

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- May 13, 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
Roger Hanks
Hiram S. Brown
Alan Taniguchi
Dr. William Hazard
Robert B. Smith
G. A. McNeil
William Milstead

Absent

Robert Kinnan

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of May 5 and 6, 1969.

Present

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

Also Present

Richard Lillie, Assistant Director of
Planning
Mike Wise, Planner
Shirley Ralston, Administrative Secretary

*Attended only the meeting of the 5th.

**Attended only the meeting of the 6th

PUBLIC HEARINGS

C14-69-095 Jack Andrewartha: A to B (Tr. 1), LR to B (Tr. 2), and B to LR (Tr. 3)
Tract 1: Rear of 1126-1316 Barton Hills Drive
Tract 2: 1240-1316 Barton Hills Drive
2600-2612 Trailside Drive
Tract 3: 1126-1228 Barton Hills Drive

STAFF REPORT: This application covers three tracts of land totaling approximately nine acres. A request for "B" Residence, First Height and Area zoning

C14-69-095 Jack Andrewartha--contd.

is made on Tracts 1 and 2 and "LR" Local Retail, First Height and Area zoning is made on Tract 3. The stated purpose of the request is for apartments and shopping center. The land use in the immediate vicinity includes Zilker Park to the north and west; an undeveloped tract to the west between the subject property and Barton Creek; single-family and duplex subdivisions to the south and southeast. Barton Hollow Subdivision which has recently been annexed and zoned "B" Residence, First Height and Area is located directly across from the site to the south and east and is being developed. The zoning in the area, with the exception of the subject tract and property to the south is "A" Residence. Barton Hills Drive is a collector street with 70 feet of right-of-way through the area. To the north is the proposed extension of Robert E. Lee Road which will extend to Bee Caves Road. The location as indicated on the staff report is tentative and has not been finally determined. There is another 60 foot street, proposed by the developer, to the west of Tract 1. The staff has no objection to the request as submitted and recommends that it be granted subject to the following conditions: (1) Trailside Drive which is a stub street to the south of the subject tracts be increased from 50 to 60 feet of right-of-way which would require 10 feet from the site; (2) Trailside Drive terminate in a cul-de-sac according to the schematic presented by the developer; and (3) approval of a subdivision or dedication and fiscal arrangements for that portion of the proposed major arterial street and the 60 foot collector street as they effect the subject property.

TESTIMONY

WRITTEN COMMENT

Code

James E. Crozier: 2508 Springcreek Drive	FOR
Gene Morris: 1506 Barton Hills Drive	FOR
William McClain: P. O. Box 1608 (2603 Trailside)	FOR

PERSONS APPEARING AT HEARING

Code

Jack Andrewartha (applicant)
Oscar W. Holmes (representing applicant)

SUMMARY OF TESTIMONY

Mr. Oscar Holmes, representing the applicant, stated that Barton Hollow Subdivision was in the process of being constructed at this time and includes the area along Barton Hills Drive as well as a portion of the subject property which is presently zoned "LR" Local Retail and "B" Residence, First Height and Area. The contract on the utilities are to be let within the next ten days which indicates that the area is developing. The streets are rough grade and the applicant intends to build them completely within the very near future. It is felt that the zoning as requested represents good planning by virtue of having a proposed "LR" Local Retail area on the inside and surrounded by "B" Residence zoning. There is "B" Residence zoning existing in two areas at the present time and the request is for the same type of zoning on Tract 2. There

C14-69-095 Jack Andrewartha--contd.

is "LR" Local Retail zoning existing on a portion of the subject tract at the present time and the request is only to relocate this area and not increase or add anymore to it. The applicant plans to build a temporary extension of Robert E. Lee Road with a width of 40 feet from curb to curb basis which will be adequate to handle the traffic along Barton Hill Drive.

Mr. Andrewartha asked the staff why fiscal arrangements were required. Mr. Lillie explained that the fiscal arrangements are requested for the extension of the proposed major arterial as it extends west across the tract and for that portion of the 60 foot collector street as it effects the subject site.

Mr. Andrewartha stated that the proposed Robert E. Lee Boulevard is on City property and not his property. He said that he does not want to have the change conditioned upon the location of the Boulevard on his property. He also stated that Trailside Drive rather than being a cul-de-sac could possibly turn to the south and he does not want the zoning conditioned on the street being terminated in a cul-de-sac. Mr. Lillie indicated that there would be no objection to the termination of Trailside Drive in a cul-de-sac or the extension of the street through the property and recommends that this be part of the recommendation for approval.

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, provided Trailside Drive is made adequate and with the condition that the street terminate in a cul-de-sac or be extended through the subdivision and also subject to a letter agreeing to provide right-of-way and fiscal arrangements for the future major arterial street as it effects Tract 1.

At the Commission meeting the staff reported a letter from Mr. Andrewartha confirming fiscal participation in the installation of the proposed east-west thoroughfare as it effects the subject property and also agreeing, when the area is subdivided, to complete Trailside Drive to City specifications.

In view of the letter from the applicant, the Commission unanimously

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (Tr. 1) "LR" Local Retail, First Height and Area to "B" Residence, First Height and Area (Tr. 2) and "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area (Tr. 3) for property located at (Tr. 1) the rear of 1126-1316 Barton Hills Drive, (Tr. 2) 1240-1316 Barton Hills Drive and 2600-2612 Trailside Drive and (Tr. 3) 1126-1228 Barton Hills Drive be GRANTED.

C14-69-096 Chris Petropoulos: C to C-2
2416-2418 South Lamar Boulevard

STAFF REPORT: The subject property contains an area of 10,000 square feet and is presently developed with a structure. The zoning is requested to permit a retail package store. The land use in the area to the west and east of South Lamar Boulevard is predominantly residential with non-residential uses in the immediate area, including retail stores, appliances, service stations, etc. South Lamar Boulevard is a major arterial street in the Thoroughfare Plan and is proposed to be widened from the existing 80 feet of right-of-way to 100 feet of right-of-way which would require 10 feet from the subject property. The staff recommends that the request be granted subject to the right-of-way for South Lamar Boulevard.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Steve Price (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Steve price, representing the applicant, questioned the need for 10 feet of right-of-way for South Lamar Boulevard inasmuch as the street already has 80 feet of right-of-way.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed this request and was of the opinion that the requested zoning is appropriate as this is a well-established commercial area; however, they noted that the right-of-way for South Lamar Boulevard is inadequate. Several of the members were of the opinion that the right-of-way necessary for the widening of South Lamar Boulevard should be required from the subject site but other members were of the opinion that because of the fact that South Lamar Boulevard already has 80 feet of right-of-way that any additional right-of-way needed for the street should be negotiated with the City. After further discussion, they agreed that the clarification of the right-of-way policy as effects zoning should be referred to the full Commission for further discussion. A motion to grant the request failed to carry by a tie vote.

At the Commission meeting Mr. Osborne advised the members that the standard and criteria generally used with regard to right-of-way is that when there is a change in zoning to permit a more intensive use of land right-of-way should be provided if the streets are inadequate and this should be provided without direct expense to the City insofar as the acquisition of the actual right-of-way. Subdivision

C14-69-096 Chris Petropoules--contd.

policy deals with the situation of subdivisions principally in single-family residential areas and the provision of major streets through the area and the payment for the right-of-way over 70 feet in width. This particular case is unique as the requested change would not have any effect on the net intensity of the use. The application could be recommended to the City Council and the Commission should note that additional right-of-way is needed for the future widening of Lamar Boulevard. In the meantime, the Commission could require, and properly so, an additional setback without additional right-of-way.

Mr. Dunnam stated that in his opinion the right-of-way question should be given careful consideration. The City pays a great deal for the right-of-way which cannot be required through rezoning, than it would if there was provision for advance acquisition of right-of-way. Where right-of-way is not acquired in advance and an area builds up and changes, the only way right-of-way can be obtained is generally through zoning. In this particular zoning request the rezoning will not intensify the use of the property and the right-of-way should not be required; however, in cases where a zoning change does intensify land use and generates more traffic, it is appropriate to require additional right-of-way. It may be appropriate for the City to work with the property owner in this case in regard to building setback so that when improvements are made, the City will not be forced to pay damages in order to get the right-of-way at a later date.

Mr. Milstead asked if it is a policy of the Department and the Planning Commission or a practice to request right-of-way when there is an increase in the intensity of use. He asked if the Council has said this is the policy that should be followed. He advised the members that he has heard more complaints about the Commission concerning right-of-way than any other aspect of the Commission's business.

Mr. Osborne stated that to the best of his knowledge there is a formal written policy covering the issue of subdivisions and in turn there is not a formal written policy, but it has been discussed extensively with prior City Councils and Commissions, concerning rezoning matters. It has a fairly reasonable status as an accepted policy. With respect to commercial zoning and rezoning, right-of-way is not purchased as a practical matter. There is the issue, however, as to what extent would additional right-of-way requirements effect the value of property. This is a matter of reasonableness that does have to be interpreted by the Commission in part and the City Council and there are limitations. In general, up to 120 feet of right-of-way can be required; beyond 120 feet it is normally assumed that the City is going to acquire, probably jointly with the State Highway Department, or that the State Highway Department is going to acquire the right-of-way in fee as opposed to dedicated right-of-way.

The Planning Department initiated a study last year and subsequently requested several cities, including Dallas, for information on amendments and Zoning Ordinances with regard to right-of-way. The City of Dallas prohibits the issuance of building permits in certain areas on streets that do not have standard right-of-way even if properly zoned. An evaluation of this particular system

C14-69-096 Chris Petropoules--contd.

and circumstances under which it occurs has been requested from Dallas. Several other cities have used the same approach in order to alleviate the problems. The alternative to this is a written policy on the existing practice until a firm evaluation of a better policy can be made.

Mr. Dunnam stated that in his opinion the Commission should make a written recommendation on this problem to the City Council. There are a number of different right-of-way problems that occur. He said that one of the matters of concern is that the City should explore ways for making provision for advance purchase of right-of-way. The City has a Master Plan and one of the purposes is to guide the development of the City. The Commission is to oversee that Plan and should therefore make suggestions and recommendations in problem areas. Where there are major streets laid out or designated as future major streets, right-of-way should be purchased before the land is developed. If this is done, the land can usually be purchased at a cheaper cost and if the street does not develop as anticipated, it should cost the City little or no money as the street can be made more narrow. There should be a comprehensive report made on this problem.

Mr. Osborne advised the Commission that Mr. Tinstman is very much aware of the need for advance acquisition of right-of-way. The amended Transportation Plan, or Major Expressway and Arterial Plan, which was recently approved and incorporated into the Master Plan was a definite move forward in recognizing where there were serious limitations and the likelihood or unlikelihood for future acquisition. There is currently being prepared strip maps showing actual right-of-way to be acquired on certain major streets identified in the Plan and how much right-of-way is needed from each piece of property which will lead to cost estimates within the Capitol Improvements Program and hopefully into a Bond program in which the acquisition can be accomplished.

Mr. Brown stated that the right-of-way also causes another problem as there are areas where zoning is accepted on an individual parcel basis because of the right-of-way; however, if an entire area is changed and rezoned, the City would be in a better position to require right-of-way.

After further discussion, the Commission members agreed that the Zoning on the subject property is appropriate and that the right-of-way should not be required from the site as the proposed change does not intensify the use; however, they noted that South Lamar Boulevard is inadequate and right-of-way should be acquired. It was then unanimously

VOTED: To recommend that the request of Chris Petropoules for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 2416-2418 South Lamar Boulevard be GRANTED.

The Commission members agreed that the right-of-way issue is a problem and were of the opinion that the staff should commit to writing the present policy for

Planning Commission -- Austin, Texas

Reg. Mtg. 5-13-69

7

C14-69-096 Chris Petropoules--contd.

the information of the Commission only at this time so that it can be studied and suggestions formulated. They felt that the issue should then be discussed on a formal or informal basis with the City Council in order to determine what steps should be taken so that the policy is consistent for everyone concerned. It was then unanimously

VOTED: To instruct the staff to commit the present right-of-way policy to writing for future study by the Commission.

C14-69-097 Hurshel Reese: GR to C
 3200-3234 East 19th Street
 1900-1918 Tillery Street
 1901-1907 Airport Boulevard

STAFF REPORT: The subject property contains an area of 2.78 acres which is presently undeveloped. The stated purpose of the request is for a laundry, printing establishment and retail stores. The land use characteristics in this particular area are single-family and duplex development off of East 19th and Airport Boulevard. The area to the north of 19th Street along Airport Boulevard is commercially zoned and developed. Non-residential zoning also exists along East 19th Street back to Tillery and along Airport Boulevard to the north and south. Airport Boulevard and East 19th Streets are both major arterial streets in the Thoroughfare Plan and both are adequate. Tillery Street with a present right-of-way of 50 feet is inadequate and should be widened to 60 feet. The subject property was zoned "GR" General Retail in 1966 as the appropriate zoning for the site; however, the use as proposed by the applicant at this time requires "C" Commercial zoning. There is no objection to the requested change, subject to 10 feet of right-of-way for Tillery Street as it effects the subject tract. It is also recommended that the developer erect a fence along the north property line and along the east property line from the northeast corner for a minimum distance of approximately 120 feet for that portion which would front onto residential uses that are on Tillery Street. The proposed development will front onto East 19th Street and would have that portion of Tillery Street which is approximately 200 feet for access purposes.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Richard Baker (attorney for the applicant)
 Hurshel J. Reese (applicant)
 L. Reese: 1519 Enfield Road
 Albert James: 1811 McKinley Avenue
 S. L. Owens: 3300 East 19th Street

FOR
 AGAINST
 AGAINST

C14-69-097 Hurshel Reese--contd.

