this location would only lead to strip zoning along Manchaca Road, which the staff feels would be undesirable. It is recommended that the request be denied but that "BB" Residence, First Height and Area zoning be granted, subject to Manchaca Road being made adequate. Twenty feet is required from the subject site.

C14-69-079      James W. Sellstrom--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

Travis Hash: 4607 Manchaca Road  
 W. J. Schuetzberg: 4520 Merle Drive  
 Alfred E. Pfeffer: 4518 Merle Drive

FOR  
 AGAINST  
 AGAINST

## PERSONS APPEARING AT HEARING

## Code

Buford Stewart (representing applicant)  
 Fred Quist

FOR

## SUMMARY OF TESTIMONY

Mr. Buford Stewart stated that this property is in close proximity to Ben White Boulevard and property that is zoned "C" Commercial. There is an acre of ground involved with 240 feet of frontage along Manchaca Road. He said that he could appreciate the argument presented by the staff on "LR" Local Retail zoning because of the size of the property and the fact that it is not a corner tract of land; however, apartment zoning is recommended and would have to be discussed with the applicant.

Mr. Fred Quist, one of the applicants, stated that he has lived in this area for 14 years and when he first moved there the traffic was very slight; however, this has changed and it is difficult to get into the street from a driveway.

E. B. Hoes appeared at the hearing and stated that he has three lots and three houses in this area. Traffic is very bad in the area and to grant "LR" zoning would be worthwhile.

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 and Manchaca Road is inadequate; however, they stated they would look with favor on granting "BB" Residence, First Height and Area zoning, provided the street is made adequate, as the proper zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James W. Sellstrom for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 4511-4517 Manchaca Road be DENIED.

C14-69-080      R. H. Johnson: O, 2nd to C, 3rd  
                  413-417 West 13th Street  
                  1208-1212 San Antonio Street

STAFF REPORT: The subject property contains approximately 17,475 square feet of land which is located at the southeast corner of West 13th and San Antonio Streets. The stated purpose of the request is for a parking garage. The land use in the area consists of office, commercial and low, medium and high rise apartment development. The subject tract is adjacent to the Penthouse Apartments, and it is the staff's understanding that the parking garage will be used for the apartments as well as rental of spaces. If the proposal was for providing parking for the use of the apartments, it would be allowed under the "O" Office district, but they do plan to rent some of the spaces which requires "C" Commercial zoning. The site is adjacent to a Third Height and Area district which is also established directly across San Antonio Street to the west. The property is located within a portion of the area for the Crosstown Expressway and the Central Expressway, both of which have no immediate priority. The staff has no objection to the request and recommends that it be granted.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Mrs. A. B. Beadon: P. O. Box 9426

FOR

##### PERSONS APPEARING AT HEARING

Code

Leonard Franklin (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Leonard Franklin, representing the applicant, stated that the area is presently being used for parking for the Penthouse Apartments but the area is totally inadequate for the project as the spaces are being leased in the area to accommodate some of the tenants. There is a heavy demand for parking for businesses in the area and the present plans call for an open ramp type parking garage consisting of three to five stories primarily for the tenants in the apartments and what is left will be rented.

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 pattern in the area.



C14-69-080 R. H. Johnson--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of R. H. Johnson for a change of zoning from "O" Office, Second Height and Area to "C" Commercial, Third Height and Area for property located at 413-417 West 13th Street and 1208-1212 San Antonio Street be GRANTED.

C14-69-081 W. J. Joseph & O. D. Denson: A, 1st to C, 2nd  
Rear of 5518-5538 North Lamar Boulevard

STAFF REPORT: The property under consideration is a large tract of land containing 79,360 square feet. The stated purpose of the request is for commercial development. The property is in an area which is developed with a mixture of zoning patterns and uses. To the east, along Lamar Boulevard, there is "C" Commercial zoning which is developed with a mixture of commercial uses. To the west along Houston Street there is "A" Residence zoning developed with single-family dwellings. McCallum High School is located on the west side of Sunshine Drive and on the east side of Sunshine Drive there is some "B" Residence, and "GR" General Retail zoning. A change from "A" Residence to "B" Residence, Second Height and Area was granted on property to the north of the site in 1968. The staff has no objection to the request as it is felt that either "C" Commercial or "B" Residence, Second Height and Area zoning would be appropriate because of the "B" Residence zoning to the north and west and the "C" Commercial zoning to the east and south.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Nelson Puett and Associates

FOR

##### PERSONS APPEARING AT HEARING

Code

A. E. Pihlgren (representing applicant)

Howard E. Johnson: 5607 Sunshine Drive

Howard S. Johnson: 5601 Sunshine Drive

Dr. George J. Shia: 900 Houston Street

AGAINST

AGAINST

AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Arthur Pihlgren, representing the applicant, explained that Mr. Joseph has owned the property since 1948, and has acquired by contract or agreement O. D. Denson's property. Mr. Joseph has occupied a portion of the property for many years with the Stallion Drive-In Cafe and for a number of years operated the Stallion Liquor Store on Lamar Boulevard. For the past five years the property has been operated as a cafe and used car lot. The zoning application is a result of a request by the City because Mr. Joseph was using some of the property in violation of the Zoning Ordinance. It is felt that

C14-69-081      W. J. Joseph & O. D. Denson--contd.

the request is proper and that eventually the entire block will be commercially zoned. In the automobile business when the car is repossessed, state law says that it must be held for 60 days before it can be re-sold and if there is litigation, it may be held even longer. The applicant realizes that he has some automobiles on the property that are in bad condition and he is going to make every effort to get rid of the junk. The request is a logical extension of existing zoning and development in the area.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request. They stated that the subject property is a disgrace to the City and should be cleared out as there are old junk cars on the site. There is a high school in the near vicinity of the tract and there would be opposition to the selling of beer on the site as there are enough places selling beer on Lamar Boulevard. If the proposal is permitted the whole area could deteriorate but if the area is protected, it can be maintained in a fitting environment for the school. The area should be developed with apartments and not with commercial development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they stated they would look with favor on granting "B" Residence, Second Height and Area zoning as a logical extension of zoning and existing residential development to the north, west and south.

At the Commission meeting, Mr. Pihlgren advised the members that there was objection at the zoning hearing because of the unsightliness of some of the automobiles parked on the rear of the site. The applicant has agreed to put a fence across the rear of the property whereby it would screen the residential property. "B" Residence, Second Height and Area zoning would not benefit the applicant inasmuch as he owns the adjoining property fronting onto Lamar Boulevard which is zoned "C" and "C-2" Commercial and would fence the property in. No loan company or bank would make a loan for apartments on the tract in this manner. The use of the property is for commercial and it is felt that the objections have been removed by the applicant's agreeing to erect a fence and also to remove the old junk cars now on the site.

Mr. Howard E. Johnson, nearby property owner, presented photographs of the property showing the old cars that are presently on the site. He stated that he would be in favor of "B" Residence, Second Height and Area zoning for apartments but is opposed to a used car lot even if the area is fenced.

Mr. Milstead asked if the existing use of the site would be in compliance with the Ordinance if the zoning is changed as requested. Mr. Osborne explained that under the present interpretation of the Ordinance, "C" Commercial zoning does permit a used car lot but does not permit a junk yard. In the near future the staff will present a recommendation for a change in the Ordinance

C14-69-081      W. J. Joseph & O.D. Denson--contd.

with regard to uses of this type at which time it will be recommended that junk car, storage uses be prohibited within the "C" Commercial district.

After further discussion, the Commission unanimously

VOTED: To recommend that the request of W. J. Joseph & O. D. Denson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Second Height and Area for the property located at the rear of 5518-5538 North Lamar Boulevard be DENIED.

C14-69-082      Gordon M. Griffin, Jr.: B to C  
2507-2511 Nueces Street

STAFF REPORT: This is a request for "C" Commercial, Second Height and Area zoning on three lots fronting onto Nueces Street. The stated purpose of the request is for commercial use. There have been three requests for rezoning in this immediate area within the past few months, one of which is a request for "C" Commercial, Third Height and Area zoning on property to the west which the staff recommended for the purpose of high rise development. There is no objection to this request as it is felt that it is appropriate as the University area is changing. "C" Commercial, Second Height and Area zoning will permit a structure to a height of 60 feet and can be developed with a one bedroom unit for every 500 square feet of lot area. There is a proposal for a 26th Street thoroughfare in this area which will extend through the block, just south of the site, tying in with 25th Street. The staff recommends that the request be granted.

#### TESTIMONY

#### WRITTEN COMMENT

Code

None

#### PERSONS APPEARING AT HEARING

Code

A. E. Pihlgren (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Arthur E. Pihlgren appeared at the hearing and pointed out to the Committee other property within this block which is owned by the applicant. He stated that the property to the north has been zoned for several years and the applicant is requesting a continuation of the present zoning running all the way through to San Antonio and Nueces Streets.

No one appeared in opposition to the request.

C14-69-082      Gordon M. Griffin, Jr.--contd.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Gordon M. Griffin, Jr. for a change in zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 2507-2511 Nueces Street be GRANTED.

C14-69-083      W. Tracy, F. White, et al: A to LR  
2300-2304 Lake Austin Boulevard

STAFF REPORT: The subject property consists of 21,414 square feet and the stated purpose of the request is for commercial development. The area has been before the Commission previously for consideration. A request for "C" Commercial, Second Height and Area zoning was made on property to the west of Hearn Street last month at which time the Committee recommended denial as it was too intensive for the area. The request was subsequently withdrawn at the full Commission hearing. "O" Office zoning was granted on property to the north of the subject site in 1968. The remaining area is predominantly developed with single-family dwellings. Mo-Pac Boulevard will be located to the east along the west line of Atlanta Street, and will generate a great deal of traffic through this area. In view of the changing conditions in the area, the staff feels that the request is appropriate and should be granted subject to 8 feet of right-of-way being provided along Upson Street, which presently has only 44 feet of right-of-way.

#### TESTIMONY

##### WRITTEN COMMENT

Code

G. A. Wesenberg: 1604 Edgewood Avenue  
 Mrs. Elizabeth Hill

FOR  
 FOR

##### PERSONS APPEARING AT HEARING

Code

Arthur Pihlgren (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren stated that he represents three owners involved in this application. He pointed out that this is an area where commercial development already exists. The property will be used as a service station.

No one appeared in opposition to the request.

C14-69-083      W. Tracy, F. White, et al--contd.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

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

In view of the offer of right-of-way, the Commission felt the request should be granted as a logical extension of existing zoning. It was then unanimously

VOTED: To recommend that the request of W. Tracy & F. White, et al for a change in zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 2300-2304 Lake Austin Boulevard be GRANTED.

C14-69-084      Virginia S. Kirk: B, 2nd to C, 3rd  
2509-2511 Seton Avenue

STAFF REPORT: The property under consideration consists of 8,352 square feet. The stated purpose of the request is for apartments. The property is located just south of Seton Hospital. Land use in the area is very mixed with predominantly student housing units. "C" Commercial, Third Height and Area zoning was granted on property adjoining the site to the east in 1968. The streets in the area are 60 feet in width and are adequate for the proposed development. The staff recommends that the request be granted because of the existing zoning and development and the adequate streets.