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, advised the Committee that San Jacinto Laundry, which is now located on San Jacinto Street within the area being taken over by condemnation by the State for state office facilities, desires to move its plant from the present location to the subject site. The Zoning Ordinance specifically requires that a plant of this character be located in a "C" Commercial district. It is admitted that the utilization of the land for this purpose is basically more desirable than some of the uses included within the "GR" General Retail classification now inasmuch as it is all conducted within an enclosed facility. Only a portion of the subject property is to be utilized for the laundry plant as a firm contract has been signed for a printing company, which is also enclosed, which will use approximately 50,000 square feet of the area. The balance of the tract located at the intersection of Tillery Street and East 19th Street would be used for such other purposes that will be compatible with the proposed uses. There is no objection to the limitations placed on the request by the staff with regard to fencing. At least a 5 foot high solid fence will be placed along the north 120 feet of Tillery Street. This does not impose on the use of the property.

Mr. Baker further stated that he personally sees no objection to the dedication of 10 feet of right-of-way for Tillery Street but will have to check with the applicant to see if he will concur inasmuch as his use would necessitate such widening.

Mr. Smith asked about the location of the printing company on the site. Mr. Baker explained that it is his understanding that the printing facility will be facing Airport Boulevard, the laundry facility will be in the middle of the tract and the portion along Tillery Street will be developed with compatible uses.

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, provided the street is made adequate and with the condition that a fence be constructed along the north property line and south along the east property line from the north property line for a distance of 120 feet.

At the Commission meeting the staff reported a letter from the attorney for the applicant agreeing to the conditions as stipulated by the Zoning Committee.

In view of the letter, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Hurshel Reese for a change of zoning from "GR" General Retail, Sixth Height and Area to "C" Commercial, Sixth Height and Area for property located at 3200-3234 East 19th Street, 1906-1918 Tillery Street and 1901-1907 Airport Boulevard be GRANTED.

ABSTAINED: Mr. Hanks

C14-69-098 George A. Webb: A to O
 1201 Ridgemont Drive
 5603 Cameron Road

STAFF REPORT: The subject property covers an area of 8,556 square feet and is presently developed with a single-family structure. The stated purpose of the request is for an office. The site is located at the intersection of Cameron Road and Ridgemont Drive. The land use in the area to the east of Cameron Road is single-family development. There is some frontage along Corona Drive to the south which is developed with a service station and several other commercial uses. To the north of the tract on the east side of Cameron Road is a church. On the west side of Cameron Road is Capital Plaza shopping center and property zoned "B" Residence on which a special permit was recently approved for an apartment dwelling group. Zoning for all of the area west of Cameron Road is "C" Commercial or "B" Residence.

Cameron Road, with a present right-of-way of 80 feet, is classified as a major arterial street in the Thoroughfare Plan and is scheduled to be widened. The staff recognizes the non-residential zoning to the south on the east side of Cameron Road but it is restricted to lots which were assembled and developed for non-residential purposes a number of years ago. The land uses in this particular location were subdivided for single-family purposes and is still single-family in character. The concern is not the proposed office use in the single-family structure but if "O" Office zoning is granted there is nothing to prevent applications to the north and south nor is there anything to stop applications extending two and three lots east of Cameron Road to the detriment of the neighborhood. It is felt that the frontage along Cameron Road can be used for single-family or duplex development. If the Committee feels that the "O" Office zoning is appropriate for the site, consideration should be given to whether this classification should extend to the north and to the south. Regardless of the zoning, at least 3 to 10 feet of right-of-way is ultimately needed for the widening of Cameron Road. The staff feels that the existing zoning is appropriate and recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

Code

Mrs. Richard B. Hughes: 1212 Ridgemont Drive	AGAINST
Charles Donald Shader: 1205 Larkwood Drive	AGAINST
Floyd V. Pritchett: 1206 Ridgemont Drive	AGAINST
A. R. Anderson: 1209 Larkwood Drive	AGAINST
William L. Ginn, Sr.: 1207 Larkwood Drive	AGAINST
Jim T. Sparks: 925 Keith Lane	FOR

PERSONS APPEARING AT HEARING

Code

George A. Webb (applicant)	
W. M. Whitley: 1205 Ridgemont Drive	AGAINST
Charles P. Fannin: 1213 Ridgemont Drive	AGAINST
Irene D. Hanifan: 1217 Ridgemont Drive	AGAINST

C14-69-098 George A. Webb--contd.

PERSONS APPEARING AT HEARING--contd.

Code

Marylee Hanifan: 1217 Ridgemont Drive	AGAINST
Mrs. Gayland Walker: 1215 Ridgemont Drive	AGAINST
Mrs. Charles P. Fannin: 1213 Ridgemont Drive	AGAINST
Georgiana Sims: 1215 Ridgemont Drive	AGAINST
Gay Walker: 1215 Ridgemont Drive	AGAINST
William L. Ginn: 1207 Larkwood Drive	AGAINST
Lawrence Brugman: 1204 Larkwood Drive	AGAINST
Joe Kitchens: 1202 Larkwood Drive	AGAINST
Litha W. Whitley: 1205 Ridgemont Drive	AGAINST
Mr. & Mrs. Tom E. Connolly: 1308 Ridgemont Drive	AGAINST
Mr. & Mrs. Lyndon L. Stuckey: 1205 Cloverlead	AGAINST
Mrs. Ray Sorden: 1306 Ridgemont Drive	AGAINST
Mr. & Mrs. Fred R. Rymer: 1314 Ridgemont Drive	AGAINST
A. Ekymer: 1316 Cloverleaf Drive	AGAINST
Mrs. Hattie Donell Gilbert: 1202 Cloverlead Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he lives on the subject site. He explained that he is a bachelor with two small children and he needs to have a small office in his home. It is a very small one man insurance agency and there will not be any traffic created by the use. He said that he has looked in the area for an office but has been unable to find one in close proximity to his home. There are no plans to make any alterations on the dwelling as such. Cameron Road has a car count of approximately 11,000 cars per day and the area fronting along the street is not suitable for residential type development. There is a beauty shop located on the adjoining property which creates more traffic than the use which is proposed on the site. Several of the property owners in the area are in favor of the change. It should be pointed out that directly across the street is a large shopping center and there are commercial facilities to the south and also further to the north.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request and presented the following information: This is a nice quiet residential area with well-maintained homes and yards. Traffic in the area is already a problem and if the requested change is granted the problem would only increase which would be hazardous for the many children who live in the immediate vicinity. It is realized that the traffic along Cameron Road is very heavy but a change in the subject property would only add to the problem because of the cars which would be parked along the street and the additional traffic which would be created. Cameron Road is a natural boundary from the commercial development and should not be extended across the street as it would set a precedent for other changes of this nature to follow.

C14-69-098 George A. Webb--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 Cameron Road; however, they stated they would look with favor on the requested change, as the appropriate zoning across from a shopping center and on a major street, provided the street is made adequate.

At the Commission meeting Mr. Osborne stated that Mr. W. Schieffer, representing the Connolly Company, developer of this subdivision, has advised the staff that the area including the subject property is deed restricted to single-family use. Normally restrictions should not be the governing factor but should be a part of the same considerations which would be given to lot size, layout and adequacy of streets. If the zoning is approved, it would be the prerogative of any homeowner in the area to go to court to enjoin the use of the property. This puts a burden on the individuals in the neighborhood. In general where the restrictions are very clear cut, the action of the City Council has normally been to deny because it could possibly place an additional legal burden on the neighborhood.

Mr. Dunnam stated that there are various kinds of deed restrictions and whether they could or could not be put aside by law is a legal matter.

Mr. Osborne explained that regardless of the deed restrictions he recommends against this zoning request as it would break down a zoning situation that is tenuous at best. The impact on the property adjacent to Cameron Road is recognized but to rezone the subject property would likely lead to the extension of rezoning into the area. This is a very stable single-family area which has very few problems other than traffic.

After further discussion, the Commission

VOTED: To recommend that the request of George A. Webb for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1201 Ridgemont Drive and 5603 Cameron Road be DENIED.

C14-69-099 Howard K. Shackelford: A to B
5406 Jeff Davis Avenue

STAFF REPORT: The subject property contains an area of 13,867 square feet. A change in zoning is requested for the stated purpose of building apartments. Land use in the immediate area to the east and north is predominantly single-family and duplexes with commercial development located along Burnet Road to the west. There have been a number of zoning applications in this area, the latest being in 1968, at which time "B" Residence zoning was granted on property to the south of the site and "BB" Residence zoning was granted on several tracts to the immediate west of Joe Sayers Avenue along Jeff Davis and Houston Streets. Burnet Road, a major arterial street in the Thoroughfare Plan is

C14-69-099 Howard K. Shackleford--contd.

located to the west. Jeff Davis Avenue with a present right-of-way of 50 feet is inadequate and should be widened as apartment development increases and would require 5 feet of right-of-way from the subject site. The staff recommends that the request be granted subject to Jeff Davis Avenue being made adequate.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Milton A. Morse, Jr. (representing applicant)

Lola Burris: 5311 Jeff Davis

Mrs. Margaret Towngate: 5607 Jim Hogg Avenue

Mr. & Mrs. Forest J. Glasgow: Jeff Davis Avenue

Mrs. Mabel Moreland: 5404 Jeff Davis Avenue

NO OPINION

FOR

AGAINST

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Milton Morse, representing the applicant, advised the Committee that a letter agreeing to the five feet of right-of-way for Jeff Davis Avenue was filed with the zoning application. There is "B" Residence existing to the south and the property directly across the street was recently rezoned "B" Residence, First Height and Area and the existing dwellings have been cleared so that apartments can be constructed. The property at the corner of Joe Sayers and Houston Avenues is being offered for sale subject to being rezoned "B" Residence.

Arguments Presented AGAINST:

Three nearby property owners appeared at the hearing and stated that they have had their residences in this area for many years and do not want the intrusion of apartments because of the noise, increased traffic and parking problems as well as the drainage problems which would be created.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, provided the street is made adequate, as it conforms to the existing zoning and development in the area.

At the Commission meeting the staff reported a letter from Mr. Morse, Jr., representing the applicant, offering to dedicate five feet of right-of-way for the future widening of Jeff Davis Avenue.

C14-69-099 Howard K. Shackleford--contd.

In view of the letter offering to dedicate the necessary right-of-way for the future widening of Jeff Davis Avenue, the Commission concurred with the Committee recommendation that this request should be granted and

VOTED: To recommend that the request of Howard K. Shackleford for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5406 Jeff Davis Avenue be GRANTED.

C14-69-100 John W. Bradfield: A to C
2217 West Lake Drive

STAFF REPORT: The subject property contains an area of 8,140 square feet. The portion of the property between West Lake Drive and Lake Austin is being used at the present time as a marina. The stated purpose of the request is for establishing the proper zoning for this use. Land use in the area away from the Lake is single-family development. Properties adjoining the site to the north and south are also developed with marinas, and were before the Commission last month for a change of zoning to "C" Commercial which was granted. "C" Commercial zoning is required for the marina use. To the north in the vicinity of Yacht Harbor is approximately a 5 acre tract on which "B" Residence zoning was requested a few years ago for apartment development; however, the zoning has never been granted and is still pending. The staff has no objection to the requested zoning; however, the field notes that were written for the case extend to the west and above the 504.9 elevation which is the assumed City Limit line of the City of Austin and West Lake Hills. It is recommended that the zoning be granted on only that portion of the property below the 504.9 elevation line. West Lake Drive with a present right-of-way of 60 feet is adequate.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John W. Bradfield (applicant)

Robert D. Jones (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Jones, representing the applicant, stated that the subject property is presently being used for a marina with approximately 30 boat slips. As pointed out by the staff there are two marinas on each side of the property under consideration. With regard to the 504.9 elevation line, the applicant is only requesting a change on that portion below the line as it is the only area the City Council has authority to zone.

C14-69-100 John W. Bradfield--contd.

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 for that portion of the property below the 504.9 elevation which is the assumed City Limit line as the proper zoning for the site. They recommended that the portion of the property located above the 504.9 elevation be deleted from the application.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John W. Bradfield for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2217 West Lake Drive be GRANTED for that portion of the property located below the 504.9 elevation line and that the remainder of the property be deleted.

C14-69-101 Bill Milburn: GR, 1st to C, 5th
2300-2316 South Interregional Highway
1333-1343 East Oltorf Street

STAFF REPORT: This application covers 34,000 square feet of land which is presently undeveloped. The purpose as stated on the application is for an identification sign. The staff report indicates that the zoning existing on the site is "C" Commercial but the staff has been unable to find any information that the tract was ever zoned to this classification. Existing records indicate the zoning is "GR" General Retail, First Height and Area. Travis High School is located on the property adjoining the site to the west and there is a medical office building on property to the south. To the north is a service station, zoned "LR" Local Retail and a church and directly across the Interregional is another church and service station under the "GR" General Retail and "LR" Local Retail classification. There is "A" Residence zoning north of East Live Oak Street. East Oltorf Street is a major arterial street in the Thoroughfare Plan with a present right-of-way of 60 feet and is proposed to be widened to 80 feet which would require 10 feet from the subject site. If the purpose of the application is only for obtaining enough height for a sign, "GR" General Retail, Fifth Height and Area zoning would suffice as this zoning would permit a height of 60 feet. The staff recommends that the zoning as requested be denied but that "GR" General Retail, Fifth Height and Area zoning be granted, subject to 10 feet of right-of-way for East Oltorf Street.

TESTIMONY

WRITTEN COMMENT

Code

None

C14-69-101 Bill Milburn--contd.

PERSONS APPEARING AT HEARING

Code

W. E. Ledford (representing the applicant)

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of East Oltorf Street and as it is too intensive for the area; however, they recommended that "GR" General Retail, Fifth Height and Area zoning be granted, provided East Oltorf Street is made adequate, as it conforms to the zoning existing to the south.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bill Milburn for a change of zoning from "GR" General Retail, First Height and Area to "C" Commercial, Fifth Height and Area for property located at 2300-2316 South Inter-regional Highway and 1333-1343 East Oltorf Street be DENIED but that "GR" General Retail, Fifth Height and Area be GRANTED, subject to East Oltorf Street being made adequate.

C14-69-102 R. R. Sands: A to O
 2109 Ivy Trail
 2128 Ben White Boulevard

STAFF REPORT: The property under consideration contains an area of 8,250 square feet and is presently developed with a single-family structure. The stated purpose of the application is for a real estate office. The land use on the north side of Ben White Boulevard and to the west of the "C" Commercial zoning along Manchaca Road is developed and maintained as a single-family residential area. The "C" Commercial area to the east is developed with a service station on the corner portion and a washateria. On the south side of Ben White Boulevard is extensive commercial development and zoning most of which has occurred in the past five to ten years. Ben White Boulevard, a major arterial street in the Thoroughfare Plan, presently carries approximately 10,000 cars per day at this location. There have been several zoning applications made on the subject property. In 1965, a request for "LR" Local Retail zoning was made and later withdrawn by the applicant and in 1967, the applicant again requested "LR" Local Retail zoning at which time the request was postponed and not acted on by the City Council. When the application was made in 1967, the staff recommended denial of the request as an intrusion into a residential area and because Ivy Trail with only 50 feet of right-of-way was inadequate. The only conditions that have changed since that time is the increase in the traffic count along Ben White Boulevard. The staff feels that the residential neighborhood is

C14-69-102 R. R. Sands--contd.

still intact and that the proper and most desirable type of development, if it is to occur along a major arterial street, is for housing to front to a minor residential street and back or side to a major arterial street which is the way in which this small neighborhood has developed and maintained itself. The staff recommendation is the same as in 1967, which is to deny as an intrusion into a well-established residential area.

TESTIMONY

WRITTEN COMMENT

Code

Mr. and Mrs. John Hancock: 2104 Ivy Trail	AGAINST
Alfred A. Feuge: 2102 Ivy Trail	AGAINST
Charles M. Holt: 2028 Ivy Trail	AGAINST
Mrs. E. H. Kott: 2100 Ivy Trail	AGAINST

PERSONS APPEARING AT HEARING

Code

R. R. Sands (applicant)	
Buford Stewart	FOR
Mr. & Mrs. Alfred Feuge: 2102 Ivy Trail	AGAINST
Mr. & Mrs. Charles M. Holt: 2028 Ivy Trail	AGAINST
Mrs. Curtis D. Wilson: 2106 Ivy Trail	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he purchased the subject property some years ago as a potential location for business. He stated that the zoning is required so that the highest and best use of the land can be obtained. He explained that when he first requested "LR" Local Retail zoning on the tract he discussed the proposal with the Planning Department and they indicated that the property might be rezoned; however, the request was withdrawn because of the opposition in the area. Two years later, in 1967 a request was again made on the property in hopes that the people in the area would consider the changes that have occurred. There is a great deal of commercial zoning and development to the south and there is a deterioration of the property along Ben White Boulevard and Ivy Trail. At the present time there is a trailer located on one of the lots to the east. All of the owners of the property between Ben White Boulevard and Ivy Trail, with the exception of one, have signed a petition asking that the zoning be changed.

Mr. Sands stated that when he first applied for the zoning change the Planning Department said that there should be no difficulty; however, after they became aware of the people in opposition they changed their opinion and recommended against the request. One of the reasons the Planning Department recommended against the request was because there was no ingress or egress from Ben White

C14-69-102 R. R. Sands--contd.

Boulevard but that should have been stated prior to when the application was considered. As a result the request was withdrawn. Mr. Sands further explained that in the meantime he requested that the Council permit him to purchase land for an entrance and exit onto Ben White Boulevard which was granted, so now the property has access to Ben White Boulevard. If the change is granted, the structure existing on the site will be completely remodeled. There is objection in the area because of the traffic on Ivy Trail, however, Ivy Trail does not have to be used in order to get to the site. Mr. Sands said that he is entitled to the highest and best use of his property which is to allow office space.

Mr. Buford Stewart appeared in favor of the request and stated that the property borders on Ben White Boulevard which is a very heavily traveled thoroughfare. The proposal to have the entrance into the site from Ben White Boulevard should lessen the traffic on Ivy Trail. With all of the commercial development existing in this area it is felt that the requested zoning is the highest and best use of the site.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and presented the following information: If the requested zoning is granted it will be piece-meal zoning in an "A" Residential area which is developed with single-family homes. Ivy Trail has been maintained as a residential street and the people living along this street would like for it to remain as it is. If a change is granted, a precedent will be set for the remainder of the neighborhood which would be detrimental. Ivy Trail is a 30 foot street that cannot handle the existing traffic and is too narrow to handle commercial traffic. There are many children living in the area who play in the street and the increase of traffic would be hazardous.

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-established residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of R. R. Sands for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 2128 Ben White Boulevard and 2109 Ivy Trail be DENIED.

C14-69-103 Joe C. Franzetti: A to B
1108-1112 East 9th Street

STAFF REPORT: This application covers an area of 19,600 square feet and the stated purpose of the request is for apartment development. The area is designated in the Master Plan for medium density residential. The land use is predominantly single-family but there are several apartment buildings, churches

C14-69-103 Joe C. Franzetti--contd.

and non-residential uses. To the east along Lydia Street there is a printing shop, church, church school, grocery and restaurant. Along East 11th Street there are other non-residential uses. The zoning pattern directly to the east along Lydia Street is "C" Commercial and to the east of that is "B" Residence zoning and unzoned state property. There is "B" Residence zoning along Waller Avenue and "C" Commercial zoning along East 7th and 11th Streets. Major streets in the area are East 11th and East 7th Streets which are both identified in the Thoroughfare Plan. Lydia Street and Waller Street presently serve as collector streets within the neighborhood. The staff has no objection to the request as the streets have 60 feet of right-of-way, there is "C" Commercial zoning adjacent to the east and the area is designated in the Master Plan for medium density residential development.

TESTIMONY

WRITTEN COMMENT

Code

Petra Garcia (Deceased) by Louis Garcia:	1109 E. 9th	AGAINST
Angelita Limon:	1103 East 9th Street	AGAINST
Jefferson Apartments (% Gillis C. Jefferson)	1003 E. 13th Street	AGAINST

PERSONS APPEARING AT HEARING

Code

Rosa Oluera:	1215 East 9th Street	AGAINST
Mrs. Angelina Limon:	1103 East 9th Street	AGAINST
Petra C. Garcia (deceased) by Louis Garcia		AGAINST
Myrtle D. Herbert:	1106 East 9th Street	AGAINST
Antonio Hernandez:	1105 East 8th Street	AGAINST
Miss Carmen Salas:	1112 East 8th Street	AGAINST
Clara Marcias:	1106 East 8th Street	AGAINST
Mrs. Frank Rios, Jr.:	1113 East 8th Street	AGAINST
Manuel Sanchez:	912 Lydia Street	AGAINST
Manuela Rodriques:	1008 East 9th Street	AGAINST
Candelario M. Hernandez:	1106 East 8th Street	AGAINST
Mrs. Leonardo Castro:	1207 East 8th Street	AGAINST
Mrs. C. M. Hernandez:	1106 East 8th Street	AGAINST
Joe C. Franzetti (applicant)		
Mr. and Mrs. M. Gil:	1000 Lydia Street	AGAINST
Mrs. John Candelos:	1111 East 9th Street	AGAINST
Mrs. Abraham Easarez:	1105 East 9th Street	AGAINST
Mrs. Maria S. Perez:	1111 East 9th Street	AGAINST
Sister M. Elise, C.S.C.:	907 Lydia Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and requested that the application be granted.

C14-69-103 Joe C. Franzetti--contd.

Arguments Presented AGAINST:

A number of people appeared in opposition to the request and stated that there are approximately 100 families within the area bounded by 7th Street on the south, East 11th Street on the north, Interregional Highway on the east and Navasota Street on the west. This is a heavily populated area as it now exists and there are approximately 150 children under the age of eleven who have no place to play as there are no recreational facilities so they play in the street. The apartments existing in the "B" Residence area have created a great deal of trouble for the area as they are rented to low income transient families who move in and out in a short period of time. The people who live in the apartment area are very noisy at night which disturbs the adjoining residents and additional apartments would only increase this problem. There are many churches established in the area and the creation of additional traffic would be hazardous.

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 single-family neighborhood.

At the Commission meeting, Mr. Brown pointed out that the subject property adjoins "C" Commercial zoning which is established along Lydia Street and there is apartment zoning to the west.

Mr. Osborne stated that in 1961, when the Master Plan was adopted, the area was designated for medium density residential. There are issues now being raised by the residents of the neighborhood as to what the appropriate development should be within the area. From the standpoint of the Master Plan designation apartment zoning would fit in as being appropriate and there is "B" Residence zoning existing in the area. The Master Plan designation was based on the presumption that much of the area would be subject to redevelopment, not necessarily urban renewal, to more intensive type residential uses in the form of apartments. The Commission should consider what is an appropriate zoning pattern.

Mr. Smith stated that even though the area is designated for medium density residential it has not changed to a more intensive use. There is commercial zoning along Lydia Street and apartments across from the subject site; however, the development within the commercial area is predominantly single-family with a few churches, and the people are opposed to a change. The people who are involved and would be effected by a change should be considered as they will have their homes across from the development and regardless of the condition or type of home they have, it is where they reside.

Mr. Brown stated that in his opinion the people who want to bring in new structures should also be given consideration. There are a lot of homes in the area that are unusable and the price of real estate prohibits the building of single-family residences.

C14-69-103 Joe C. Franzetti--contd.

Dr. Hazard explained that there are funds available through Code Enforcement and Urban Renewal for people who wish to bring their homes up to standard. It is felt that the area should remain as a single-family area on the basis of studies in 1964, 1965 and 1967. He said that the people in the area undoubtedly want to maintain single-family character and in his opinion the Commission would be violating public trust to recommend in favor of a change.

Mr. Osborne stated that in general he does not feel that rezoning is the proper route to instigate redevelopment in an area. The size of the lots, unless there can be land assembly prohibits apartment development and a change in zoning is not going to promote a great deal of new development. Much of the area has been zoned for a long period of time and development has not occurred.

After further discussion, a majority of the members felt that the request should be denied as an intrusion into an area which is predominantly single-family in character. It was then

VOTED: To recommend that the request of Joe C. Franzetti for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1108-1112 East 9th Street be DENIED.

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

C14-69-104 Joe C. Franzetti: A to B
 806-810 San Marcos Street
 907-913 East 9th Street

STAFF REPORT: This application contains an area of 24,500 square feet and the stated purpose of the request is for apartment development. To the south on San Marcos Street just north of East 7th Street is the French Legation. There is a mixture of zoning within the neighborhood consisting of "A" and "B" Residence and "C" Commercial. Within the "B" Residence and "C" Commercial zoning districts there are single-family uses which have been in existence for sometime. The subject property falls within an area designated by the Master Plan for medium density residential. The streets have 60 feet of right-of-way which is adequate for high density uses. In view of the fact that the request is in compliance with the Master Plan designation for the area and the streets are adequate, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT
 Code

Ray Smith, Jr.
 Harry E. Montandon: 2412 North Interregional Hwy.
 Inga Sanholm: 811 East 8th Street
 Mrs. Sara Cartwright: 811 San Marcos Street

FOR
 FOR
 AGAINST
 AGAINST

Cl4-69-104 Joe C. Franzetti--contd.

PERSONS APPEARING AT HEARING

Code

Joe C. Franzetti (applicant)	
Petra Garcia (deceased) Louis Garcia: 1109 East 9th Street	AGAINST
Mrs. Catherine B. Lamkin: 815 San Marcos Street	AGAINST
Mrs. Sara Cartwright: 811 San Marcos Street	AGAINST
Mrs. Bobbie Sparrow: 811 San Marcos Street	AGAINST
Antonio Hernandez: 1105 East 8th Street	AGAINST
Miss Carmen Salas: 1112 East 8th Street	AGAINST
Clara Marcis: 1106 East 8th Street	AGAINST
Mrs. Frank Rios, Jr.: 1113 East 8th Street	AGAINST
Manuel Sanchez: 912 Lydia Street	AGAINST
Manuela Rodriguez: 1008 East 9th Street	AGAINST
Candelario M. Hernandez: 1106 East 8th Street	AGAINST
Mrs. Leonarda Castro: 1207 East 8th Street	AGAINST
Mrs. C. M. Hernandez: 1106 East 8th Street	AGAINST
Mrs. Aigernia Gil: 1000 Lydia Street	AGAINST
Nareiso Gil: 1000 Lydia Street	AGAINST
Mrs. John Candelos: 1111 East 9th Street	AGAINST
Mrs. Abraham Easarez: 1105 East 9th Street	AGAINST
Mrs. Maria S. Perez: 1111 East 9th Street	AGAINST
Sister M. Elise, C.S.C.: 907 Lydia Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Franzetti was present on behalf of this request and had nothing to add to the report by the staff.