#### TESTIMONY

##### WRITTEN COMMENT

Code

F. H. Gable: 12808 Coit Road, Dallas, Texas

FOR

##### PERSONS APPEARING AT HEARING

Code

Morris Davis (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Morris Davis, representing the applicant, pointed out that the complete block across the street is now zoned "C" Commercial, Fourth Height and Area and the lot immediately east and in the same block as the applicant's property is zoned "C" Commercial, Third Height and Area; the requested zoning is a logical extension.

No one appeared in opposition to the request.

C14-69-084 Virginia S. Kirk--contd.

## 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 area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Virginia S. Kirk for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Third Height and Area for property located at 2509-2511 Seton Avenue be GRANTED.

C14-69-085 H. Kirkebo: A to B  
2800 (2804) South First Street

STAFF REPORT: This application covers .98 acres of land which is presently undeveloped. The stated purpose of the request is for apartment development, and if zoned as requested approximately 40 one-bedroom units would be permitted on the site. The tract is irregular in shape in that it is 72 feet wide and 600 feet deep which presents some development problems. To the west, north and south of the site is residential area. The area to the east of South 1st Street is zoned "LR" Local Retail and "C" Commercial which is developed with a mixture of uses. "B" Residence zoning adjoins the site to the north and there is "GR" General Retail zoning to the south. The staff recognizes that a change in zoning of some sort should be considered on the site. The requested zoning on the entire 600 foot tract would in effect intrude into the existing residential development. The staff can see merit in granting a change of approximately 200 feet or to the point in line with "GR" General Retail zoning to the south. It is also recognized that this would leave a landlocked piece of property but under the present conditions it is not felt that the majority of the neighborhood should carry the burden of this particular request in regard to development, noise, traffic, etc. The area directly to the south of the site is developed with single-family homes and a trailer house which has access to an easement extending from South First Street.

## TESTIMONY

## WRITTEN COMMENT

Code

A. F. White: 2703 South Second Street  
Max J. Barton: 2604 Pickwick Lane  
Katie D. Waterson: 2704 South Second Street  
Forest Pearson: P. O. Box 1987

AGAINST  
AGAINST  
FOR  
FOR

## PERSONS APPEARING AT HEARING

Code

K. D. Collingsworth (representing applicant)  
Robert F. Isaacs: 709 Acorn Place  
Ethel Russell (Deane) Zander: Route 2, Box 221,  
Luling, Texas

FOR  
AGAINST

C14-69-085 H. Kirkebo--contd.

|                                                 |         |
|-------------------------------------------------|---------|
| Mrs. DeLeon: 703 Acron Place                    | AGAINST |
| Mr. and Mrs. Margarito Huerta: 702 Acorn Place  | AGAINST |
| Mary Huerta: 705 Acorn Place                    | AGAINST |
| Mrs. L. O. Guerrero: 1926 Berkeley Avenue       | AGAINST |
| Mr. and Mrs. J. G. Mitchell, Jr.: 1927 Berkeley | AGAINST |

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. K. D. Collingsworth, representing the applicant, explained that the change in zoning is requested so that apartment units can be established on the site. He said that the intentions are not to develop 40 units. All of the property up to the tier of lots along Oakhurst Drive are up for sale. The homes in the area are not real expensive homes and it is felt that approximately 20 apartment units on the site would be an asset to the community.

Mr. Collingsworth stated that he is a landscape architect and in his opinion a very nice development can be erected on the site even though it is narrow. A portion of the area will be used for patios and parking and there will be a driveway extending to at least half way back on the site. There is a slope on the property but it is not anything to keep development from occurring. The requested zoning will permit 40 units, but there are approximately 20 units proposed and there would be no objection to amending the application to "BB" Residence, First Height and Area for the front approximately 200 to 250 feet.

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request. They stated that this is a quiet neighborhood and if apartments are permitted, there will be a parking problem created. The lot is too narrow to allow apartment development, a driveway and exit area for turnaround. If the development is allowed it will block the breeze from the adjoining residential area. The land slopes and if development occurs there will have to be retaining walls to protect the adjoining area.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "B" Residence, First Height and Area zoning on approximately the front 275 feet. They reviewed the information presented and concluded that "B" Residence, First Height and Area zoning should be granted for the front portion of the site, in line with the house existing on property to the south, as it is in keeping with the existing zoning pattern in the area.

At the Commission meeting, the staff reported that during the past week, Mr. Collingsworth, representing the applicant, advised the staff that after considering the amendment he requested at the zoning hearing, he feels that

C14-69-085 H. Kirkebo--contd.

they could not use the zoning on the front portion of the site as they do not want to build apartments on just that portion. Mr. Collingsworth informed the staff that the development they have in mind is a series of triplexes. This would require a special permit because of multiple structures on one lot. Under the Special Permit procedure; however, one acre of land is required. The staff feels that the requested zoning should not be granted for the entire tract under consideration.

One of the members asked how a tract of this particular size and shape could be developed. Mr. Osborne explained that there is a possibility of asking the applicant to submit a schematic site plan involving duplex type development with a fairly limited number of units. Mr. Osborne stated that approximately six duplexes, which would be 12 units, could be developed on the site in this manner and in his opinion this would be more favorable than seeing the land dead or forcing the development of single-family homes which is impractical. If the applicant does not want two-family type development there would be no objection to a different form of limited development which would permit a moderate number of units.

The Commission members discussed the size and irregular shape of the tract and agreed that single-family development is not the best use for the site. They felt that the requested zoning should be denied; however, they recognized the awkwardness of the tract and indicated that more favorable consideration would be given with the submission of a moderate density site plan for a special permit. After further discussion, the Commission unanimously

VOTED: To recommend that the request of H. Kirkebo for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for the front approximate 275 feet of the property (as amended) located at 2800 (2804) South First Street be DENIED.

It was then unanimously

VOTED: To recommend that the applicant work with the Planning Department on an acceptable site plan for development of the property and that it be submitted, in conjunction with a request for zoning, to the Zoning Committee and the Planning Commission, through the special permit procedure.

C14-69-086 C. C. Carbell: A to BB  
6319-6323 Manchaca Road

STAFF REPORT: The property under consideration is an undeveloped tract of land consisting of 22,100 square feet. The stated purpose of the request is for apartment development and if zoned as requested, would permit approximately 10 to 12 one-bedroom units. The area is predominantly zoned Interim "A" Residence, Interim First Height and Area and is developed with single-family dwellings that are well-maintained. There is "A" Residence zoning to the east which was annexed to the City some time ago. A request for "GR" General Retail zoning for a grocery store was granted on property to the west although



C14-69-086 C. C. Carbell--contd.

the Ordinance is pending right-of-way for the street which separates the tract from the elementary school site as well as the street to the south. The staff feels that the requested zoning would eventually lead to strip zoning along Manchaca Road and would be an intrusion into the east side of the street which is a well-defined and well-developed residential area. Manchaca Road, with a present right-of-way of 80 feet is scheduled to be widened and if the requested zoning is granted, five feet of right-of-way would be needed from the site.

## TESTIMONY

## WRITTEN COMMENT

## Code

|                                                |         |
|------------------------------------------------|---------|
| Mr. & Mrs. L. O. Guerrero: 1926 Berkeley       | AGAINST |
| Mr. & Mrs. J. G. Mitchell, Jr.: 1927 Berkeley  | AGAINST |
| Tim F. Gardner: 1935 Berkeley                  | AGAINST |
| F. R. Dills: 1205 West 5th Street              | AGAINST |
| Mr. & Mrs. Robert L. Stephenson: 1934 Berkeley | AGAINST |

## PERSONS APPEARING AT HEARING

## Code

K. D. Collingsworth (representing applicant)

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. K. D. Collingsworth, representing the applicants, advised the Committee that in his opinion the property should be developed with a six unit apartment project rather than subdividing the site into two 50 by 225 foot lots which would only allow two duplexes. The development of six units would cost less and there would be more of an enhancement to the community. This is a very fine neighborhood but Manchaca Road is a four lane street, and residential development is not the best development at this location.

## Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that the granting of the requested zoning at this location would set a precedent for similar changes to occur. There are very nice residences in the area and most of the people moved to this location because of the crowded conditions in town. There is an elementary school in the area and the traffic around the schools is already very heavy and if the change is granted, it will only add to the problem. The construction of apartments would only increase the traffic problem and bring more people into the area which would be a burden to existing development.

C14-69-086 C. C. Carbell--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of C. C. Carbell for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 6319-6323 Manchaca Road be DENIED.

C14-69-087 Mary Lee School of Special Education: A to B  
 401-411 Crockett Street  
 2100-2108 Wilson Street  
 2101-2109 Hodges Street  
 400-410 West Live Oak Street

STAFF REPORT: This is a request for a change of zoning to "B" Residence, First Height and Area on a 79,000 square foot tract for the purpose of maintaining and continuing an eleemosynary institute. The institute, which is the Mary Lee School for special education, has obtained two special permits under the "A" Residence zoning and can continue to operate under this zoning. Until recently, the area has been a single-family neighborhood but several changes have occurred. A change of zoning to "B" Residence, was granted on property to the north along West Johanna Street for the purpose of a boys' club. "B" Residence, First Height and Area zoning is established at the southwest intersection of West Johanna and Wilson Streets. A request to "B" Residence zoning on property to the north on Newton Avenue and West Annie Street was before the Committee previously at which time the staff recommended denial as it is too intensive but did recommend that "BB" Residence zoning be granted. It is felt that the area south of West Johanna Street is becoming a medium density apartment district which could be developed with either "B" Residence, First or Second Height and Area zoning due to the changes within the past few years. The staff has no objection to the request as it is appropriate.

## TESTIMONY

## WRITTEN COMMENT

Code

St. Ignatius Church: 204 West Oltorf

FOR

## PERSONS APPEARING AT HEARING

Code

Charlene Crump (representing applicant)

C14-69-087      Mary Lee School of Special Education--contd.

#### SUMMARY OF TESTIMONY

Mrs. Charlene Crump, director of the Mary Lee School of special education explained that the school is a non-profit vocational training program for border line mentally retarded girls and young women. The zoning is requested so that a new loan can be obtained for improvements on the property in that the bank prefers to have the property zoned "B" Residence instead of "A" Residence in the event they ever have to repossess. If there is any expansion which is anticipated in the future, a special permit will be applied for which could be obtained under the existing "A" Residence zoning. The property was originally subdivided into 12 lots which would accommodate 50 to 60 people and more traffic than the existing 30 residents and 6 or 8 employees now on the site.

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 provides for the appropriate zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mary Lee School of Special Education for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 401-411 Crockett Street, 2100-2108 Wilson Street, 2101-2109 Hodges Street and 400-410 West Live Oak Street be GRANTED.