Arguments Presented AGAINST:

A number of people appeared in opposition to the request and stated that apartment development would bring undesirable persons into the area and would depreciate the value of the existing neighborhood. There is a pleasant pocket of residential development and any rezoning would be detrimental and cause deterioration of the area. A change in zoning would also create traffic and parking problems. This area is within the Model Cities Program and the people are working with this project and should be encouraged by keeping this as a residential area. The "B" Residence and "C" Commercial zoning existing in the area was created many years before and has only been developed with residences.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed this request in relation to the existing zoning and development. Several of the members were in favor of the request as it conforms with the Master Plan designation of medium density residential for

C14-69-104 Joe C. Franzetti--contd.

the area; however, other members felt that the request would intrude upon the area which is developed with single-family residences. A motion to grant the request failed to carry by a tie vote.

At the Commission meeting, Mr. Smith pointed out that this area is predominantly developed with single-family residences with the exception of the French Legation which is established on property adjoining the site to the south. He said that in his opinion the low-density residential character of the area should be retained and new homes should be established where there is vacant property.

A majority of the members agreed with Mr. Smith and

VOTED: To recommend that the request of Joe C. Franzetti for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 806-810 San Marcos Street and 907-913 East 9th Street be DENIED.

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

C14-69-105 L. D. Turner: Int. A, Int. 1st to GR, 1st
6400-6706 Loop 111 (Ed Bluestein Boulevard)

STAFF REPORT: This application covers a large undeveloped tract of land consisting of 22.76 acres. The stated purpose of the request is for commercial development and apartments. To the west is the subdivision called the Bluffs of University Hills which is presently under development. To the south, north and east is undeveloped land which is for the most part lying outside the city limits. There is "BB" Residence zoning on the east side of Manor Road. There is also "GR" General Retail, and "BB" Residence zoning. The staff has discussed this request with the applicant and through the discussions is recommending an amendment to the application. The staff could recommend "GR" General Retail zoning for that area located along the easterly extension of Loyola Lane at its intersection with Bluestein Boulevard at the crossover. This area would include approximately 8 to 10 acres. According to the schematic plan presented by the applicant, it is proposed that only one portion of the area would be oriented to Bluestein Boulevard and this portion is located at the northern end of the subject tract. The staff recommends that "B" Residence be granted for that northern portion of the tract. The remainder of the area would be developed with low-density apartments fronting onto an interior loop street. It is recommended that "BB" zoning be granted for this portion. The suggested amendment has been discussed with the applicant and he is agreeable. With the amendment, the staff recommends the request be granted subject to approval of the subdivision on the tract or the dedication and fiscal arrangements for the extension of Loyola Lane as it effects the subject property.

C14-69-105 L. D. Turner--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

W. W. Patterson (representing applicant)

SUMMARY OF TESTIMONY

Mr. W. W. Patterson, representing the applicant, stated that they agree with the staff recommendation except for the northern portion of the property. There is a terrain difference as there is a very high bluff and the land to the west of this portion of the tract is much lower which would serve as a natural buffer. The bluff has approximately 30 to 40 feet and the area lends itself to different treatment than the balance of the land and would be a natural apartment site. It is requested that "B" Residence zoning be granted on the portion of the property to the north and that "GR" General Retail zoning be granted on the south. The same people who have this tract under contract are developing the Bluffs of University Hills and they are interested in protecting that subdivision. "BB" Residence zoning is agreeable in the center portion of the tract.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "GR" General Retail zoning for the tracts should be denied; however, they recommended that "GR" General Retail, First Height and Area zoning be granted for that portion of the property which is generally located in the southeast corner of the tract, "BB" Residence, First Height and Area zoning on the area adjoining the "GR" and "B" Residence, First Height and Area on the northern portion of the site (the exact boundaries to be determined by the staff and the applicant) subject to the provision for the extension of Loyola Lane and a street connecting Loyola Lane to the south property line through the subject tract.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of L. D. Turner for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area be DENIED except for that portion of the property located at the southeast corner of the tract which should be GRANTED and that "BB" Residence, First Height and Area zoning be GRANTED on the area adjoining the "GR" General Retail classification and "B" Residence, First Height and Area on the northern portion of the site (exact boundaries to be determined between the Planning Department staff and the applicant) subject to the provision for the extension of Loyola Lane through the subject tract and a street connecting Loyola Lane to the south property line through the subject tract.

CL4-69-107 William E. Nickels: B to C
 712 Henderson Street

STAFF REPORT: The property under consideration consists of 6,815 square feet of land and the stated purpose of the request is for used car clean up and sales. The use proposed is related to a car dealership at the corner of West 6th and Lamar Boulevard. Land use in the triangular area bounded by Shoal Creek Boulevard, Lamar Boulevard and West 6th Street is predominantly commercial with six residential structures and a few duplexes on the interior of the area along Henderson Street. The predominant use to the west of Lamar Boulevard is single-family, duplexes and some apartments. The area along Lamar Boulevard is used and zoned for non-residential purposes. "B" Residence zoning is established to the immediate north and east. The staff has no objection to the requested change as it relates to the existing land use and street pattern. Lamar Boulevard and West 6th Street are major arterial streets in the Thoroughfare Plan. West 9th Street is proposed to be extended from West Avenue to the west and connect with Lamar Boulevard; however, there is no definite time for this improvement. Henderson Street, with a present right-of-way of 50 feet is inadequate and should be widened which would require 5 feet of right-of-way from the site. The staff recommends that the request be granted, subject to the provision of 5 feet of right-of-way for Henderson Street, as a logical extension of the zoning existing in the area.

TESTIMONY

WRITTEN COMMENT

Code

William E. Nickels (applicant)

Roy Butler: 900 West 6th Street

R. A. Dalton: 909 North Lamar Boulevard

911-913 North Lamar Boulevard

FOR

FOR

PERSONS APPEARING AT HEARING

Code

William E. Nickels (applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that all of the houses along this street, with the exception of one, is in the process of being torn down. He stated that he operates a used car lot and the use on the subject property will be in conjunction with his existing business. Henderson Street is gravel and there will be businesses built all along the area to the south.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, provided Henderson Street is made adequate, as a logical extension of the existing zoning and development.

C14-69-107 William E. Nickels--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of William E. Nickels for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 712 Henderson Street be GRANTED, provided Henderson Street is made adequate.

C14-69-108 Lawrence A. Hunt: Int. A, Int. 1st to C, 1st
2607 Buell Avenue

STAFF REPORT: The property under consideration contains an area of 8,865 square feet and the stated purpose of the request is for office and storage facilities. Buell Avenue until a few months ago was outside of the City Limits and was part of an annexation program by the Council in 1968 to bring those areas which were surrounded by the City Limits into the City. At that time there were a number of non-residential uses along Buell Avenue which are still existing and are non-conforming as they have come in under the Interim "A" Residence, Interim First Height and Area classification. There have been several applications along Buell Avenue subsequent to annexation. The area directly to the west along Stillwood Lane and Briarwood, south of Steck Avenue and along the two cul-de-sacs to the south are single-family areas which have been developed. There are non-residential uses and zoning along Burnet Road and several apartments have developed along Steck Avenue just off of Burnet Road. The application is consistent with land use that exists along Buell Avenue and the staff has no objection to the request; however, Buell Avenue with a present right-of-way of 50 feet is inadequate and should be widened to 60 feet for the proposed uses, which would require a minimum of 2 feet from the site inasmuch as 8 feet has been taken from the north.

TESTIMONY

WRITTEN COMMENT

Code

Frank DeGroot: 1108 Koenig Lane
Leffler Millwork Co.: Box 9327
Nelson Puett Mortgage Co.

FOR
FOR
FOR

PERSONS APPEARING AT HEARING

Code

Lawrence A. Hunt (applicant)

SUMMARY OF TESTIMONY

The applicant appeared at the hearing and advised the Committee that he purchased the property several years ago with the idea of building a business and requested that the zoning change be granted.

No one appeared in opposition to the request.

C14-69-108 Lawrence A. Hunt--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, provided Buell Avenue 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 Lawrence A. Hunt 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 2607 Buell Avenue be GRANTED, provided Buell Avenue is made adequate.

C14-69-109 Howard E. Brunson: A to C
680-698 Pleasant Valley Road
2614-2716 Gonzales Street

STAFF REPORT: This application covers a large tract of land consisting of 5.65 acres. The stated purpose of the request is for a shopping center. Directly to the west of the site is Zaragosa Park and recreational facilities of the City of Austin. Directly to the north is a low density single-family residential area with some duplexes. To the east along Garwood, Prado and Castro Streets is a single-family residential subdivision with a few accessory uses on Garwood and Pleasant Valley Road. To the south across 7th Street is a shopping center although zoned "D" Industrial and a warehouse and office on the southeast corner of Pleasant Valley Road and East 7th Street. Directly across Gonzales Street from the subject property is a service station. The zoning pattern in the area is unusual in that the residential areas are zoned "D" Industrial which was established in the late 1940's when initial zoning was set by the City. In the Master Plan at that time it was felt that Boggy Creek and East 7th Street at least at this location, would develop industrially and was zoned for that purpose. In 1967, the Commission considered the Capital City East General Neighborhood Renewal Plan for the area. Also at that time, the Commission held a Master Plan hearing on the area east of Pleasant Valley Road for redesignation to low density residential in order to be in conformance with the GNRP. There was so much resistance by the neighborhood that the Council did not amend the Master Plan and the area was retained as "D" Industrial.

The subject property is located on the northwest corner of Pleasant Valley Road and East 7th Street. Pleasant Valley Road is proposed to be extended north through the Glen Oaks Urban Renewal area and through a portion of the subject property to ultimately connect with Chestnut at 19th Street. The improvement of Pleasant Valley Road from Webberville Road to East 19th Street is proposed in the Glen Oaks Renewal Plan and is scheduled to occur within the next year or two. Pleasant Valley Road from Town Lake to East 7th Street south is being widened and improved and the street only needs to be extended and connected from East 7th Street to Webberville Road to provide a major arterial street

C14-69-109 Howard E. Brunson--contd.

on the east side of town which is identified in the Thoroughfare Plan. The staff feels that the purpose for which the application is made is properly located at the intersection of two major arterial streets and it is recommended that the request be granted subject to right-of-way which is required from the subject property for the proposed extension and improvement of Pleasant Valley Road. The location of the extension of Pleasant Valley Road through the tract to continue in a northerly direction is tentative but is identified in the Glen Oaks Renewal Plan. The final location may effect the property less than indicated but it is requested that the granting of the application be subject to the final determination of the location of the thoroughfare. Gonzales Street is a 50 foot street which intersects with East 7th Street at a very acute angle and it is felt that with development of Pleasant Valley Road and East 7th Street as an arterial street, some change should be made in the intersection. Consideration is being given to bringing Gonzales down to "T" in with East 7th Street just east of the service station site at the corner of Callas and 7th Streets and it is possible that the easterly portion of the street could be vacated to the abutting owner. This would improve the intersection and at the same time the City could work with the developer on whatever right-of-way is required from the site. It is felt that the intersection as it now exists is dangerous and could be improved at the same time this application goes through.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Howard E. Brunson (applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and advised the Committee that there will be a traffic light for Pleasant Valley Road and East 7th Street. The right-of-way has been staked out for the street vacation and Gonzales will cross just to the east of the service station within the existing right-of-way as shown on the staff report. The purpose of the request is to provide a shopping center and shopping facilities for the people in the area. The site is a large tract of land and an attempt has been made to protect the neighborhood by setting back across Boggy Creek from the residences to the north and a 150 foot buffer zone has been left from the west. Mr. Brunson stated that he has the land under a long term lease and in his opinion there should not be a problem with the owner in regard to the street as it is realized that it would be a benefit. He said that he would be anxious to work with the City.

No one appeared in opposition to the request.

C14-69-109 Howard E. Brunson--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to the provision for the extension of Pleasant Valley Road as it effects the subject tract, as the appropriate zoning at this location.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Howard E. Brunson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 680-698 Pleasant Valley Road and 2614-2716 Gonzales Street be GRANTED, subject to provision for the extension of Pleasant Valley Road as it effects the subject tract.

C14-69-110 J. Leslie Fox: 0 to GR
1506-1510 Anderson Lane
7900-7902 Burrell Drive

STAFF REPORT: This application covers two lots containing an area of 15,564 square feet. The stated purpose of the request is for an automobile parts and accessories business. To the east of the site is a church and church school, and to the north along Burrell Drive is single-family residential use. To the south, directly across from the site is a small shopping center with isolated commercial uses and to the east and south of Anderson Lane is single-family development. There is "GR" General Retail zoning and uses to the west of the railroad track along Anderson Lane, and on the north side along Wooten Drive there is "GR" General Retail and "O" Office zoning. Most of the tracts on the west are developed with commercial uses and several apartment projects. To the south of the south property line of the uses fronting onto Anderson Lane there is single-family development and zoning. "LR" Local Retail zoning exists directly across the street to the south. The "O" Office zoning existing on the site was considered and granted in 1962 at which time the staff stated that "O" Office was appropriate for the use and the location as it relates to the church and the adjoining property. It is realized that there is "GR" General Retail zoning to the west and "LR" Local Retail zoning across the street from the site, but it is felt that the existing zoning is appropriate because of the relationship of the church and the adjoining property. It is recommended that the request be denied; however, if the Commission feels that the change is appropriate, it is requested that consideration be given to the requirement of approximately 5 feet of right-of-way from the subject property for future widening of Anderson Lane.