C14-69-088      M. P. Anderson: A to B  
                                  4305 Bellvue Avenue

C14-69-089      G. L. Anderson: A to B  
                                  4311 Bellvue Avenue

STAFF REPORT: Two separate applications for a change in zoning to "B" Residence zoning on two separate lots is combined for purposes of presentation. Both lots under consideration, containing 6,110 square feet each, are located in the same block south of 44th Street fronting onto Bellvue Avenue. To the west along Medical Parkway, there is "LR" Local Retail, "C" and "C-2" Commercial zoning. The area to the east along Lamar Boulevard is zoned commercially and developed with a mixture of uses. The area along Marathon Boulevard and Bellvue is a well-maintained residential area. In 1967, there was a request for a change in zoning on property along Marathon and it was suggested that this area be zoned "O" Office as it would offer adequate depth to the commercial property on Lamar Boulevard. In 1964, property separating the two lots under consideration was zoned "B" Residence, First Height and Area for a nursing home. The request on the two lots under consideration will permit expansion of the nursing home. The staff feels that the requested zoning is

C14-69-088      M. P. Anderson--contd.  
C14-69-089      G. L. Anderson--contd.

appropriate because of the existing zoning and development in the area with the medical park expansion and the various changes that have occurred. Bellvue Avenue, with a present right-of-way of 50 feet is inadequate for the proposed use; however, this has been discussed with the applicants and a letter has been submitted offering to dedicate five feet of right-of-way from the two lots under consideration as well as the "B" Residence property separating the two sites.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

Mrs. Irene G. Coy: 4308 Bellvue Avenue      FOR  
 Frank R. Rundell Co., Inc.: P. O. Box 455      FOR

##### PERSONS APPEARING AT HEARING

###### Code

J. P. Carlton (representing applicant)  
 M. P. Anderson (applicant)

#### SUMMARY OF TESTIMONY

Mr. J. P. Carlton, representing the property owners involved in both applications, stated that this entire area is in a transition because of the medical center which is being developed and the nursing home which is being developed. The nursing home which is proposed is very appropriate for this location. The two lots separating the two lots under consideration are zoned "B" Residence and presently developed with a nursing home. The plans are to construct a very attractive building that will be an asset to the area.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

C14-69-088      M. P. Anderson

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of M. P. Anderson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4305 Bellvue Avenue be GRANTED.

C14-69-088 M. P. Anderson--contd.  
C14-69-089 G. L. Anderson--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

C14-69-089 G. L. Anderson

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of G. L. Anderson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4311 Bellvue Avenue be GRANTED.

C14-69-090 L. R. Gober: A, 1st and 5th to B, 1st (as amended)  
1067-1011 West 31st Street

STAFF REPORT: This is a request for "B" Residence, Second Height and Area zoning on a 15,050 square foot lot located along West 34th Street. The stated purpose of the request is for apartment development. A portion of the site is zoned Fifth Height and Area. To the east along Lamar Boulevard there is "C" Commercial, "O" Office, "GR" General Retail and "LR" Local Retail zoning which is developed with a mixture of commercial uses. To the west of the site is a single-family area which is one of the older residential areas, and one block of land used for Bailey Park. To the west of the park there is "B" Residence, Second Height and Area zoning. The Fifth Height and Area district along Lamar Boulevard was established in order to maintain a 25 foot setback which is the general policy of the City along major arterial streets. The requirements under the Second Height and Area are the same as Fifth Height and Area. The request for "B" Residence, Second Height and Area zoning which would permit the development of one apartment unit for every 700 square feet is too intensive for this existing residential area. It is realized that there is some "B" Residence, Second Height and Area zoning further to the west; however, that tract is served by two streets. West 31st Street at this location has only 33 feet of right-of-way which is inappropriate for anything above "A" Residence zoning which will permit single-family and duplex development. The staff recommends denial because of the access to the site and as it is too intensive for the area; however, "BB" First or Fifth Height and Area zoning with right-of-way could be supported.

## TESTIMONY

WRITTEN COMMENT  
 Code

Austin Professional Building: 3108 North Lamar Boulevard, P. O. Box 4555 FOR

John Timothy Brown: 3910 Sierra Drive AGAINST  
 C. L. Links: 200 North Grand, Gainesville, Texas FOR

C14-69-090      L. R. Gober--contd.PERSONS APPEARING AT HEARING  
Code

|                                              |         |
|----------------------------------------------|---------|
| Forrest N. Troutman (representing applicant) |         |
| Mrs. Ronnie Dugger: 1017 West 31st Street    | AGAINST |
| Jene Farris: 1013 West 31st Street           | AGAINST |
| Mrs. C. C. Emmons: 1006 West 31st Street     | AGAINST |
| Mrs. C. T. Gray: 3201 West Avenue            | AGAINST |
| Peter Schram: 5402 Shoal Creek               | AGAINST |
| Robert E. Fulcher: 5402 Shoal Creek          | AGAINST |

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. F. N. Troutman, attorney for the applicant, stated that in his opinion the requested zoning is logical for the property primarily because the adjacent property at 31st and Lamar Boulevard is zoned "GR" General Retail and developed with an office building. The entire area is changing. There is "B" Residence zoning existing along 31st Street and in this particular location there are a number of rental houses. It is felt that the proper zoning and the best use of the property is "B" Residence, Second Height and Area. One of the lots under consideration is already designated Fifth Height and Area and the same zoning is requested on both lots so that at least a 20 unit project can be developed. Traffic along West 31st Street should not be increased by the proposal as the property is located about 150 feet from Lamar Boulevard and most of the traffic would be from Lamar Boulevard and would penetrate further down the street. There are two frame houses which have been existing on the site for a number of years and it is felt that the proposed development will enhance the neighborhood and the value of the surrounding property.

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that this is a very charming well-established residential area and the granting of the requested zoning would be an intrusion. West 31st Street is a narrow winding street that is already heavily traveled and the generation of additional traffic would only increase the existing problem. Cars are parked along both sides of the street which also presents a traffic hazard. There is a school in the near vicinity and additional traffic on the street would be dangerous. Another point of consideration is the fact that at the present time there is a hike and bike trail through the area to the south along Shoal Creek which comes onto West 31st Street in the vicinity of the office building located along Lamar Boulevard, and the people who use the trail must get onto West 31st Street and continue down the street for a short distance before the trail continues on the other side of the street. There are a great many people who use this trail and the increased traffic would be hazardous. It is felt that a change in zoning would change the character of the street and set a precedent for similar changes to continue. There are very old houses in this area which should be preserved and protected.

Cl4-69-090      L. R. Gober--contd.

Mrs. C. T. Gray appeared at the hearing and advised the Committee that she owned the subject property until approximately six months ago when it was sold to the applicant. She stated that she had a number of chances to sell the property for commercial purposes but did not want to because of the neighborhood. This is a nice residential neighborhood on a narrow street and there is no reason to change the zoning and intrude into the area.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-established residential area which is served by an inadequate street system.

At the Commission meeting, the Chairman reported a letter from the attorney for the applicant, requesting that the application be amended to "B" Residence, First Height and Area.

Mr. Burnette explained that the staff originally recommended that the request for "B" Residence, Second Height and Area zoning be denied as it is too intensive for the area and recommended that "BB" Residence, Fifth Height and Area with right-of-way be granted. The request as amended would permit approximately one bedroom unit for every 950 square feet.

Dr. Hazard advised the members that there was considerable opposition from the neighborhood at the zoning hearing because this is a well-established old section of town which has been maintained. Another objection was the traffic movement which is already severe because of the narrow streets. He said that in his opinion he questions any kind of apartment development because of the same reasons expressed by the neighborhood.

Mr. Osborne stated that this area has been designated in the Master Plan, since 1961, for medium density development which has been indicated at several points during zoning hearings in the area. Every rezoning request has been granted since 1961, including a request on property along Shoal Creek, to the northwest along Bailey Lane and West 32nd Street, and some of the extensions of zoning off of Lamar Boulevard. In terms of location, possible redevelopment, the nature of the area is susceptible to the proposed type of development. The problems of the street widths, the existence of residences and the school within the area is recognized but it is felt that the nature of the location, the pressures on the area and the susceptibility of the area for redevelopment through private means for more intensive use is very good.

Mr. Brown stated that at the Zoning hearing, he was impressed by the testimony from some of the people in the area. There is an old house that is located in the area which is approximately 100 years old but this situation is not any different than other areas where zoning changes have been granted within a changing area even though there are historic homes within two or three blocks.

C14-69-090      L. R. Gober--contd.

Mr. Smith said that there is a question in his mind about the projected plans. It is realized that there must be projected plans for the future but in instances where there are homes established and people oppose a change, even though the area may in time be changed, an attempt should be made to protect the area. The fact that this neighborhood is still residential does have a bearing on the particular request and would be an intrusion into the existing area. If a large number of property owners combined and agreed to a change then the application could be justified but in a situation of this sort it would be an intrusion.

Mr. Burnette explained that the subject property adjoins "GR" General Retail zoning established along Lamar Boulevard which is developed with an office building. The requested change would be considered as a logical extension and a gradation of zoning between the zoning to the east along Lamar Boulevard and the residential area to the west.

The Commission accepted the request to amend the application to "B" Residence, First Height and Area. They recognized that West 31st Street has inadequate right-of-way and felt that the request should be denied; however, a majority of the members stated they would look with favor on the change as amended, provided the street is made adequate, as a logical extension of existing zoning and a gradation. It was then

VOTED:      To recommend that the request of L. R. Gober for a change of zoning from "A" Residence, First and Fifth Height and Area to "B" Residence, First Height and Area (as amended) for property located at 1007-1011 West 31st Street be DENIED.

AYE:        Messrs. Dunnam, Milstead, McNeil and Brown

NAY:        Messrs. Hazard, Taniguchi and Smith

ABSENT:    Messrs. Hanks and Kinnan

C14-69-091      C. C. Nolen: A, 1st to B, 1st (as amended)  
2307 Longview Street

STAFF REPORT: This is a request for "B" Residence, Second Height and Area zoning on approximately a 9,120 square foot lot for the stated purpose of apartment development. The area is zoned and developed predominantly with single-family dwellings. This area has been before the Commission on a number of occasions. In 1967, a request for "B" Residence, Second Height and Area zoning on property to the south along West 22½ Street prompted a study of the area south of 24th Street to 19th Street from Leon Street west to Lamar Boulevard at which time the Commission and the Council concluded that the area should remain "A" Residence, First Height and Area. As a result of the study, the request was denied. Since that time there have been zoning changes in the neighborhood. "B" Residence, First Height and Area zoning was granted on property to the south along West 22nd Street in 1968. A request for "B" Residence, Second Height and Area zoning on property adjoining the subject site to the south was before the Commission last month for consideration at



C14-69-091      C. C. Nolen--contd.

which time the Commission felt that apartment zoning was appropriate for the area, provided the streets were adequate, because of the growth of the University. They recommended that "B" Residence, Second Height and Area zoning be denied but that "B" Residence, First Height and Area zoning be granted. The request was then amended to "B" Residence, First Height and Area. The staff feels that the request for "B" Residence, Second Height and Area is too intensive and recommends it be denied. Longview Street, 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.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Caroline Crowell: 2311 Longview

Robert D. Jones: 805 Capital National Bank Bldg.

Carol Nettleton Simpson: 3019 Perry Lane

AGAINST

FOR

FOR

##### PERSONS APPEARING AT THE HEARING

Code

John Selman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, requested that this application be amended to "B" Residence, First Height and Area. He advised the Committee that the necessary right-of-way for the widening of the street will be dedicated.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend this application to "B" Residence, First Height and Area. They reviewed the information presented and concluded that the request should be denied because of the inadequate right-of-way of Longview Street; however, they stated they would look with favor on the request as amended provided the street is made adequate, as the appropriate zoning for the site.

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

In view of the offer of right-of-way, the Commission felt the request as amended should be granted as the appropriate zoning for the site. It was then unanimously

VOTED: To recommend that the request of C. C. Nolen 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 2307 Longview Street be GRANTED.

Mr. Selman, attorney for the applicants, requested postponement of that portion of the application for "LR" Local Retail zoning on Tract 1. The staff feels that at the present time the unusual shape of Tract 1 presents some problems with respect to zoning and development. It is the staff's understanding that an application is to be filed next month for annexation and zoning which includes the unusually shaped piece of property adjoining Tract 1 to the east, now under separate ownership, and at that time a more logical analysis for the "LR" Local Retail purposes can be made. It is felt that the request for "BB" Residence, First Height and Area zoning on Tract 2 as amended should be denied but the staff would look with favor on the request with provision for the dedication and development of Grove Boulevard as it effects the subject tract.

C14-69-092      The Connolly Company--contd.

## TESTIMONY

WRITTEN COMMENT  
Code

|                                               |         |
|-----------------------------------------------|---------|
| Mr. and Mrs. T. J. O'Connor: 2612 Bridle Path | AGAINST |
| Joe B. Roberts: 3000 Bonnie Road              | AGAINST |
| Mrs. Laurence C. Jackson: 2802 Enfield Road   | AGAINST |
| Mrs. J. V. Sieqminil: 2701 Bonnie Road        | AGAINST |
| Mrs. F. W. Nowlin: 2707 Bonnie Road           | AGAINST |
| D. K. Northington, Jr.: 2904 Bonnie Road      | AGAINST |
| Leonard F. Marburger: 2314 Indian Trail       | FOR     |

PERSONS APPEARING AT HEARING  
Code

John Selman (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Selman requested that the application on Tract 1 be postponed with new notices rather than withdrawn. The "BB" Residence, First Height and Area zoning on Tract 2 is acceptable as the proposal is to build townhouse type units which is sufficient under the requested zoning. The request is a continuation of the present zoning existing in the area.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend this application to postpone Tract 1 and to request "BB" Residence, First Height and Area zoning on Tract 2. They reviewed the information presented and concluded that the request as amended should be denied, but would look with favor with provision for dedication and development of Grove Boulevard as it effects the subject tract.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To POSTPONE the request on Tract 1.

It was then unanimously

VOTED: To recommend that the request of The Connolly Company for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (as amended) for Tract 2 located at 1801-1807 Country Club Road be GRANTED.

C14-69-093      Herman McKinney: A to LR  
 2700-2704 Enfield Road  
 1500 Exposition Boulevard

STAFF REPORT: This is a request for "LR" Local Retail zoning on a 12,250 square foot lot for the stated purpose of a drive-in grocery. The area to the north, northeast and west, north of Enfield Road is predominantly developed with single-family residences. To the south and southwest of Enfield Road is the Municipal Golf Course. Along Enfield Road, east of Exposition Boulevard, is "B" Residence zoning developed with apartments and "A" Residence zoning and development. "LR" Local Retail, First Height and Area zoning was requested on the subject property in 1961 and again in 1964, both of which were denied. Exposition Boulevard, with 70 feet of right-of-way and Enfield Road, with 80 feet of right-of-way, are major arterial streets with adequate right-of-way. The traffic count on Enfield Road is approximately 5000 cars per day at this location and approximately 12,000 cars per day at this location on Exposition Boulevard. The staff recommends that the requested zoning be denied as an encroachment of non-residential zoning into a well-established residential area. It is recognized that the street traffic does create a problem for single-family residential use and the staff would support an amendment to "B" Residence, First Height and Area.

## TESTIMONY

## WRITTEN COMMENT

## Code

|                                               |         |
|-----------------------------------------------|---------|
| Mr. and Mrs. T. J. O'Connor: 2612 Bridle Path | AGAINST |
| Joe B. Roberts: 3000 Bonnie Road              | AGAINST |
| Mrs. Laurence C. Jackson: 2802 Enfield Road   | AGAINST |
| Mrs. J. V. Siegmund: 2701 Bonnie Road         | FOR     |
| Mrs. F. W. Nowlin: 2707 Bonnie Road           | AGAINST |
| D. K. Northington, Jr.: 2904 Bonnie Road      | AGAINST |
| Leonard F. Marburger: 2314 Indian Trail       | FOR     |

## PERSONS APPEARING AT HEARING

## Code

|                                                  |         |
|--------------------------------------------------|---------|
| John Selman (representing applicant)             |         |
| Mr. & Mrs. H. Sandel: 2704 Bonnie                | AGAINST |
| E. B. Thompson: 2611 Bridle Path                 | AGAINST |
| Louise Kirk: 2906 Bridle Path                    | AGAINST |
| Mrs. Charles M. Ogle: 2708 Bonnie Road           | AGAINST |
| Mr. & Mrs. Ted L. Edwards: 2904 Bridle Path      | AGAINST |
| Clarence King: 2706 Bonnie Road                  | AGAINST |
| Roy Minton: 1903 Meadowbrook Drive               | AGAINST |
| Barry Bishop: P. O. Box 1148                     | AGAINST |
| Joseph H. Hart: 2501 Bridle Path                 | AGAINST |
| Mrs. Frank Bozyan: 2902 Enfield Road             | AGAINST |
| Mrs. Curtis Bishop: 2705 Bonnie Road             | AGAINST |
| Mrs. L. C. Jackson: 2802 Enfield Road            | AGAINST |
| Mr. and Mrs. James W. Townsend: 2900 Bridle Path | AGAINST |

C14-69-093      Herman McKinney--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, explained that the zoning is requested as the applicant has an opportunity to sell or lease the property for a drive-in grocery store. The staff admits that at this particular location, a duplex or single-family dwelling is not the best use. They also recognize that there is a traffic problem as this is a very busy intersection and they further recognize that they could recommend "B" Residence, First Height and Area zoning which would bring the apartments across the street into this particular area. There is always apprehension in a neighborhood with regard to what a drive-in grocery will do to an area. Mr. Selman stated that he owns a drive-in grocery which is less than 200 feet from his residence and it is a very quiet type of business that is very convenient for the surrounding area. It is realized that a buffer is needed on the west side of the property and it is proposed that the application be amended to provide at least a 50 foot buffer so that property to the west will not be affected. There is a house existing on the adjoining property and it is also recognized that there should be a fence to serve as a buffer between the two areas. Because of the depth of the lot it is only obvious that the building would face onto Enfield Road. The applicant has no interest in intruding into this neighborhood but it is felt that this would be a very fine location for the proposed use. The structure will be limited to one story and will blend into the neighborhood by the construction of the building. If the zoning is granted, the applicant will develop the property so that it will not detract from the area. The site is located across the street from a golf course and across the street from apartments.

Mr. Selman again stated that there is no intention to intrude into the area and disturb the development to the west or north. He emphasized that the application is amended to at least 50 feet to the west to serve as a buffer and made the point that there would be in writing an agreement to a fence between the property owner that sides onto Exposition Boulevard and the subject site. He indicated that he would try to submit a plan for the development of the property at the full Commission meeting.

## Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the change, presented petitions and the following information: All the residential property owners in this area are opposed to the requested change and are not interested in the convenience of a drive-in grocery store at this location. If the zoning change is granted, it would set a precedent for the same type of zoning on the west side of Exposition Boulevard and anything could be developed on the site. When the people in the area purchased their homes there was no thought of increasing the commercial value of the area. This is a very beautiful residential area and the change would be an intrusion and would be detrimental. The proposed development would create tremendous traffic problems because of the heavy traffic on both sides of

C14-69-093      Herman McKinney--contd.

the street. There are two schools in close proximity and the increase of traffic would be hazardous to the many children in the area. There are other areas in Austin that can be developed in the manner proposed and some protection should be provided for the homeowners.

COMMENTS AND ACTION BY THE COMMITTEE

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

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

The Commission then

VOTED: To accept the WITHDRAWAL of this application.

C14-69-094      Samuel Dunnam & Associates: A to GR  
                  7554-7846 Burnet Road  
                  2401-2805 Anderson Lane  
                  2601-2911 Foster Lane

STAFF REPORT: This request for "GR" General Retail, First Height and Area zoning covers approximately 70 acres of land with the stated purpose being retail business development. The large tract is located in the vicinity of Burnet Road, Anderson Lane and Foster Lane. The area is characterized by strip commercial zoning and development along both sides of Burnet Road. There is an elementary school located south, adjacent to the subject tract. The general area to the south and west is a relatively new single-family district. On the north side of Anderson Lane is Northtown subdivision which has been under development for approximately 5 to 10 years. On the east side of Burnet Road there is residential development. The area on either side of Anderson Lane between Burnet Road and Balcones Drive is predominantly undeveloped. There are at the present time Gulf Mart and some 200 apartment units which have been and are being constructed. The zoning pattern is generally strip zoning along Burnet Road back to a depth of about 150 feet and "C" Commercial, "B" Residence, and "GR" General Retail zoning north of the site and along Anderson Lane. "B" Residence zoning is established for the apartments which are being developed at the northeast corner of Shoal Creek and Foster Lane. The remaining area including the subject site is zoned "A" Residence and Interim "A" Residence.

Burnet Road, Anderson Lane, Shoal Creek Boulevard and the extension of Justin Lane to Far West Boulevard are all major arterial streets in the Expressway and Major Arterial Plan. Mo-Pac Boulevard to the west is proposed as an expressway. Silverway Drive through the residential area leading to the subject property is a 60 foot collector street whereas the remaining streets in the residential area are 50 foot residential streets.

C14-69-094 Samuel Dunnam & Associates--contd.

The subject property is a logical location for a shopping center as it is located at the intersection of two major arterial streets. The relationship of this future use to the existing development in the area should be resolved. The intentions for the use of the corner tract, approximately 50 acres of land, has been known for some time and the owners have had a sign on the property indicating a proposed shopping center; however, this application, including more than the 50 acres, extends to the west abutting the residential area. The Commission should determine what is the proper zoning pattern in relation to the existing land use and what is the proper street extension and street system through the development. The Foothills, which is the preliminary subdivision for the subject property, proposes a loop street from Anderson Lane through the tract and back out to Burnet Road, with the extension of Silverway Drive to connect with the loop street. This preliminary has been approved by the Subdivision Committee and Planning Commission. Several alternatives for street development, one of which was made in 1961, proposed Silverway Drive to extend into the subject property, then a portion of which was part of Allandale Subdivision. Silverway Drive was to extend northward through the subject tract with a 50 foot right-of-way street connecting to Burnet Road and another 50 foot street extending westward which would back up to the lots to the existing development. There was a subsequent revision to bring Silverway Drive to Burnet Road with apartment development and commercial development in between Silverway and the existing development. The preliminary plan which proposed the extension of Silverway Drive to Burnet Road was withdrawn in 1967. As mentioned, there are several alternatives to the future street pattern, one of which is the acceptance of the preliminary plan which is on file with the Planning Department proposing the extension of Silverway Drive into the tract to connect with the loop street. A second alternative would be to cul-de-sac Silverway Drive at the south line of the subject property. A third alternative would be to extend Silverway Drive to Burnet Road as proposed prior to 1967 providing for some form of multi-family use at this location. The staff recommendation at the present time is to accept the preliminary plan which has been filed and approved by the Planning Commission. The staff recommends the property be zoned as requested with some form of a buffer on the south portion of the tract. The buffer could be in the form of a 50 or 60 foot strip of "B" Residence zoning and could be used for parking purposes. Shoal Creek drainageway to the west provides for a buffer to the residences which front onto Shoal Creek Boulevard. The staff recommends "GR" General Retail, First Height and Area zoning subject to a buffer on the south boundary line, the necessary right-of-way for the future widening of Foster Lane and Anderson Lane and subject to approval of the subdivision.