TESTIMONY

WRITTEN COMMENT

Code

none

C14-69-110 J. Leslie Fox--contd.PERSONS APPEARING AT HEARING
Code

Lloyd Steiger (representing applicant)

SUMMARY OF TESTIMONY

Mr. Lloyd Steiger advised the Committee that he represents a company interested in placing a new automobile parts business on the site. There are plans to protect the single-family dwellings to the north by means of a privacy fence. He stated that it is his understanding that negotiations are being made for the sale of the church property but he does not know what the property will be used for but it stands to reason that the use would be similar to what is proposed on the property under consideration.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members discussed this request and were of the opinion that the requested zoning is appropriate as a logical extension of existing zoning; however, they noted that the right-of-way for Anderson Lane is inadequate under the Thoroughfare Plan and recommended that the request be denied. They were of the opinion that the clarification of the right-of-way policy, when in excess of 70 feet, as it affects zoning should be referred to the full Commission for further discussion.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate 5 feet of right-of-way for the future widening of Anderson Lane.

Dr. Hazard stated that there was a question at the Zoning Hearing as to whether or not the applicant should be required to give additional right-of-way inasmuch as the existing right-of-way is in excess of 70 feet.

Mr. Osborne explained that the 70 foot requirement does not apply in this case. The change proposed on the property is a change in the intensity of the use and the right-of-way is normally required.

Mr. Hanks stated that in his opinion right-of-way in excess of 70 feet should be acquired by the City. When a street has 70 feet or more of right-of-way it becomes a collector street for all of the people in an area and everyone benefits by the widening.

Mr. Osborne stated that the net result of acquiring right-of-way in excess of 70 feet would be that the streets would not be widened as the City does not have the money to purchase this right-of-way. The right-of-way requirements throughout the City are great and is coupled with a very permissive zoning policy on the part of the City. As long as there is permissive zoning in which most cases are rezoned, the route that must be taken is to require additional right-of-way when the use is intensified.

C14-69-110 J. Leslie Fox--contd.

Mr. Smith stated that only five feet of right-of-way is needed from the site which is only a small amount to be concerned with. Inasmuch as it is such a small amount and because of the fact that many other people have given that much and more, the street in this case should be made adequate to meet the planned standards.

Mr. Dunnam said that generally speaking more intensive uses on a major thoroughfare increases property values as well as traffic generation.

Mr. Brown stated that if Anderson Lane is widened, it is likely that the City will pay for the right-of-way in the shopping center area across the street and the church area and in this case, one property owner is requested to give the right-of-way. If this is done, the property owner should at least be allowed the use of that land until the street is widened. In many instances right-of-way is taken, the street is not widened and the property owner is denied the use of the land. There should be some policy adopted whereby a property owner can use the area until a street is widened.

After further discussion, a motion to grant the request and to note to the City Council that right-of-way is needed for Anderson Lane and should be negotiated with the applicant failed to carry by the following vote:

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

The members were cognizant of the offer of right-of-way from the applicant and a majority felt that the offer should be accepted and the request should be granted. It was then

VOTED: To recommend that the request of J. Leslie Fox for a change of zoning from "O" Office, First Height and Area to "GR" General Retail, First Height and Area for property located at 1506-1510 Anderson Lane and 7900-7902 Burrell Drive be GRANTED.

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

ABSTAINED: Mr. Hanks

C14-69-111 Mrs. Ben T. Roach: A to GR
 1900-1906 Redwood Avenue
 Rear of 1908-1910 Redwood Avenue
 3510-3520 East 19th Street

STAFF REPORT: The property under consideration covers an area of 1.63 acres and the stated purpose of the request is for commercial development. The land use in the area to the north of East 19th Street is predominantly single-family on large

C14-69-111 Mrs. Ben T. Roach--contd.

tracts. Along Redwood Avenue, to the south of East 19th Street, is scattered single-family development. "C" Commercial zoning has been established on property at the southwest corner of Redwood Avenue and East 19th Street for a number of years. "GR" General Retail zoning directly across from the existing "C" Commercial district was granted in 1964 and is developed with a retail use on the front portion and apartments on the rear. East 19th Street is a major arterial street in the Thoroughfare Plan and should be widened which would require five feet of right-of-way from the subject site. Greenwood Avenue and Redwood Avenue extend from East 19th Street to Manor Road as it adjoins Airport. Redwood Avenue at this location is 60 feet wide. The staff is concerned about what might occur in the way of zoning in this area because of the very large tracts; however, it is felt that there will be some redevelopment. It is the staff's understanding that there are homes being moved into this area from other parts of town. The location of the site in relation to East 19th Street, a major arterial street and Redwood Avenue, a collector street, makes it susceptible to this type of zoning and it is recommended that the request be granted, subject to five feet of right-of-way for East 19th Street.

TESTIMONY

WRITTEN COMMENT

Code

Henry Linam: 1901 Redwood Street
Clifford S. Hubbert

FOR
FOR

PERSONS APPEARING AT HEARING

Code

Rogan Giles (attorney for the applicant)
Mrs. Ben T. Roach (applicant)

SUMMARY OF TESTIMONY

Mr. Rogan Giles, attorney for the applicant, stated that there is a house existing on the site but is not at the corner of East 19th Street. The property falls away from East 19th Street and there is a considerable amount of vegetation which obscures the vision of traffic on Redwood Avenue as it approaches East 19th Street. Because of the vegetation and fall in the tract, a setback from East 19th Street would be required and in order for the site to be used, it will have to be cleared which will be an improvement. There is no objection to dedicating the necessary five feet of right-of-way for the future widening of East 19th Street.

There is a dog kennel on property across the street and to the north is the Trinity Testing Laboratory. There is a church in the area to the south and it is felt that the requested zoning would be a proper use of the site.

No one appeared in opposition to the request.

C14-69-111 Mrs. Ben T. Roach--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this request should be granted, provided East 19th Street is made adequate and recommended that the right-of-way question be referred to the full Commission.

At the Commission meeting the staff reported a letter from Mr. Rogan Giles, attorney for the applicant, offering to dedicate the necessary right-of-way for the future widening of East 19th Street.

Mr. Giles pointed out that the right-of-way requested is five feet but the length of the property is 300 feet which means that a considerable amount of right-of-way is requested from the subject property.

After further discussion, the Commission members agreed that the offer of right-of-way should be accepted and therefore

VOTED: To recommend that the request of Mrs. Ben T. Roach for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1900-1906 Redwood Avenue, the rear of 1908-1910 Redwood Avenue and 3510-3520 East 19th Street be GRANTED.

C14-69-112 Richard Criss, Trustee: A to GR
5508-5722 Manchaca Road (as amended)

STAFF REPORT: The property under consideration covers an area of 27.09 acres which is presently undeveloped. The stated purpose of the request is for commercial, offices and apartments. The land use in the immediate area consists of undeveloped land although it is subdivided. To the north is a subdivision which has been finally approved but no development exists on the ground. To the north of Southern Oaks Drive, east of Manchaca Road along Inverness Boulevard is an older residential area which has developed. To the south, a portion of Cherry Creek subdivision is being developed and another section just to the north of Stanley Street and Whitestone Drive has been subdivided but no development has occurred. There is proposed subdivision activity for the remaining area between those subdivisions which have been approved on both the north and south. Across Manchaca Road is Crockett Senior High School and Garrison Park. Directly across the street from the subject tract is a large tract, a portion of which is undeveloped and a portion which is developed with a service station. To the north and on the west side of Manchaca Road and its intersection with Southern Oaks Drive there is "C" Commercial and "GR" General Retail zoning, which is developed with non-residential uses consisting of a small shopping center and office building. The City has acquired approximately a 3½ acre tract adjacent to the tract for a regional library site. The zoning existing in the area is predominantly single-family with the exception of the "GR" General Retail area across Manchaca Road to the east and the "GR" General Retail and "C" Commercial zoning to the north. The major streets in the area are Manchaca Road and Stassney Lane both of which are identified in the Thoroughfare Plan.

C14-69-112 Richard Criss, Trustee--contd.

There is one portion of the application to the south that will be before the City Council this week for the first and second readings of the Ordinance for annexation. The third reading will likely occur two weeks later or approximately on May 22nd. The zoning case will not be before the City Council until June 5th so the area will be within the City Limits before hearing by the Council.

The staff recommends in favor of "GR" General Retail zoning for that portion of the property from Manchaca Road westerly along the rear property line of the lots facing south on Whitestone Drive; then northerly along the rear property lines of those lots on Leewood Drive facing west to the north property line of the subject tract. It is felt that the intersection of two major arterial streets such as Manchaca Road and Stassney Lane is the proper location for this type of zoning; however, it is recommended that the remainder of the tract be denied and that "A" Residence zoning be retained. Stassney Lane is proposed to have a right-of-way of 90 feet as it is a major arterial street in the Thoroughfare Plan. There was not a traffic count along Manchaca Road in 1962 when the Austin Transportation Study was made but in 1968, the traffic count is reported to be approximately 3,000 cars per day on Manchaca Road at Stassney Lane. The forecast for Stassney Lane in the Thoroughfare Plan is less than 1,000 cars per day.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Thomas Watts (representing Bryant-Curington)

FOR

SUMMARY OF TESTIMONY

Mr. Thomas Watts, representing Bryant-Curington, Engineers, requested that the application be amended to request "GR" General Retail, First Height and Area zoning on the portion of the property recommended by the staff and "B" Residence zoning on the western portion of the property. The application was filed in the late hours before the deadline so the request was made for "GR" General Retail zoning on the entire tract. The southern line of the tract is intended to represent the same line that is shown on the staff report in dashed form as being the street line pushed through the tract. It is felt that the area is ideally suited for retail development on the eastern portion and apartment development on back along Stassney Lane because of the location at the corner of major thoroughfares, the site is across from a school and another "GR" General Retail area, is adjacent to the regional library site and just to the west there is another thoroughfare which is Westgate Boulevard as it comes up to U. S. Highway 290. The area is sandwiched between Manchaca Road, Westgate Boulevard and Stassney Lane. Stassney Lane runs from Westgate Boulevard easterly to approximately South Congress Avenue and beyond. This is an area in South Austin which appears to be becoming a hub of that part of town.

C14-69-112 Richard Criss, Trustee--contd.

To the south of the tract near Lloyd Drive there is some 200 or 300 acres of undeveloped land which is very prime to subdivision uses. It is in one large tract or there would probably have been an earlier use on the area. Mr. Watts stated that it is his understanding that it has been purchased by investors and it is felt that in the future it will be subdivided in the same way or similar to Cherry Creek. To the south of Stassney Lane, lots have either been sided or backed to the street in order to minimize the effect of the street. The only way the small strip of area could be developed into single-family uses as recommended by the staff, would be to run a single street the length of the property and subdivide small lots off of it. This means that there would be lots fronting onto Stassney Lane and another street which is undesirable from an economical standpoint. It is felt that cul-de-sacs or similar type of development could be brought into the property for multi-family use that would be concurrent with the commercial uses on Manchaca Road and would not be destructive to the single-family area. Lots in the area have been platted; however, there are no structures on them and they have not been sold so there will be no one injured by virtue of having purchased property in the area and then later finding high use development brought in. The same thing is true across from Stassney Lane. It is felt that the requested zoning is a logical request which has merit and the zoning is being requested at this time prior to selling of lots and prior to development of adjacent property.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the application and concluded that this request should be denied on the entire tract as the request is premature and too intensive for the area at this time; however, they recommended that "GR" General Retail, First Height and Area zoning be granted for that portion of the property to approximately a depth of 800 feet parallel to Manchaca Road (the exact boundary to be determined by the staff and the applicant) as the proper zoning located at the intersection of two major streets, subject to approval of a subdivision providing for the westerly extension of Stassney Lane through the subject tract. They further recommended that the remainder of the property be retained as "A" Residence, First Height and Area.

At the Commission meeting the staff reported a letter from Mr. Thomas B. Watts, engineer for the applicant, requesting that this application be amended to request "GR" General Retail, First Height and Area zoning only on the front part of the original application as recommended by the staff and the Zoning Committee.

Mr. Watts advised the Commission that there is a preliminary plan pending on the property which has been filed and action on the portion of the plan covering the subject property has been held pending the zoning approval. He asked if approval of the preliminary would validate the zoning.

C14-69-112 Richard Criss, Trustee--contd.

Mr. Foxworth stated that the subject area was identified on the preliminary plan as a proposed commercial and multi-family area. Following departmental policy with regard to subdivisions, the subject area was held in abeyance until such time as the zoning was considered and approved. The action on the preliminary would require the resubmission to the Subdivision Committee for action on the area under consideration

Mr. Watts indicated that a plan has been provided for the extension of Stassney Lane but a final plat has not been submitted. It is felt that the zoning as amended should be granted inasmuch as provision for the extension of the street has been made through the preliminary plan and there are no immediate plans for the filing of a final plat.

After further discussion, the Commission concurred with the Committee recommendation that the requested zoning as amended is the proper zoning and felt that the request should be granted subject to the provision for the westerly extension of Stassney Lane through the tract. It was then unanimously

VOTED: To recommend that the request of Richard Criss, Trustee for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for the front portion of the tract (as amended) located at 5508-5722 Manchaca Road be GRANTED, subject to the provision for the westerly extension of Stassney Lane through the tract.