#### TESTIMONY

#### WRITTEN COMMENT

##### Code

Petition With 65 signatures  
 Bewford W. Pope: 7705 Oranewood Circle  
 Allandale of Austin, Inc.: 902 Vaughn Building

AGAINST  
 FOR  
 FOR

C14-69-094      Samuel Dunnam & Associates--contd.

PERSONS APPEARING AT HEARING

Code

|                                             |         |
|---------------------------------------------|---------|
| Tom Watts (representing applicant)          |         |
| William Terry Bray: 2607 McCallum Drive     |         |
| Leon Lurie: 2806 Silverway Drive            | AGAINST |
| L. A. Grimes, Jr.: 7607 Silvercrest Circle  | AGAINST |
| W. H. Bolzen: 7605 Silvercrest Circle       | AGAINST |
| G. W. McDougal: 2708 Silverway              | AGAINST |
| Mr. & Mrs. Philip S. Bailey: 2714 Silverway | AGAINST |
| Keith Johnson: 7702 Shoal Creek             | AGAINST |
| Curtis E. Johnson: 2803 Silverway           | AGAINST |
| Ben Alley: 7504 Shoal Creek                 | AGAINST |
| J. Edwin Stanfield: 2801 Silverway          | AGAINST |
| Dr. Carlyle D. Hughes: 7617 Shoal Creek     | AGAINST |
| Mrs. Helen Hughes: 7617 Shoal Creek         | AGAINST |
| Lloyd Muennink & A. Homey: 7508 Silvercrest | AGAINST |
| Mr. & Mrs. B. G. Wagner: 7603 Silvercrest   | AGAINST |
| Mr. & Mrs. H. E. Stahl: 2706 Silverway      | AGAINST |
| Monta J. Reedy: 2809 Silverway              | AGAINST |
| Mr. & Mrs. George Gibbs: 7700 Shoal Creek   | AGAINST |
| Ernest Stromberger: 7610 Shoal Creek        | AGAINST |
| Arthur E. Rode: 2802 Silverway              | AGAINST |
| Mr. & Mrs. L. M. Collins: 7508 Greenhaven   | AGAINST |
| Mr. & Mrs. Vernon M. Arrell: 2808 Silverway | AGAINST |
| Jerry D. Henderson: 2710 Silverway          | AGAINST |

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Thomas Watts, engineer with Bryant-Currington, was present on behalf of this request and presented the following information: This is probably one of the potential corners of the greatest future business areas other than the downtown area, in the City of Austin. Most people have realized for a number of years that this is a major commercial corner. There was a public announcement in the paper of a Northcross Mall development and there has been a sign to the effect on the property for some time. The only real question is how far it goes and how it relates to the adjacent property owners. It is perhaps not evident to the people who live in the area but Mr. Dunnam is not anxious to injure or detract from anyone in the area. There is an approved preliminary which in no way attempts to recognize the zoning to be established; however, it does point out that consideration has been given to moving traffic through the area. There has been considerable discussion given to the uses and the traffic this pattern would have to carry. The street through the property is a proposed 70 foot street according to the approved preliminary. Silverway Drive will extend west to Shoal Creek Boulevard and will have 60 feet of right-of-way. There is a great deal of concern as to keeping commercial traffic out of the residential area in undue amounts and an attempt has been made to resolve this by the creation of a 90 degree angle so that the commercial traffic



C14-69-094      Samuel Dunnam & Associates--contd.

is directed from Anderson Lane around to Burnet Road which is the prime commercial tract. Anyone that would be going in this area down Silverway Drive would basically be going either to or from the area to the commercial area. It is recognized that there will be people from the area to the south that will follow the street up to this area and that is why the street was put there. The 70 acre tract under consideration is part of a large commercial center developing in this corner. Gulf Mart has been established for a number of years, the Post Office has come in and just north of Gulf Mart are similar type businesses. There is commercial development across Burnet Road which has been established for many years. The "GR" General Retail zoning requested may look large in that the property under consideration contains 70 acres but the attempt is being made to plan and facilitate for extremely fine commercial and retail establishments basically within the perimeter in the center with some smaller retailing and apartment uses being intermingled in the outer tracts. At the corner of Anderson Lane and Burnet Road there will be a very fine multi-story building facing in four directions with one or two multi-story buildings at other points in the tract. There will be a very large area of parking and internal streets. The street through the property is not supposed to serve totally the 70 acres but there will be several outlets onto Anderson Lane, Burnet Road and Foster Lane. The street through the middle serves only as a public right-of-way through the area. At this point it is rather difficult to say where a certain development will be established but this type of zoning would allow the maximum flexibility for well-planned and well-organized commercial development allowing for the full run of facilities for a major neighborhood or urban shopping center.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request, presented petitions with approximately 60 signatures, and offered the following information: The people in this area are in opposition by necessity to the zoning of the total 70 acres under consideration. It is self-evident that there are a tremendous number of people in this area who are concerned. A number of the property owners met last week when the notices of the request were received in order to formulate the major concerns, one of which is the Lucy Reed Elementary School adjoining the subject site to the west, with some 900 children feeding out into the various residential areas to the north, south and west. There is a new elementary school under construction which will take some of the pressure off the Lucy Reed School, but it is still anticipated that there will be roughly the same number of students next year with the new school opening up. There is no question about the fact that the subject property was going to be utilized as a shopping center area as a sign has been on the property, and no one opposed the fact because the major arterial streets support extremely large commercial development. It is recognized that the preliminary subdivision plan indicates the road through the site from Anderson Lane to Burnet Road; however, the extension of Silverway Drive through the site to Burnet Road with access into the shopping center is a primary opposition of the people in this area. The extension of Silverway Drive, which is basically a race track at the present time, will do nothing but open up the entire residential area. Silverway Drive has 60 feet of right-of-

C14-69-094 Samuel Dunnam & Associates--contd.

way with 40 feet of paving and if opened there will be access to the shopping center through this area from a residential area extending all the way down to Northland Drive as the most logical route would be to go down Shoal Creek Boulevard and Silverway into the shopping center rather than to go over to Burnet Road and fight the signals. Silverway Drive is the easiest and most direct means of access to the school from this area north of Shoal Creek. It is realized that most of the traffic is in the morning for the children to get to school and in the afternoon for the children to go home. There is an attractive nuisance in this area which is the creek and the bridge that crosses it. In the summer time, all the children use this street to get to the creek as it is the best fishing hole anyone has ever seen. The people in the area do not want Silverway Drive opened up into this area. Another problem is that Silverway Drive is at the present time a race track which is very challenging in that the street has a hill in it, and on the top of the hill it is physically impossible to see cars at several points. The children old enough to drive cars consider it a real challenge to come off of the hill and to see how fast they can go before they have to stop up at the four way stop sign at the bottom of the hill. There have been several times when the cars have not stopped and have gone onto the property at the end of the street.

As pointed out, Shoal Creek is located along the west of the site and there are single-family homes backing to the creek area. There are other single-family homes located around the Silvercrest cul-de-sac which backs to the subject property and there are single-family homes east of the school area which back to the subject tract. Even though the creek does provide a buffer for some of the residents, there is concern with the possibility of a shopping center going directly up to the property line of the existing residential area. The only thing that would prevent this type of development is a ten foot easement that runs along the property line which is not nearly enough for a buffer strip.

There is no objection to the requested "GR" General Retail zoning on the subject property; however, it is requested that there be a strip of low-density zoning and development adjacent to the single-family area and the school area and that Silverway Drive be terminated in a cul-de-sac or turnaround with residential development fronting onto the cul-de-sac so as to prevent any access from the shopping center into the residential area. If Silverway Drive is not terminated in a cul-de-sac or turnaround, there will be a tremendous problem for the entire residential area, because of the traffic generated by the commercial development. The people in the area are totally opposed to the extension of Silverway Drive.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they stated they would look with favor on the requested zoning, subject to the necessary right-of-way on Foster Lane and Anderson Lane, approval of the Foothills Subdivision, and with the condition that a 60 foot buffer be established along the south boundary line beginning 200 feet west of Burnet Road and extending to Foster Lane.

C14-69-094      Samuel Dunnam & Associates--contd.

At the Commission meeting, Dr. Hazard reported the following letter from Thomas Watts of Bryant-Currington Engineers, representing the applicant: "Our client Northcross Associates, Inc. have authorized us to offer a buffer strip of "B" zoning 60 feet wide along the southerly boundary abutting Allandale Park Section 5 and Lucy Reed School and along the westerly boundary line adjacent to Shoal Creek provided you cannot find an acceptable alternate. However, we feel the residents of Allandale Park Section 5 abutting Block "B" of the approved Preliminary Plan of this tract, the Foothills, would be better protected by restricting this block to single story commercial building with a 30 foot setback from the rear of the lot and that those residents abutting Block "C" of the approved Preliminary Plan by imposing a 30 foot setback along these lots and imposing a restriction to single-story building within 60 feet of the rear lot line, by zoning the entire tract "GR".

The requirement of a 60 foot strip of "B" zoning along the east side of Shoal Creek seems to be excessive compared to other recent zoning cases when the 80 foot wide drainage easement for Shoal Creek is considered. This easement makes an effective natural barrier and buffer and exceeds many buffer strips required in zoning hearings in the last several years. It is our opinion that an additional buffer should not be required on this side."

Mr. Lillie explained that "B" Residence zoning on the property would permit a two story structure which could be erected to within five feet of the rear property line. The letter as submitted by Mr. Watts offers a building and height setback which is proper.

Mr. Lillie stated that last Friday, members of the Planning Department staff met with members of the Traffic and Transportation Department and the Public Works Department at which time it was recommended that Silverway Drive should not end in a cul-de-sac. Silverway Drive is a 60 foot collector street and should not be terminated in a cul-de-sac; however, there were two suggestions made as to how Silverway Drive might be extended. One is for Silverway Drive to extend through the property to Burnet Road and the other is to bring Silverway Drive across the creek encircling the school and then crossing the creek again to provide circular movement around the school. These suggestions are not meant to be recommendations by either department. The preliminary plan has been approved and only the developer can amend this plan if he chooses.

Mr. Osborne advised the Commission that he would like to comment on the traffic problem and not specifically the zoning issue. This is a problem which should be recognized by the Commission. There is an extended residential area to the south at least as far as Northland Drive and as far south as Hancock Drive. Burnet Road, to the east has limited right-of-way for the southern portion and moderately adequate right-of-way for the northern portion and is developed with very extensive commercial development. Great Northern Boulevard and Balcones Drive are located to the west of the residential area. Through the area is Shoal Creek Boulevard which is for all practical purposes used as an arterial street as it extends from Anderson Lane to 38th Street. What is occurring, inadvertently or because of bad planning on the part of the City, is that any commercial development that occurs along Burnet Road and any additional

C14-69-094 Samuel Dunnam & Associates--contd.

traffic generating features, whether it is commercial on this tract or some other feature within this area, causes more and more traffic movement up and down Shoal Creek Boulevard. There is also the issue of additional traffic along Silverway Drive. The subject property is a very logical location for a shopping center but there is a problem with the traffic. In addition to traffic movement is the way the streets are being used. There are certain streets that are favored streets to go fast on and Silverway is this type of street. It should be pointed out that in terms of traffic movement, it is very logical to go down Greenlawn Parkway to Burnet Road and to go down Shoal Creek Boulevard to Anderson Lane or Silverway Drive. The problem involves the quantity of traffic along Shoal Creek Boulevard, the rapid traffic on Silverway Drive and the quantity of traffic on Silverway Drive. It is anticipated that Silverway Drive is capable of carrying the traffic but the problem still exists. Mr. Osborne stated that in his opinion Silverway Drive has to be used. It should be realized that the street does relieve some of the traffic around the school. The traffic around the school is a result of a neighborhood traffic problem. The key issue is that the neighborhood does have a serious problem, not the zoning but the traffic situation which exists. Inadequate planning through the area, from lack of alternate routes, the many strip developments along Burnet Road have all resulted in Shoal Creek Boulevard becoming an arterial street.

The comments from the Traffic and Transportation Department of the two alternates for Silverway Drive; first to go directly to Burnet Road as originally planned and second, make a loop around the school which would take care of the school traffic and would minimize to some extent the potential traffic from the shopping area. Even if the looped street occurs, however, and assuming the property was zoned "B" Residence adjacent to the street, it could still be crossed with private driveways. The only way to prevent the traffic would be to terminate Silverway Drive, or have any adjacent zoning remain as "A" Residential.

Dr. Hazard stated that in his opinion the question before the Commission is the zoning and not the street problem.

Mr. Osborne explained that his statement is for the purpose of informing the Commission of the various issues that relate to the street and the zoning. There is a zoning solution and that would be to simply keep the property abutting Silverway Drive as "A" Residential but this is not necessarily advocated. The applicant has a right to create the street as there is an approved preliminary plan and when the requirements are met, he may build the street and the Commission would have to accept and record the final plat. In 1968, the applicant submitted a revised plan showing the looped street and the connection with Silverway Drive which was approved by the Subdivision Committee.

Mr. Milstead asked if the approved Subdivision solves the traffic problem or if it is unsolvable. Mr. Osborne stated that in his opinion the looped street within the subject tract is a better solution particularly for fairly large traffic generated than simply a single street going out to Burnet Road. There is a general area traffic problem and there will be an impact on Shoal Creek Boulevard and Silverway Drive. A street could be put in with the abutting property zoned "A" Residence. The residential area then could not be crossed

Cl4-69-094 Samuel Dunnam & Associates--contd.

with a commercial collector street. This would mean additional traffic on Shoal Creek Boulevard and Burnet Road but not on Silverway Drive. The issue before the Commission is the zoning but in terms of the nature of the character of the area because of the streets, it is tied together. There are certain ways in which the streets are used in which there are hazards created no matter what the traffic load. It should be pointed out very clearly that the extension of Silverway Drive adds more potential to the hazard on Silverway Drive. Mr. Osborne stated that he does not see an effective solution.

A letter was submitted by the applicant offering to dedicate the necessary rights-of-way for Anderson Lane and Foster Lane.

The Commission members reviewed the information presented and discussed the request in terms of the street pattern and the quantity of traffic. They recognized that the rights-of-way for Anderson Lane and Foster Lane have been offered and concluded that the request is appropriate and should be granted with the condition that a 30 foot setback line be established along the southerly and westerly boundary line and with the condition that only single story buildings be allowed along the rear property line of Blocks B and C of the Foothills Subdivision. They were of the opinion that the 60 foot strip of "B" Residence zoning as a buffer is excessive because of the Shoal Creek drainageway and felt that this should not be a requirement.

After further discussion, it was unanimously

VOTED: To recommend that the request of Samuel Dunnam and Associates, for a change in zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 7554-7846 Burnet Road, 2401-2805 Anderson Lane and 2601-2911 Foster Lane be GRANTED subject to a building setback of 30 feet and a building height restriction to one story within 60 feet of southerly property lines in Block B and C of the Foothills Subdivision and approval of the Foothills Subdivision.

CP14-69-007 C. L. Reeves: 156 Unit Apartment Dwelling Group  
3442-3512 Greystone Drive

STAFF REPORT: This application has been filed as required under Section 4-A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 156 units, 385 off-street parking spaces, a party house, swimming pool, putting green, and laundry and storage facilities. The subject site is part of Shadow Park Subdivision which is located to the west of Balcones Drive. The site plans have been circulated to the various departments and the comments are as follows:

Building Inspector

- 1. I count 378 off street parking spaces instead of the 385 spaces stated on the site plan; however the parking is acceptable as only 283 spaces are required.

CP14-69-007 C. L. Reeves: 156 Unit Apartment Dwelling Group--contd.

Health  
Storm Sewer

Fire Prevention

Water and Sewer

Office Engineer

Electric

Fire Protection

Advance Planning

2. Total side yards of ten (10') feet required between buildings 18, 19 and buildings 10 and 12.
  3. No building code approval included.
- Waste water system to be available.
  - Drainage okay if not concentrated at one point where it crosses property line.
  - Follow recommendations of Fire Department.
  - Sanitary sewer is available from proposed 8 inch main in Greystone Drive and also from the proposed Shadow Park Section 3 approach main at northwest corner of property.
- Four fire hydrants are required. Two in Greystone Drive, one on the southeast corner of property and one on south side of Greystone Drive across from southwest corner of property. Two more fire hydrants will be in northern zone of property, one on corner adjacent to Unit No. 16 and one on corner adjacent to Unit No. 11. This will require a 6 inch main from the proposed 8 inch main in Greystone Drive looping through the proposed drive and returning to main in Greystone Drive. A fire demand meter will be required at each property line where said main crosses.
- Commercial driveway locations okay--Require request for driveways.
  - Electric okay - easement at later date on separate instrument.
  - Fire hydrants and water mains recommended are indicated in red.
- We recommend that the water mains and fire hydrants be installed and put into operating condition before construction is started, if possible.
- Recommend approval subject to following:
    1. Driveway approval by Traffic and Transportation and Public Works.
    2. Reduction of parking bay which is now 80' in width to 65'-70'. This will allow for 10' or more of yard space.

CP14-69-007 C. L. Reeves: 156 Unit Apartment Dwelling Group--contd.

Director of Public Works

Fire Department

3. Remove parking (3 spaces) at north of site and east of building #18.
- Driveways as shown meet with our approval. Will need request for and approval of them before construction begins.
- Mr. Allan Abbe and I have studied the above plat and his recommendations are adequate for our use and for the protection of this property.

The staff recommends that the request be approved subject to completion and compliance with Departmental reports.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

**VOTED:** To APPROVE the request of C. L. Reeves for a special permit for the erection of a 156 unit apartment dwelling group on property located at 3442-3512 Greystone Drive, subject to completion and compliance with departmental reports and authorized the Chairman to sign the necessary resolution.

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

CP14-69-008 Jay Frank Powell: 120 Unit Apartment Dwelling Group  
1632-1742 and 1633-1727 Riverside Drive  
1630-1716 Old Riverside Drive

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 120 units, 200 off-street parking spaces, 2 tennis courts, 1 swimming pool, recreation building, hike and bike trail in accordance with the Parks and Recreation Department requirements, boating facilities, and laundry and storage facilities. The subject property is a large tract of land consisting of 16 acres. The Plan provides for Lakeshore Boulevard which will connect with Riverside Drive, planned as a major expressway. The applicant is aware of the thoroughfare requirements and has arranged with the City to provide for the necessary right-of-way. The request has been circulated to the various City Departments and the comments are as follows:

Traffic Engineer

- It is felt that an emergency exit should be provided across the commercial tract.

Storm Sewer

- 1. Drainage flow from proposed development should be carried to Town Lake.
- 2. Proposed development is subject to controlled flooding to 441' elevation; proposed structures should be built above that elevation.

Office Engineer

Director of Public Works

- Require request for commercial driveway.
- As I mentioned to Mr. Bill Burnette on April 1, the driveway locations as shown on the plans meet with our approval, will need request for and approval of them before construction begins.

Health

Tax Assessor

Electric

- Waste water system to be available.
- Taxes are paid through 1968.
- Electric okay, easement at later date on separate instrument.

Water and Sewer

- Sanitary Sewer is available from Manlove Street Easement main.
- Three fire hydrants will be required. One fire hydrant on corner adjacent to Building #7, one on corner adjacent to Building #9, and one on corner adjacent to Building 13. This will require a 6 inch main from South Lakeshore Boulevard to loop through the proposed Drive then continuing through an off-site easement along property line of future Commercial Expansion tract and



CP14-69-008 Jay Frank Powell: 120 Unit Apartment Dwelling Group--contd.

tying back into 8 inch main in Riverside Drive. A fire demand meter will be required at each property line where said main crosses. An approach main will be required from an existing 6 inch main in South Lakeshore Boulevard 300 feet from the southeast corner of property continuing in South Lakeshore Boulevard to existing 8 inch main in Riverside Drive.

Advance Planning

- Minor modification suggested north of entry esplanade. Layout is acceptable.

The staff recommends approval subject to completion and compliance with departmental reports.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

**VOTED:** To APPROVE the request of Jay Frank Powell for a special permit for the erection of a 120 unit apartment dwelling group on property located at 1632-1742 and 1633-1727 Riverside Drive and 1630-1716 Old Riverside Drive, subject to completion and compliance with departmental reports, and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-009 J. C. Peterson: 46 Unit Apartment Dwelling Group  
1501-1517 Tinnin Ford Road  
2101-2119 Elmont Drive

STAFF REPORT: This application has been filed as required under Section 5-C and according to the procedures specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 46 units, 82 off-street parking spaces, 1 swimming pool, and laundry facilities. The subject property is zoned "B" Residence and located in a large apartment complex off of East Riverside Drive. The site plan has circulated to the various City Departments and the comments are as follows:

Water and Sewer

- Sanitary sewer is available from Tinnin Ford Easement main in East Drive of property.
- Will require a fire hydrant on southwest corner of property. This will require a 6 inch stub with valve connecting to 12 inch main in Tinnin Ford Road.

Building Inspector

- 1. Permit has already been issued requiring roof connections between these buildings. This project has been started, so the only request here, I believe, is to not have to connect the buildings. (This is a 1 acre site).
- 2. Parking provided here is more than the Ordinance requires.

Electric

- Electric okay. Easements at later date.

Tax Assessor

- Taxes are paid through 1968.

Health

- Waste Water System to be Available.

Advance Planning

- Parallel parking spaces need to be 22' minimum length to provide room for maneuvering. Layout is acceptable.