C14-69-113 H. D. Hutson: A to C
613 Wood Street

STAFF REPORT: The subject property contains 7,500 square feet of land and the stated purpose of the request is for a commercial drive-in. Land use in the area north of West 6th Street between Lamar Boulevard and Shoal Creek is rapidly becoming one of commercial use, which is mostly generated by an automobile dealership although there are a number of independent commercial operations within the immediate area. The zoning is for the most part "B" Residence and "C" Commercial. There is a small portion of land along Wood Street, of which this tract is a part, and a small area of land to the north which are still zoned "A" Residence. An application for "C" Commercial zoning to the west along Henderson Street is also being considered by the Commission at this time. There is a pending application for "C" Commercial zoning on property across the street and just to the north. "LR" Local Retail zoning was granted on one lot along Henderson Street in 1958.

The major streets as identified in the Thoroughfare Plan are Lamar Boulevard, West 5th and West 6th Streets. Wood Street has 50 feet of right-of-way; however, because this street is a short dead-end street, the staff sees no need for requiring right-of-way at this location. There is no objection to the request because of the existing zoning and development in the area and the staff recommends that the application be granted.

C14-69-113 H. D. Hutson--contd.

TESTIMONY

WRITTEN COMMENT

Code

Nash Ranch, Inc.: P. O. Box 1988	FOR
Magee & Moore Insurance: P. O. Box 1825	FOR
Winifred Cockrell: 410 S. Chestnut, Lampasas, Tex.	FOR

PERSONS APPEARING AT HEARING

Code

H. D. Hutson (applicant)

SUMMARY OF TESTIMONY

Mr. H. D. Hutson was present on behalf of his request and informed the Committee that he owns Hut's Drive-In which is presently located on West 6th Street and the change in zoning is requested on the subject property so that he might someday in the future move his business to this location.

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 the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of H. D. Hutson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 613 Wood Street be GRANTED.

C14-69-114 Jon Coffee: A to BB
 1109-1113 Post Oak Street
 Rear of 700-908 Dawson Road
 Rear of 910-1100 South 5th Street

STAFF REPORT: This is a request for "BB" Residence, First Height and Area zoning for approximately 12½ acres of land for the stated purpose of garden and studio apartments. The land use in the immediate area is one of single-family development to the east and to the south. Directly adjacent to the tract to the northeast is the Elks Lodge and directly north of Post Oak Street is an apartment dwelling group. To the west across a railroad track and fronting onto South Lamar Boulevard is strip commercial development which extends south from Barton Springs Road. Existing zoning in the area includes "A" Residence zoning to the east and south; "B" Residence zoning to the north of Post Oak Street and "C" Commercial zoning along the frontage of Barton Springs Road and South Lamar Boulevard.

C14-69-114 Jon Coffee--contd.

There are peculiar development problems with this particular application in that along the east boundary of the tract for almost the entire length there is a very steep bluff which drops off almost 100 feet or more at the location of the Elks Lodge and approximately the same amount at the southern end of the tract. West Bouldin Creek also runs through the tract and on the west side of the site there is the railroad right-of-way and the railroad facilities. Another unique feature is that the tract only has one point of access which is Post Oak Street on the north. South 6th and 7th Streets are both dedicated to the tract from the south but are not open on the ground from James Street to the site. The streets to the south have 50 to 60 feet of right-of-way and are gravel.

The staff sees no particular objection to the zoning to "BB" Residence but there is a very serious problem with the access to the tract. Post Oak Street has 50 feet of right-of-way and is improved with county-type paving. At the location adjacent to the apartment zoning and development the street is being used as a parking lot, and it is difficult to tell whether it is a street or parking for the apartments. With this very serious limitation, if the Committee feels that the request is appropriate for the tract, the staff would recommend approval subject to a special permit. In the processing of the special permit it is hoped that the access could be improved. Discussions between the staff and the applicant at the present time includes proposed development of a street which would extend along the railroad right-of-way to the south line of the tract, crossing the creek and continuing on north between the creek and the bottom of the bluff to come back into Post Oak Street. On the east side of the creek it is the applicant's intention that no development would occur and that the area would be open space which would likely be developed with a tennis court or some open space facilities for the use of the residents in the apartment project. Building construction would occur in the area between the railroad and West Bouldin Creek. Under the "BB" Residence zoning for 12 acres of land, approximately 240 units could be developed but it must be recognized that it is unlikely that this number will occur because of the site limitations. It must also be recognized and considered that apartment development traffic generation is approximately four trips per day per unit. With 240 units this would be almost 1000 trips per day generated by this apartment project with only one point of access. It is hoped that in the process of a special permit Post Oak Street could be widened and some emergency access provided from South 6th Street. The area along the south property line would likely be fenced but emergency exit could be provided. It is recommended that the request be granted subject to a special permit and subject to at least 20 feet of right-of-way from the site for the widening of Post Oak Street.

TESTIMONY

WRITTEN COMMENT

Code

None

C14-69-114 Jon Coffee--contd.

PERSONS APPEARING AT HEARING

Code

William J. Burnette: 514 Dawson Road

FOR

SUMMARY OF TESTIMONY

Mr. Bill Burnette, representing the applicant, advised the Committee that Mr. Coffee is in the process of selling the subject property to another party and most of his dealings have been with the prospective purchaser. The plans are to bring a street or private drive in from Post Oak Street across a creek and along the west boundary line of the property leaving some trees and some open space between the west property line and the railroad track. One of the reasons for this is that the greenery which is left will shield the apartments from the railroad development and the other is that the driveway plus the green area will serve as a noise buffer from the west property line. The street will then be extended along the south property line of the tract crossing the creek in another location and along the creek will be another private drive which will extend to Post Oak Street. The applicant has planned to put all the apartments on the west side of the creek. The apartments are proposed in this location as the applicant believes in a lot of open space which will also serve as a buffer from the residential development which sides and fronts onto South 5th Street and Dawson Road and because of the topography of the tract. On the west side of the creek, the property is for the most part rather flat whereas the area on the east has a severe terrain problem. The terrain offers a unique situation in that it would be difficult to put in a road that would connect Post Oak Street and 6th Street and would offer some sort of proper access out to the south. As pointed out by the staff, the streets to the south are gravel and there is a low-water bridge. It is felt that to bring traffic out to the south would be an intrusion into a residential area. There is a terrain problem on the tract and it would be difficult to develop 200 apartment units on the area without separating the structures which would require a special permit which is agreeable with the applicant. There will be a fence along the south property line but there will be an emergency access with a key given to the fire department. The applicant is willing to dedicate the necessary 20 feet of right-of-way for the widening of Post Oak Street and a letter to this effect is submitted.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented noting that 20 feet of right-of-way has been offered for the future widening of Post Oak Road. In view of this, they recommended that the request be granted, subject to special permit approval, as the appropriate zoning for the site.

At the Commission meeting, Mr. Dunnam asked about the condition of the special permit inasmuch as the normal procedure is that zoning is separate from the special permit.

C14-69-114 Jon Coffee--contd.

Mr. Osborne stated that the special permit has been a requirement for several other cases when zoning was simultaneous. The Ordinance requires that any development of 51 units or more under the "BB" Residence classification requires a special permit. The probability of subdividing or resubdividing this property in order to avoid the Ordinance requirements is extremely limited because of the street frontage situation. Mr. Osborne explained that it is his understanding that the applicants are not at the present time in a position to submit a special permit plan and would like the zoning granted without that condition. The staff does not object to this in view of the fact as it is unlikely that the property could be subdivided without the creation of additional streets.

Mr. Milstead asked if the granting of the zoning without the special permit would alleviate the access situation. At the zoning hearing the staff indicated that there would be numerous cars entering and exiting onto Post Oak Street from only one point of access. The Zoning Committee voted to approve the zoning provided the applicant could satisfy the staff that the access would be made more suitable in some manner. He said that he was relying on a special permit in order to accomplish this.

Mr. Lillie explained that the total east boundary line of the property is a very steep bluff which drops approximately 100 feet from the property line north and south into the property. The streets to the south are dedicated streets but are not open on the ground. Post Oak Street at the north end of the property has only 50 feet of right-of-way and is currently being used as a parking area for the apartments which are developed on the property to the north. The Zoning Committee indicated that the only thing the applicants could do at the moment is to provide additional right-of-way at the north end of Post Oak Street and also provide some kind of an emergency entrance and exit from South 6th Street through the special permit. The area to the south would be fenced and a key would be provided to the fire department to permit them access from the south. It is realized that the limited access presents a very serious problem.

Mr. Osborne stated that access is a completely different issue from the special permit and as such because of the serious limitations he recommends against the zoning.

Mr. Tim Ryan, representing the applicants, stated that he was out of the City at the time of the Zoning Hearing. He explained that they understand the difficulties in access and have had several conversations with members of the Planning Department staff about the problem. The only comment about the special permit is that it seems to be redundant as the Ordinance itself takes care of the fact that a special permit will be required to develop the property inasmuch as there will be over 51 units. It should be pointed out that there is no objection to the special permit but the zoning in the special permit are normally separate. The special permit for the development of the property will be required because of the fact that not less than 51 units will be developed and the access problems will be taken care of at that time. It is only requested that as a normal procedure zoning be separated from the special permit.

C14-69-114 Jon Coffee--contd.

Mr. Milstead stated that in his opinion the zoning on the property is appropriate and he voted for the change previously because it was subject to a special permit provision in which the access would be taken care of. He said that what the applicant proposes to do with the property requires a special permit but the person whom the property might be sold to does not necessarily need a special permit to develop the property. He asked if there could be some assurance that there would be adequate provision for access.

Mr. Osborne explained that if the property is rezoned, 50 units could be developed on the site without a special permit, subdivision or adequate provision for access.

Mr. Ryan stated that he realizes that 50 units could be developed without a special permit, but there are no plans for this, as this would be a bad use of the land. It should be noted that even if 50 units were developed the traffic problem would not be the same as the traffic generated by the number of units which could be developed under the special permit. He explained that they anticipated a circular drive through the property with two (2) bridges, not using the 6th Street frontage at all as it would throw traffic out onto a residential area. The plans are to bring the circular drive back along the railroad tracks and to put the units on the flat ground fairly close to the creek with parking behind them.

Mr. Osborne stated that there would still be issues raised by the Fire Department as well as the Planning Department because of the serious limitation of access.

The Commission discussed the problem in relation to the special permit. They concurred with the Committee recommendation that the requested zoning is appropriate and should be granted; however, they also agreed that the granting of the request should be subject to special permit so that the access problems can be solved.

It was then unanimously

VOTED: To recommend that the request of Jon Coffee for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1109-1113 Post Oak Street, Rear of 700-908 Dawson Road, and the Rear of 910-1100 South 5th Street be GRANTED subject to special permit approval.

C14-69-115 Mrs. Frank W. Rife: A to B
 2204-2206 Goodrich Avenue
 2205-2207 Bluebonnet Lane

STAFF REPORT: This application covers two acres of land and the stated purpose of the request is for apartment development. Land use to the north along both sides of Frazier Avenue is predominantly single-family in character. To the west across Bluebonnet Lane is predominantly single-family and duplex development. Land use to the south of the tract between South Lamar Boulevard includes

C14-69-115 Mrs. Frank W. Rife--contd.

a construction office and motel with retail type uses all along South Lamar Boulevard. The zoning is consistent with the land uses in the area and those areas which are used are zoned for non-residential purposes. The nearest apartment development is to the west across Goodrich Avenue and also to the east at the corner of Bluebonnet Lane and Arpdale Street. The subject property is very difficult to develop as it is a long narrow tract with frontage onto Bluebonnet Lane and Goodrich Avenue. It is recognized that the size and shape of the area would bring the site under the apartment dwelling group special permit provisions. It is likely that a special permit would be necessary unless developed with one structure. Bluebonnet Lane has 60 feet of right-of-way which is adequate; however, the right-of-way of Goodrich at this location is 45 feet but does vary to the north from 45 feet to 55 feet. The staff recommends that the request be granted subject to 10 feet of right-of-way for the widening of Goodrich Avenue.

TESTIMONY

WRITTEN COMMENT

Code

Mrs. George Gonzales: 1909 Frazier	AGAINST
Ernest Foster: 2300 South Lamar Boulevard	FOR
Benoit Swim-Pool Company: 2129 Goodrich Avenue	FOR
Nina T. Garnett Wiesner: 1901 Frazier	AGAINST
Mrs. Addie Scheh: 1901 Frazier	AGAINST
Martha and Marshall Patterson: 1906 Frazier	AGAINST

PERSONS APPEARING AT HEARING

Code

R. L. Armstrong (representing applicant)	
Loula M. Reeves: 1907 Frazier	AGAINST
A. Wright: 1903 Frazier	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bob Armstrong, attorney for the applicant, explained that the plans proposed on the tract would be to have the backyard for the apartment area connecting with the backyards of the existing single-family development which would provide for a buffer. The units would be constructed in the center with the parking, and a drive for the traffic would extend from one end of the site to the other. It is felt that this is a proper use for the land which provides a buffer between the "C" Commercial areas to the south and the residential area as it now exists to the north.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request and stated that the proposed development would be detrimental to the residential property to the north and would be an intrusion into a nice residential

C14-69-115 Mrs. Frank W. Rife--contd.

neighborhood. There are elderly blind people who live along Frazier Avenue and development of apartments would increase the traffic on this street which would be hazardous.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Frank W. Rife for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2204-2206 Goodrich Avenue and 2205-2207 Bluebonnet Lane be GRANTED provided Goodrich Avenue is made adequate.

C14-69-116 Mrs. W. T. Caswell: B to C
400-406 Chicon Street
1800-1810 East 4th Street

STAFF REPORT: This is a request for rezoning on approximately 1.2 acres of land for the stated purpose of erecting a commercial building. The immediate land use characteristics include the Chalmers Court Public Housing Project directly to the south across West 4th Street, and west of Chalmers Avenue. The area to the north and both east and west is developed with semi-industrial and industrial uses. The staff report indicates that property adjoining the site to the west is developed with a food packing facility but from an aerial photograph of the area it appears that there are also a few residential uses established. Pan American Center and recreation area lies directly east of Chalmers Court Public Housing Project and Zavalle School is within the same area. The land use to the south of East 3rd Street is very mixed with single-family residential uses, duplexes, some non-residential uses, and a junk yard. The zoning in the entire area is complex and includes "A" Residence and "B" Residence, "C" Commercial and "D" and "E" Industrial. The subject tract includes industrial uses established for a number of years. The only major street in the area is Chicon. In the Thoroughfare Plan, East 2nd Street to the south is proposed as a one-way street west and East 1st Street is proposed as a one-way street east. The staff has no objection to the application as requested and recommends the change be granted subject to five feet of right-of-way for Chicon Street and 10 feet of right-of-way for East 4th Street in order to bring the rights-of-way to standards required under the Thoroughfare Plan.

TESTIMONY

WRITTEN COMMENT

Code

None

C14-69-116 Mrs. W. T. Caswell--contd.

PERSONS APPEARING AT HEARING

Code

Bob Kelly (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bob Kelly appeared at the hearing and explained that he has a company called Industrial Laminates which has occupied the site for the last five years. The building which is currently on the property has been used as an office and shop so the property is already used commercially. The proposal is to build a movable office building on the site so that it can be moved to another location in the future.

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 provided Chicon and East 4th Streets are made adequate, 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 Mrs. W. T. Caswell for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 400-406 Chicon Street and 1800-1810 East 4th Street be GRANTED, provided the streets are made adequate.

C14-69-117 Lloyd R. Gober: A to O
 1007-1009 West 31st Street

STAFF REPORT: This request for a change in zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area on a 15,050 square foot lot is for the purpose of a doctor's office. The subject property was before the Commission last month in the form of an application for "B" Residence, Second Height and Area. Before the request proceeded to the City Council it was withdrawn by the applicant. Last month, it was the recommendation of the Zoning Committee that the request for "B" Residence zoning should be denied as an intrusion into a well-established residential area which is served by an inadequate street pattern. At the Planning Commission meeting Mr. Osborne, Director of Planning, made the following comments with respect to the area bounded by Shoal Creek, West 34th Street and Lamar Boulevard:

"The 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 Baylor Lane and West 32nd Street, and some of the extension of zoning off of Lamar Boulevard. In

C14-69-117 Lloyd R. Gober--contd.

terms of location, possible redevelopment, the nature of the area is susceptible to the proposed type of development. The problem of the street widths, existence of residences, and the private 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 uses is very good."

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 which was granted. The members recognized that West 31st Street has inadequate right-of-way and recommended that the request 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 the existing zoning and a gradation. Subsequently the application was withdrawn and an application for "O" Office was made on the tract. The attorney for the applicant discussed the application for "O" Office zoning with a member of the Planning Department staff who indicated that the "O" Office zoning would be less objectionable. The zoning immediately adjacent to the east is "GR" General Retail and the zoning along Lamar Boulevard is "C" Commercial. There is one lot which is zoned "O" Office in the interior to the rear of the "C" Commercial to the north but this was established for the purpose of off-street parking for an office building which fronts onto Lamar Boulevard. The comments by Mr. Osborne last month are still valid and it is recommended that the request be denied but to be consistent with the last recommendation it is recommended that "B" Residence, First Height and Area zoning be granted as the appropriate zoning, provided the street is made adequate. It is difficult to ascertain the right-of-way at this location but the street should have 60 feet of right-of-way and it is recommended that the required right-of-way be 30 feet on each side of the center line of West 31st Street.

TESTIMONY

WRITTEN COMMENT

Code

J. Tim Brown: 3910 Sierra Drive

AGAINST

PERSONS APPEARING AT HEARING

Code

Forrest N. Troutman (representing applicant)

Mrs. Ronnie Dugger: 1017 West 31st Street

AGAINST

Robert E. Fulcher: 5402 Shoal Creek

AGAINST

Jene Farris: 1013 West 31st Street

AGAINST

Peter Schram: 5402 Shoal Creek

AGAINST

Mrs. C. G. Emmons: 1006 West 31st Street

AGAINST

Mrs. C. T. Grady: 3201 West Avenue

AGAINST

C14-69-117 Lloyd R. Gober--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Forrest Troutman, attorney for the applicant, stated that when he filed the original application for "B" Residence, Second Height and Area zoning he talked to Mr. Foxworth of the Planning Department who indicated that there would probably be no objection but when the application came up for hearing, the staff recommended against the request. After the Planning Commission meeting last month, Mr. Burnette of the Planning Department was asked if there would be less objection by the staff to "O" Office at this location as there are several doctors who are interested in the property and would like to locate their office on the site particularly in view of the Seton Hospital complex to the north. Mr. Burnette indicated that this would be more satisfactory, and now the staff says that "O" Office zoning would be an intrusion into a well-established area. There is "B" Residence zoning to the north, "C" Commercial on the corner and "GR" General Retail zoning to the west and to say that the request is an intrusion is not true. The office building which fronts onto Lamar Boulevard to the north is adjacent to a service station and has a parking area which has been cleared to the north of the "O" Office zoning. The contemplated use of that property is not known but it will not be "A" Residence. As pointed out by the staff the uses further to the north are commercial. In the event the Committee decides the requested change is not proper, it is requested that "B" Residence zoning which was previously recommended be reinstated as it was only after talking to the Planning Department that Mr. Burnette advised that the request would have to be withdrawn before a new application could be filed. The previous application would not have been withdrawn if it had been known that the staff would recommend against the request as an intrusion. By the filing of a new application, an attempt was being made to make the zoning less objectionable to the neighbors who live within the area and it is felt that a doctor's office would accomplish this purpose. There is a contract, subject to the zoning of "O" Office, with two physicians who would like to locate their medical office at this location and it is felt that the request is a logical extension of zoning that now exists.

Arguments Presented AGAINST:

A number of people appeared in opposition to the request and presented the following information: It is surprising that the Planning Department would recommend against apartment zoning last month because of the traffic and the size of the street and then come back at this time and say that they are in favor of it. The street is presently 30 feet wide and it is doubtful that it will be widened to 60 feet in the future. The neighborhood is resigned to the fact that Lamar Boulevard is commercial but the immediate area is a very attractive residential area and a change of zoning extending down the street would have a deteriorating effect on the neighborhood. West 31st Street is a very charming street and the residences are well built and well-maintained. It is realized that sometime in the future the land use may

C14-69-117 Lloyd R. Gober--contd.

change but a change at this time would be premature because of the serious traffic problem and the existing residential development. As previously stated the street is only 30 feet wide and there is a great deal of traffic existing at the present time which creates serious traffic problems and to increase traffic would only add to the burdens. The hike and bike trail is located in this area and people using the trail have to use West 31st Street to go from one side of the trail to the other. The change would also create parking problems for the area which would be detrimental.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of West 31st Street; however, several of the members stated they would look with favor on the change provided the street is made adequate, as appropriate zoning for the site, but other members felt that the request would be an intrusion, and motion to deny the request failed to carry by a tie vote.

At the Commission meeting, the staff reported a letter from the attorney for the applicant offering to dedicate adequate right-of-way upon determination of the right-of-way required on West 31st Street.

Mr. Hanks stated that there was discussion at the Zoning hearing as to whether a doctor's office, which is proposed would be a better use for the property than apartments. He said that in his opinion a doctor's office would be more suitable at this location.

Mr. Smith said that he feels the change in zoning would be an intrusion into a residential neighborhood.

Mr. Brown pointed out that the medical center is in the area to the north and there are offices and apartments in the immediate area. It is realized that there are single-family homes in the area but the addition of one more lot for office development would not be an intrusion but would actually be an extension. After further discussion, a majority of the members agreed with Mr. Brown and

VOTED: To recommend that the request of Lloyd R. Gober for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1007-1009 West 31st Street be GRANTED.

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

C14-69-118

John D. Byram: A to B

Tract 1: 101-105 East Wonsley Drive

Tract 2: 107-201 East Wonsley Drive

Rear of 203-205 East Wonsley Drive

Tract 3: 207-209 East Wonsley Drive

Rear of 301-303 East Wonsley Drive

STAFF REPORT: This is an application for rezoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area on three tracts of land covering approximately 5.5 acres. Land use in the immediate vicinity includes a church and a church school on property west of Tract 1 and single-family and duplex development to the north and northwest. The area to the south and directly to the east is undeveloped. The zoning is predominantly "A" Residential for single-family development. To the northwest along Lola Drive there is "B" Residence zoning and apartments, triplexes and fourplex development is established along Lola Drive. The frontage on U. S. Highway 183 to the south and east of the subject tract is "GR" General Retail zoning and to the east, along U.S. 183 is the Towne Oaks Apartments. On the corner of U. S. Highway 183 and Interstate Highway 35 is the Howard Johnson Motel. Along Wonsley Drive to the east, adjoining Tract 3 there have been several applications for "B" Residence zoning which have recently been granted. The staff has no objection to the request and recommends that it be granted subject to East Wonsley Drive being brought up to a minimum of 60 feet of right-of-way which would require 15 feet from Tracts 1 and 2 and 10 feet from Tract 3 and also subject to the dedication and fiscal arrangements for the extension of Georgian Drive, with a right-of-way of 60 feet, through Tract 1 from Wonsley Drive to U. S. Highway 183.

TESTIMONY

WRITTEN COMMENT

Code

Barrow Corporation
Nelson Puett, Jr.

FOR
FOR

PERSONS APPEARING AT HEARING

Code

Robert C. Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, advised the Committee that the staff has substantially and correctly stated the facts of the area with the exception of the fact that property immediately to the east of Tract 3 has recently been zoned "B" Residence, First Height and Area. Reluctantly, because of how much land is involved, the applicant does recognize the need for widening Wonsley Drive and will acquiesce in that and will file a letter to that effect. Mr. Sneed stated they would like to have until next Tuesday in which to file a written letter as relates to the opening of Georgian Drive extending from the southern boundary line of Wonsley Drive to Anderson Lane or U. S. Highway 183. It was pointed out that all of the right-of-way

C14-69-118 John D. Byram--contd.

for Wonsley Drive comes off of the subject property and it is requested that the entirety of the right-of-way for Georgian Drive also be from the subject property which constitutes a substantial block of land to be given plus the matter of paying for the installation of utilities and paving in total which is a charge upon the applicant and which in turn is a benefit bestowed upon the school and the church property on one hand and in addition it is a part of the collector system in the City of Austin running in a north-south direction. It is recognized that a street in this location must be put in because of the necessity to take the traffic from Wonsley Drive which has been generated in part by the prior zoning change and in part by the extremely large amount of development on the easterly end of Wonsley Drive. Mr. Byram is trying to acquire the two small parcels of land adjoining Tracts 2 and 3 for the purpose of including them in with the block and then a zoning change will be requested on that area. They are now occupied with single-family dwellings. Otherwise, almost all of the other property running from Trafalgar Square coming all the way across is occupied by some purpose other than single-family residential which is a tremendous block of development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members discussed the requested zoning in relation to the streets and the existing zoning and development. All of the members felt that the zoning requested on the tract is appropriate but recognized that Wonsley Drive is inadequate. There was considerable discussion about the recommendations by the staff that the granting of the request be subject to the dedication and fiscal arrangements for the extension of Georgian Drive through Tract 1 and several members felt that it would be an unnecessary burden for the applicant to provide the entire right-of-way for this extension. A motion to deny the request failed to carry by a tie vote.

Mr. Osborne explained that the application on the subject property is not an individual tract of land to be developed but is part of a series of transactions and subdivisions which have occurred for a greater intensity of development for the area running from Georgian Drive to Interstate 35. Originally in the rezoning of the property along U. S. Highway 183 there was an agreement by Mrs. Wonsley for the extension of Georgian Drive through the area. A letter has been received from the attorney for the applicant, advising the Commission that they are attempting to reach an agreement with the church on the adjoining property on the location of the proposed street which will extend from Wonsley Drive to Anderson Lane. It is further stated that in the event they are unable to reach an agreement the applicant will agree to dedicate the necessary right-of-way for such proposed street.

Mr. Osborne explained that an extension of Georgian Drive is consistent with a series of recommendations by the department and the Commission and in agreement with the various property owners who have been involved in the various cases relating to this extension and has been a matter of long-standing knowledge.

C14-69-118 John D. Byram--contd.

The Commission members agreed that the request for zoning is appropriate and was cognizant of the offer of right-of-way from the subject property for the future widening of Wonsley Drive and the letter agreeing to the extension of Georgian Drive. In view of this, they felt that this request should be granted.

It was then unanimously

VOTED: To recommend that the request of John D. Byram for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at (Tract 1) 101-105 East Wonsley Drive, (Tract 2) 107-201 East Wonsley Drive, and rear of 203-205 East Wonsley Drive, (Tract 3) 207-209 East Wonsley Drive, and rear of 301-303 East Wonsley Drive be GRANTED.