Storm Sewer

- Indicate on plan the location of the existing culvert in Elmont Drive / the existing drainage structure along the East property line of project. Culvert using walls might extend into proposed driveway.

Traffic Engineer

- Width of opening should be increased to 20'.

Director of Public Works

- As I mentioned to Mr. Bill Burnette on April 1, the driveway locations as shown on the plans meet with our approval, will need request for and approval of them before construction begins.

Fire Prevention

- Okay.

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CP14-69-009 J. C. Peterson: 46 Unit Apartment Dwelling Group--contd.

Fire Protection

- The need of a second close hydrant causes us to recommend the hydrant indicated in red.  
Our trucks need a 25' inside turning radius.  
These buildings are built, but we recommend that fire stops be built into the canopy connecting buildings 5 and 6 and that holes in the areas around the wiring and other ducts or holes that now exist in the attic fire walls be eliminated.
- Require request for commercial driveway.

Office Engineer

The staff recommends approval subject to completion and compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of J. C. Peterson for a Special Permit for the erection of a 46 unit apartment dwelling group on property located at 1501-1517 Tinnin Ford Road and 2101-2119 Elmont Drive, subject to completion and compliance with Departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-010     D. L. Beaver: Veterinary Clinic  
8521-8523 Burnet Road

STAFF REPORT: This application has been filed as required under Section 6 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a veterinary clinic with 8 off-street parking spaces. The request has circulated to the various City Departments and the comments are as follows:

Advance Planning

- Layout is acceptable but suggest parking revision.

Water and Sewer

- Water is available from existing main in Burnet Road. Will require a sanitary sewer approach main to be constructed in order to serve main.

Building Inspector

- Building located on side must use solid 8" Masonry construction. Parking, setbacks, lot coverage are okay.

Zoned "C" - no certain size site required. No shortform is required. Building code approval not included.

Office Engineer

- Require request for commercial driveway.

Traffic Engineer

- Width of opening be increased to 40' with 5' radii.

Storm Sewer

- Storm sewer pipe will be required under the proposed driveway in Burnet Road (unless already existing).

Electric

- Electric okay.

Director of Public Works

- As I mentioned to Mr. Bill Burnette on April 1, the driveway locations as shown on the plans meet with our approval, will need request for and approval of them before construction begins.

Tax Assessor

- Taxes are paid through 1968.

Health

- APPROVED: Subject to Sanitary sewer being available.

Fire Protection

- Existing water mains and fire hydrants are adequate for fire protection in this area.

The staff recommends approval subject to completion and compliance with departmental reports.

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CP14-69-010 D. L. Beaver: Veterinary Clinic--contd.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

D. L. Beaver

## SUMMARY OF TESTIMONY

Dr. Beaver appeared at the hearing and stated that in his design of the clinic the kennels, located in two separate rooms, are within the building and there is a 13 foot driveway which will serve as a buffer zone between the clinic and existing business to the south. On the north side of the structure is an examining room and a surgery room. The total use is proposed inside the building and the kennels have been placed in a certain area where they are buffered.

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 completion and compliance with departmental reports.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of D. L. Beaver for a Special Permit for a veterinary clinic on property located at 8521-8523 Burnet Road, subject to completion and compliance with Departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-011 Florence Voight: Day Care Nursery  
5000-5006 Caswell Avenue  
712-714 East 50th Street

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

CP14-69-011 Florence Voight: Day Care Nursery--contd.

of the City of Austin, Texas. Proposed is a day care nursery providing facilities for 40 - 60 children, 12 off-street parking spaces, classrooms and play area. The site plan has been circulated to the various City Departments and the comments are as follows:

Traffic Engineer

- The 103' long driveway on East 50th Street does not conform to city requirement. Other okay.

Director of Public Works

- Data shown on plat is insufficient to make determination regarding driveways and off-street parking.

1) The facility and site shall be approved by the Texas Department of Public Welfare if applicable.

2) Parking area and play area shall not coincide during church meetings.

3) Limited to 59 children.

Office Engineer

- Require plan showing location of proposed driveways.

Electric

- Electric okay.

Water and Sewer

- Water and Sanitary Sewer available from adjacent street.

Advance Planning

- If the church has any meetings during the time the nursery is in operation, the parking area should not be used for play area.

Storm Sewer

- Plan complies with requirement.

Building Inspector

- 1. Plat shows this as a 125' by 175' lot instead of 135' by 175'. Lot area here would permit 59 children according to the Zoning Ordinance.
- 2. The facility and site shall be approved by the Texas Department of Public Welfare if applicable.
- 3. If entry to nursery area is from Caswell Avenue an approach from Caswell should be provided for off-street loading and unloading as the entry would be in near proximity to the entry area of Ridgetop Elementary School.

Tax Assessor

- Tax exempt.

Health

- Waste Water System to be available.

Fire Protection

- Existing water mains and fire hydrants are adequate.

CP14-69-011 Florence Voight: Day Care Nursery--contd.

The staff recommends approval subject to completion and compliance with departmental reports.

#### TESTIMONY

#### WRITTEN COMMENT

Bernice E. Latimer: 7155A Albany Drive

FOR

#### PERSONS APPEARING AT HEARING

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

**VOTED:** To APPROVE the request of Florence Voight for a Special Permit for a day care nursery on property located at 5000-5006 Caswell Avenue and 712-714 East 50th Street, subject to completion and compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-012 Joe V. Hawn, Jr.: 166 Unit Apartment Dwelling Group  
1401-1417 St. Edwards Drive

**STAFF REPORT:** This application has been filed as required under Section 4-A and 5-C and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 166 units, 266 off-street parking spaces, 2 swimming pools, a recreation building with two recreation areas, a tennis court and laundry and storage facilities. The site plan has been circulated to the various City Departments and the comments are as follows:

Traffic Engineer

- Appears to be satisfactory - No driveway widths shown.

CP14-69-012 Joe V. Hawn, Jr.: 166 Unit Apartment Dwelling Group--contd.

Advance Planning  
Tax Assessor  
Director of Public Works

Health  
Water and Sewer

Storm Sewer

Electric

Building Inspector

Office Engineer

Fire Prevention

- Layout is acceptable.
- Taxes are paid through 1968.
- As I mentioned to Mr. Bill Burnette on April 1, the driveway locations as shown on the plans meet with our approval, will need request for and approval of them before construction begins.
- Waste Water System to be available.
- Sanitary Sewer is available from St. Edwards Drive from existing stub in Center Drive of property. Service is also available from the Blunn Creek main on west side of property. Three fire hydrants will be required; one on the northeast corner of property, one on the southwest corner of proposed drive parallel to Interregional Highway and one on the north side of the entrance drive in southeast corner of property. This will require a 6 inch main from St. Edwards Drive running southerly through the eastern drive parallel to I.H. 35 to the entrance drive and continuing easterly to tie into proposed 8 inch main which will tie into the existing 8 inch main in intersection of Interregional Highway and St. Edwards Drive. A fire demand meter will be required at each property line where said main crosses.
- 1. Drainage easement required.
- 2. Cross sections required on Blunn Creek.
- 3. Indicate contour elevation/existing easements, on adjacent property.
- Electric - Need 5' utility easement as shown on attached sketch.
- 1. Does not include Building Code approval.
- 2. Need dimension of tract to determine density.
- 3. Need dimensions of parking area, buildings, setbacks and sideyards as scale does not seem to be true.
- 4. 267 parking spaces by count.
- Require request for commercial driveway.
- Follow Fire Department recommendations.



CP14-69-012 Joe V. Hawn, Jr.: 166 Unit Apartment Dwelling Group--contd.

#### Fire Protection

- The recommended fire hydrants and mains are indicated in red.
- We recommend that if possible the fire hydrants be installed and put in service before construction of the structures is started. We also recommend that routes and areas to and around these fire hydrants be kept open to give fire trucks access to these during construction.
- Our trucks will need a 25' inside turning radius.

The staff recommends approval subject to completion and compliance with departmental reports.

#### TESTIMONY

##### WRITTEN COMMENT

James Neil Wilderson: 1507 Robidoux Circle,  
Colorado Springs, Colorado                      AGAINST

##### PERSONS APPEARING AT THE HEARING

Edward J. Jennings: 607 W. 32nd Street                      FOR

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Joe V. Hawn, Jr. for a Special Permit for the erection of a 166 unit apartment dwelling group on property located at 1401-1417 St. Edwards Drive, subject to completion and compliance with Departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

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SUBDIVISION COMMITTEE

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

SUBDIVISION PLATS - CONSIDERED AND FILED

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 recently adopted by the Commission. 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 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>C8-67-80</u>  | <u>Northwest Estates, Section 1</u>          |
|                  | Hycrest Drive and Rockcrest                  |
| <u>C8-68-43</u>  | <u>Northwest Estates, Section 2</u>          |
|                  | Hycrest Drive and Wildridge                  |
| <u>C8-69-3</u>   | <u>St. John's Commercial Area, Section 3</u> |
|                  | Dillard Circle                               |
| <u>C8-68-120</u> | <u>Southridge, Section 2</u>                 |
|                  | Banister Lane and Southridge                 |
| <u>C8-68-101</u> | <u>Reagan Hill</u>                           |
|                  | Cameron Road north of Fairbanks              |
| <u>C8-69-8</u>   | <u>Flournoy's Sweetbriar, Section 4</u>      |
|                  | Flournoy Drive and Cedardale                 |
| <u>C8-68-115</u> | <u>Brawners Subdivision, Section 2</u>       |
|                  | Lightsey Road and Indian Spring              |
| <u>C8-68-112</u> | <u>Kirby Addition</u>                        |
|                  | U. S. Highway 290 and Linda Lane             |
| <u>C8-69-16</u>  | <u>Las Plazas</u>                            |
|                  | U. S. Highway 183 and Lazy Lane              |

C8-69-22      Mesa Drive Street Dedication Plat  
Mesa 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 the required fiscal arrangements annexation and completion of departmental reports. It was then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of MESA DRIVE STREET DEDICATION PLAT pending the requirements as indicated.

C8-68-108      Quail Creek, Section 3 - Revised  
Quail Park Drive and Collinfield

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, completion of departmental reports, annexation and additional fiscal arrangements in lieu of cul-de-sac at north end of Quail Wood Drive and Collinfield. It was then

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

C8-68-74      South Creek - Section 1  
Quail Creek Drive and Fox Creek

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, annexation and completion of departmental reports. The Commission then

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

C8-69-28      Quail Creek - Section 4  
Quail Park 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 the required additional easements, fiscal arrangements, completion of departmental reports, annexation and Section 3 required to be recorded prior to Section 4. The Commission then

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

C8-69-6      Emerald Forest - Section 2  
Emerald Forest Drive and Stassney 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 completion of departmental reports, annexation, and compliance with approved preliminary

C8-69-6 Emerald Forest - Section 2--contd.

plan for single-family or duplex lots adjoining Emerald Forest Drive. It was then

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

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

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 additional fiscal arrangements in lieu of cul-de-sac at west end of Marigold Terrace. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of COUNTRY CLUB GARDENS, Section 1, pending the requirements as noted.

C8-68-47 Northwest Hills, Section 13  
Knollwood Drive and Sumac

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 variance on Lots 18a, 19a, 19b, 20a, 20b, 21a, 22a, 22b and 23a; plat restriction required. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of NORTHWEST HILLS, Section 13, pending the requirements as indicated.

C8-68-63 Point West of Westover Hills, Section 4  
Hyridge Drive and Mountain Ridge

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 additional fiscal arrangements required in lieu of cul-de-sac at west end of subdivision. The Commission then

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

C8-69-30 Quail Creek West, Section 3  
Peyton Gin Road and Quail Run

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 the departmental reports and annexation. The Commission then

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

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C8-69-31      Quail Creek West, Section 3  
                 Hunters Trace and Rundberg

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. The Commission then

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

C8-69-26      Highlands of University Hills - Section 2  
                 Wheless Lane and Friendswood

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 fiscal arrangements, completion of departmental reports, annexation and 60 feet of right-of-way on Briston Drive west of Auburn Drive. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of HIGHLANDS OF UNIVERSITY HILLS - Section 2, pending the requirements as indicated.

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-69-40      Freeman Subdivision # 2  
                 Middle Fiskville Road

The staff reported that this short form plat has complied with all departmental requirements and met all requirements of the Ordinance but there is a variance involved on the signature of the adjoining owner. An attempt has been made to get the adjoining owner to join but he has refused. In view of this, the staff recommends that the short form plat be approved and that the variance be granted. It was then

VOTED:      To APPROVE the short form plat of FREEMAN SUBDIVISION # 2, granting a variance from the signature of the adjoining owner.

C8s-69-42      Emerald Forest, Section 1, Resub.  
                 Englewood Drive

The staff reported that this is the first appearance of this short form plat before the commission and recommended that it be accepted for filing and disapproved pending the required fiscal arrangements. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of EMERALD FOREST, Section 1, Resub. pending the required fiscal arrangements.

C8s-69-43      Hitchcocks Addition  
Guadalupe and West 26th Street

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

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

C8s-69-44      Sundberg Addition  
Burleson Road and Colton-Creedmoor Rd.

The staff reported that this short form plat requires a variance on the width of Lot 4 and a departmental report from the Health Department is still lacking. Lot 4 is 53.80 feet wide and approximately 220 feet deep. The subject tract is located in the County and requires septic tank approval and in turn, the Subdivision Ordinance requires 60 feet of width for a septic tank lot. The staff recommends that the variance be granted in this particular case subject to approval by the Health Department, due to the fact that Lots 3, 4 and 5 now have houses existing on them and the applicant is platting them into lots. He is platting one lot for each individual house so that he can get water and electrical services. The houses on Lots 3 and 5 are located in such a manner that they cannot be adjusted to get the proper width. The staff recommends the variance be granted but that the plat be disapproved pending approval by the Health Department. The Commission then

VOTED:      To DISAPPROVE the short form plat of SUNDBERG ADDITION pending approval by the Health Department, and granting a variance on the width of Lot 4.

C8s-69-45      University Hills, Section 4, Phase 5  
Ed Bluestein Boulevard and Charlton Drive

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

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of UNIVERSITY HILLS, Section 4, Phase 5, pending completion of departmental reports.

C8s-69-46      Ann Dayton Addition, Resub.  
Research Boulevard and Beech Drive

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

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

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C8s-69-47      Alma Dean Addition  
                   Georgian Drive and Braker Lane

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

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

C8s-69-48      Research Boulevard Commercial Area, Resub.  
                   Research Boulevard south of Ohlen Road

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

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of RESEARCH BOULEVARD COMMERCIAL AREA, Resub., pending the requirements 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-69-33      Windsor Park Commercial Area  
                   Cameron Road and Broodmoor Drive  
C8s-69-39      Sunny - Day Addition  
                   Riverside Drive and Tinnin Ford Road  
C8s-69-41      Northwest Hills, Section 4, Resub.  
                   Dry Creek Drive and Mountainclimb  
C8s-69-49      Buell Addition  
                   Buell Avenue west of Burnet Road

#### REFERRED CASE

C14L-69-1      ZONING CONSIDERATION  
                   Far West Boulevard Restudy

The Director of Planning reported that the City Council heard this request for a restudy of zoning on Far West Boulevard on March 29, 1969, on a request from the property owners in the area. The action of the City Council was to request the Planning Commission to review and restudy this matter and determine whether

C14L-69-1      ZONING CONSIDERATION--contd.

or not a public hearing should be set. The Council at that time was advised that the Planning Commission had reviewed the matter originally, voted to deny the request for rehearing, and were given details of the consideration in the hearing which was held. To reiterate the statement of the City Attorney and the Assistant City Attorney is that the Commission has the prerogative in this issue as to whether or not any hearing is to be set on the matter.

The area before the Commission for consideration is approximately 9.7 acres of land which is located at Far West Boulevard and Chimney Corners. The property is presently zoned "GR" General Retail and a special permit for an apartment dwelling group has been approved on a portion of the site. The issue before the Commission is to determine whether or not a public hearing should be set. If it is decided that a hearing should be set, the procedure for handling the consideration will be the same as for a normal zoning request.

Mr. Smith stated that in his opinion in a situation of this sort where there is vacant land which is undeveloped, there are circumstances that arise which are unforeseen. There are individuals buying land and building homes and at the time they are not always aware of what the future development will be. He further stated that in his opinion when issues of this nature arise, all of the property owners should be given an opportunity to be heard on the conditions in the area that exist. A public hearing should be set on this matter; however, this is not to say that the zoning will be changed but it would allow a review of the circumstances. This type of problem arises quite often which indicates that something is wrong and should be changed in the consideration of requests.

Mr. Milstead asked if there had been any change since the last time the request was heard.

Mr. Osborne explained that there is a commercial building under construction on the east side of Chimney Corners and in the apartment area, the slab and framing have begun for the southern most building. Mr. Osborne stated that it is his understanding that the request deals principally with the issue of zoning of the land not included in the apartment area and would not basically change the development of the apartment area.

Mr. Dunnam stated that the zoning existing on the site is "GR" General Retail and the property owner could build apartments without a special permit if the structures were connected. Dr. Hazard stated that in his opinion one of the functions of the Planning Commission is to judicate the problems and the use of land. It is correct for the property owners to request a hearing and this should be permitted. Mr. Smith agreed with Dr. Hazard and stated that this would be a good time to air grievances and complaints which consistently arise.



C14L-69-1      ZONING CONSIDERATION--contd.

Mr. Erwin Salmonson advised the Commission that the people in the area are mindful of the position of Bradfield-Cummins and do not take this position in the matter lightly, nor do they take lightly the fact that the Commission has discussed this request previously; however, the Commission should consider that this is a democratic process that the City Council gave to the Commission the option to set a hearing and did feel that there might be some consideration of the viewpoint of the people in this matter. If the Council had felt that the matter had been fully discussed and the people could not add anything to the facts concerning the property they certainly had an opportunity to rule on it. There is no other opportunity than to come before the Commission and ask that the people be heard again which is part of the democratic process. The systems are replete with the method of appeal. The people in the area went to the City Council and appealed and they had handed the matter down to the Commission to consider another hearing. There are some matters concerned with this particular zoning fact that should be brought out in the open. Possibly after hearing the case, the Commission will rule the same as before. There is some importance in considering this piece of property for future consideration in other locations to help the people of Austin all over the City and not just this one particular area. There are things connected with the property that can happen anytime or anyplace in the City. It should be brought to the attention of the Commission that there might be enough concern to have the Commission reconsider and change their opinion. All the people want is for the democratic process to take place and to be heard.

Mr. Rogan Giles, attorney for Bradfield-Cummins, explained that the Council was approached and asked for assistance in the midst of a hot contest in the City Council race and they are not about to cross potential voters if they can duck the issue. The Commission held a two hour hearing last month as to whether or not a public hearing should be set. Owners have property rights that become vested after a period of time but this zoning was done before the people moved into the area and Bradfield-Cummins have made contractual commitments based on the zoning. There is a Seven-Eleven Store under construction on the strength of a "GR" General Retail zoning across the street and what is to occur on that property. To go over this matter again is simply opening a "Pandora's Box" of difficulties all over the city and uncertainty will be created as to the use that land can be put to by having a zoning case which is carried forward and then turning around and reconsidering the zoning a short time later. The contractual commitments have already been made, the financing is already made, and the people are spending money on construction on the strength of the existing zoning. The Commission has the option to either consider or not consider the request and there has been a two hour hearing before the Commission in good faith which was attended and well represented by everyone.

The Commission members discussed the issue and a majority felt that there has been no change relative to this request since the previous hearing.

C14L-69-1 ZONING CONSIDERATION--contd.

After further discussion, it was

VOTED: To REAFFIRM the previous action of the Planning Commission to deny the request for a rehearing.

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

NAY: Messrs. Hazard, Smith and Taniguchi

ABSENT: Messrs. Hanks and Kinnan

## OTHER BUSINESS

C10-69-1(f) STREET VACATION

Portion of cul-de-sac at east end of Deerfoot Trail

The staff reported that this was a request to vacate a portion of the cul-de-sac at the east end of Deerfoot Trail. The request has received approval by all of the departments with the exception of the Traffic and Transportation Department and the Planning Department. There has been no plan submitted for the extension of Deerfoot Trail and it is recommended that the request be held in abeyance until plans for the extension of the street have been submitted. The Commission then

VOTED: To recommend that a portion of the cul-de-sac at the east end of Deerfoot Trail be vacated and held in abeyance until a plan for the extension of the street has been submitted.

C10-69-1(g) STREET VACATION

Spanish Bluff Court and Spanish Bluff Drive

This is a request to vacate Spanish Bluff Drive and Spanish Bluff Court off of Battle Bend Drive. The vacation is recommended by all of the City Departments subject to dedication of a new location of Spanish Bluff Court as indicated on the revised preliminary plan and recording on the final plat. A preliminary plan on this has been approved but the final plat of the new location has not been recorded. The Commission then

VOTED: To recommend that Spanish Bluff Drive and Spanish Bluff Court off of Battle Bend Drive be VACATED, subject to the dedication of the new location of Spanish Bluff Court and recording of final plat.

C10-69-1(h) STREET VACATION

Wabash Avenue from 35th Street to 38th Street and 37th Street from Wabash 120 feet east.

The staff reported that this is a request to vacate Wabash Avenue from 35th Street to 38th Street and West 37th Street from Wabash Avenue 120 feet east. The staff requested that this vacation be postponed until the special meeting of the Commission on April 15, 1969, as the vacation could possibly effect property owners not involved in the request, and the staff has not had an

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

opportunity to give notice to the people of this meeting. The Commission then

VOTED: To consider this vacation request at the special meeting of April 15, 1969.

R141 MEETINGS

The Director of Planning requested that the Planning Commission schedule a special meeting for April 15, 1969, in order to consider several changes in the Master Plan, one of which deals with the Expressway and Major Arterial Plan. In addition to the Master Plan considerations, the Commission is being requested to consider a number of problems in the Blackshear Urban Renewal area. After further discussion, the Commission agreed to hold a special meeting on April 15, 1969.

ADJOURNMENT: The meeting was adjourned at 10:25 p.m.

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Hoyle M. Osborne  
Executive Secretary