C14-69-119 Morey, Sterzing & Walker, Inc.: A, 1st to B, 2nd
2220 Leon Street

STAFF REPORT: This is a zoning request in the 2200 block of Leon Street from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for the purpose of apartment development. The main use of land in the immediate vicinity is single-family although along 24th Street and to the east there are small apartment developments and apartment clusters. There are also some non-residential uses on West 24th Street such as an office, service station and civic club. In 1967, an area study was made at this immediate location in which it was recommended that "A" Residence zoning and development be retained as long as possible; however, in the past several months the pattern has been broken by granting two applications for "B" Residence, First Height and Area zoning on Longview to the rear of the subject property and another application for "B" Residence, First Height and Area zoning which was granted by the City Council on West 22nd Street. This application is on Leon Street, a street with 60 feet of right-of-way which is adequate for apartment development. Inasmuch as "B" Residence, First Height and Area zoning has been granted for three applications within this area in the past year and a half, it now appears that the area is changing to this classification. Therefore, it is recommended that the "B" Residence, Second Height and Area zoning as requested be denied but that "B" Residence, First Height and Area zoning be granted as a logical extension of existing zoning.

TESTIMONY

WRITTEN COMMENT

Code

None

C14-69-119 Morey, Sterzing & Walker, Inc.--contd.

PERSONS APPEARING AT HEARING

Code

Sam Perry (representing applicant)
Mr. & Mrs. Sidney E. Donnell: 2218 Leon
Charlotte Duncan: 2300 Leon

AGAINST

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Sam Perry, attorney for the applicant, presented photographs of the area showing how the area along Leon Street is presently being used for apartments. He stated that it is clear that the Commission and the City Council has further recognized the reality of the situation in this area and the pattern has come for the area to be more dense than it has been because of the proximity to the University and West 24th Street. The site backs to recently granted cases and is across the street from apartments. Apartment zoning within this area is in order.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that there is a great deal of traffic concentration in the area and because of this, the street does not have adequate right-of-way. There are no sidewalks provided and there are children in the area and the traffic and the parking along the streets is hazardous. It is realized that there are apartments on the west side of Leon Street but the area to the east is developed and maintained with single-family residences and a change if granted would set a precedent. This is a beautiful area with large trees and a nice atmosphere. The area is in close proximity to the University and provides an ideal location for people who are connected with the University. The subject lots contain a very small area and if the change is granted, the number of units permitted on the site will overload the area, and be detrimental to the existing development and create additional parking and traffic problems.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members discussed the requested "B" Residence, Second Height and Area zoning in relation to the existing zoning and development in the area. Several of the members felt that the requested change is appropriate for the area because of the proximity of the University and others felt that it would be too intensive. Two of the members stated they would look with favor on granting "B" Residence, First Height and Area zoning rather than Second Height and Area zoning. There was a tie vote on the motion to deny the request and to look with favor on "B" Residence, First Height and Area zoning.

C14-69-119 Morey, Sterzing & Walker, Inc.--contd.

At the Commission meeting Mr. Brown pointed out that there is "B" Residence zoning existing to the east and the Commission recently recommended "B" Residence, First Height and Area zoning on two zoning applications to the west and it would be inconsistent to deny the same type zoning on the subject property particularly in view of the fact that the street has adequate right-of-way.

Mr. Smith stated that he objects to the proposed change as the area west of Leon is a compact residential area.

Mr. Dunnam stated that he is familiar with the neighborhood and it is an area of very high density. There are a great number of single-family homes but the area is predominantly occupied by University students.

The Commission members noted that the recently granted changes were for "B" Residence, First Height and Area rather than "B" Residence, Second Height and Area and a majority concluded that the request should be denied and that "B" Residence, First Height and Area should be granted as a logical extension of zoning. It was then

VOTED: To recommend that the request of Morey, Sterzing & Walker, Inc. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 2220 Leon Street be DENIED, but that "B" Residence, First Height and Area zoning be GRANTED.

AYE: Messers. Taniguchi, McNeil, Dunnam, Hanks, Hazard, and Smith

NAY: Messers. Brown and Milstead

ABSENT: Mr. Kinnan

C14-69-120 J. D. Culp: A to B and C (as amended)
 1144½-1146 Gunter Street
 Rear of 1146-1148 Gunter Street

STAFF REPORT: This application covers an area of over 2 acres and the stated purpose of the request is for extending the limits of the adjacent mobile home park. Generally mobile home development occurs at about 10 units per acre which is approximately the same density as duplex development under the "A" Residential zoning. Traffic generated by this type of development would probably be no more than duplex density. Land use along Gunter Street is single-family residential with some individual mobile home units. Single-family residential development is also established along Oak Springs Road along with the non-residential uses including a variety store, grocery store, service station, cafe and appliance store. There is a small shopping center located on the southeast corner of Airport Boulevard and Oak Springs Drive. The mobile home park in which the application is pre-dedicated upon is located just at the west boundary of the subject tract. The zoning in the area includes "C" Commercial to the west along Airport Boulevard, "E" Industrial along Airport Boulevard to the north of Oak Springs

C14-69-120 J. D. Culp--contd.

Drive, "A" Residential along Gunter Street and "B" Residence, to the east of Gunter which includes one very deep lot with frontage onto Gunter Street. The lots in the area are very deep and on the west side of Gunter Street the depth approaches 400 feet. There has been some attempt recently to resubdivide and there are five structures now located to the east along Wayneroy Drive. Wayneroy Drive could be extended through the middle of the deep lots to the east with the hope of developing residential lots on either the east or west side. Large deep lots present a problem in many areas of East Austin. The staff has no objection to extending "C" Commercial zoning on the major portion of the tract; however, it is recommended that the portion of the site fronting onto Gunter Street extending back approximately 170 feet be zoned "B" Residence, First Height and Area. The staff would normally request that the area fronting onto Gunter Street be "A" Residential as it is a minor residential street with low-density residential uses; however, the mobile home park which proposes to extend into the remainder of the subject tract would require access or a driveway from the area to Gunter Street. The drive would not be permitted under the "A" Residential zoning. "B" Residence is required for this use. The Committee may wish to decrease the frontage along Gunter for "B" Residence zoning mainly for the purpose of the driveway. It is recommended that the remainder of the tract be granted "C" Commercial zoning. In any case, whether the request is amended or not, Gunter Street with 55 feet of right-of-way should be widened which would require five feet from the subject tract.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Steve Price (representing applicant)

SUMMARY OF TESTIMONY

Mr. Steve Price, representing the applicant, stated that there is no objection to amending the application to request "B" Residence, First Height and Area zoning on the portion of the property fronting onto Gunter Street as recommended by the staff. The main purpose for that portion of the property is to provide automobile access and not trailer access on to Gunter Street. All the trailer movement will be from Airport Boulevard or Oak Springs Drive. When the application was discussed with the staff they pointed out the danger that might occur if the frontage on Gunter Street was zoned commercial from the standpoint of what might happen a few years from now and this is one of the reasons that it is requested that the frontage be zoned "B" Residence, First Height and Area. Mr. Price further stated that they will acquiesce in the request for right-of-way.

No one appeared in opposition to the request.

C14-69-120 J. D. Culp--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this request as amended should be granted, provided Gunter 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 J. D. Culp for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for that portion of the property fronting onto Gunter Street to a depth of approximately 170 feet (as amended) located at 1144½-1146 Gunter Street be GRANTED and "C" Commercial, First Height and Area zoning on the remainder of the tract located at the rear of 1146-1148 Gunter Street be GRANTED.

C14-69-121 Wendlandt Estate: A to BB (as amended)
 3100-3102 Warren Street
 3101-3103 Warren Street
 3304-3308 Maywood Avenue
 3303-3309 Maywood Avenue
 3303-3309 Maywood Avenue
 3305-3417 Pecos

STAFF REPORT: This is a request for a change in zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for approximately 7.75 acres of undeveloped land. The stated purpose of the request is for apartment development. The land use in the immediate area includes single-family homes and vacant land. Immediately to the south of the subject tract is a duplex subdivision which has developed within the past year. Just to the north of the site at the southeast corner of Scenic Drive and West 35th Street is a drive-in grocery. The zoning pattern includes a very large tract of "C" Commercial zoning to the north of West 35th Street which has been established for a long period of time. The "C" Commercial zoning that has occurred to the south of West 35th Street and to the east of Scenic Drive was established in 1965. There have been other requests for zoning including a request for "GR" General Retail and "C" Commercial zoning in 1960, on property east of Timberwood Drive, south of West 35th Street. This application was withdrawn. In 1963, a request for "B" Residence, First and Third Height and Area zoning on property west of Timberwood Drive was denied. In 1960, a request for a rollback in zoning from "C" Commercial, First Height and Area to "A" Residential, First Height and Area on property adjoining the site to the north was deferred and not acted on by the City Council. A request for "BB" Residence, First Height and Area zoning was made on the tract in 1968, which was withdrawn by the applicant. There is still a pending special permit on the site which was not acted on because of the withdrawing of the zoning request by the applicant.

When the application for rezoning was made on the subject property in 1968, the staff reported that the Director of Planning had reviewed the request with the applicant and felt in his opinion that the property could best be utilized as one large parcel rather than as now platted into 30 separate lots.

C14-69-121 Wendlandt Estate--contd.

The staff also advised the Committee at that time that low-density apartment zoning on the property could be supported with the vacation of Maywood Avenue to eliminate an intersection with 35th Street, street widening for West 35th Street and subject to the following conditions:

1. Development should be limited to 108 units.
2. Development should not exceed two stories in height.
3. No improvements on the east 20 feet of the site, except on the north end for driveway.
4. A fence be provided on the east line where requested by the adjoining neighbor.
5. Additional right-of-way will be provided for Scenic Drive.

During the past year, Maywood Avenue and a portion of Warren Street west of Maywood Avenue have been vacated. With the two vacations, the applicant could develop on the subject property approximately 90-100 duplex units under the existing "A" Residence zoning. He is proposing to develop 105 units under the proposed zoning and a special permit which will also be considered by the Committee.

The staff recommendation at this time is that "B" Residence, First Height and Area zoning as requested be denied but that "BB" Residence, First Height and Area zoning could be supported. In the special permit it is proposed that Warren Street be relocated from the existing location, south to the north line of the duplex subdivision and the south line of the subject property. It is also recommended that additional right-of-way to widen Scenic Drive to 60 feet be required from the subject tract. The existing right-of-way varies in this area but up to 10 feet of widening would be required from the subject tract. It is further recommended that the granting of "BB" Residence, First Height and Area zoning be subject to special permit approval. There is one other problem with the application in that there is a small triangular area between the north line of the subject property and the south right-of-way line of West 35th Street. It is the staff's understanding that it is a separate tract of land which means that the site does not have access to West 35th Street. The plan for development of the tract includes as its primary access a driveway across this small strip of land. A driveway is prohibited unless this strip is also rezoned. Solutions include rezoning the strip to "B" or dedication for right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

Mr. & Mrs. Wm. Jeffrey Wise: 3300 Jamesborough
 Robert E. Anderson: 3409 Timberwood Circle
 K. Dyo, M.D.:

AGAINST
 AGAINST
 AGAINST

C14-69-121 Wendlandt Estate--contd.

PERSONS APPEARING AT HEARING

Code

W. R. Coleman (representing applicant)
 William Jeffrey Wise: 3300 Jamesborough
 J. D. Finley: 3200 West 35th Street

AGAINST
 AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. W. R. Coleman, representing the applicant, stated that the applicant has an easement to West 35th Street across the triangular area joining the site to the north. There has been a great deal of study on the property and the special permit in order to route the majority of the traffic on West 35th Street to keep it off of Pecos and Maywood Avenue. One of the reasons it was elected to do the special permit at the same time as the zoning was so that it could be seen exactly how it is tied together. It is felt that the proposal is the most logical way to handle the development of the site. There would be some additional requirements in the special permit from the staff recommendation but this can be worked out. The zoning requested would permit the highest and best use of the property as the site has nice trees on it with a nice creek and it is felt that a lot of the green area can be maintained.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that in their opinion the change would tend to increase the traffic burden on an already heavily traveled intersection namely in the location where Scenic Drive, West 35th Street and Balcones Drive come together. The residents of the area should be entitled to expect some stability and consistency of zoning in an area when they make a substantial investment and it is felt the present zoning is conducive to the highest use in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "BB" Residence, First Height and Area. They reviewed the information presented and concluded that the requested zoning as amended is appropriate for the area subject to approval of a special permit to include:

1. Vacation of Maywood and Warren Streets as they effect the subject property.
2. Dedication and relocation of Maywood Street with 60 feet of right-of-way, adjoining the south boundary line of the tract.
3. Dedication of sufficient right-of-way along Scenic Drive to bring the street to 60 feet.

C14-69-121 Wendlandt Estate--contd.

4. No structures to be permitted within 20 feet of the east and south property line.
5. Six foot privacy fence should be provided along the east and south property line.
6. Development should be limited to 105 units.
7. Access to West 35th Street should be provided.
8. No development should exceed two stories in height.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Wendlandt Estate for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 3100-3102 Warren Street, 3101-3103 Warren Street, 3304-3308 Maywood Avenue, 3303-3309 Maywood Avenue and 3305-3417 Pecos be GRANTED subject to the conditions as indicated.

C14-69-122 Van C. Kelly: A to B
 2913-3105 Govalle Avenue
 3000-3110 Neal Street
 1106 Tillery Street

STAFF REPORT: This application covers 3.7 acres of undeveloped land and the stated purpose of the request is for a nursing home. The zoning in the area is "A" Residential and the development is predominantly single-family with a few duplexes. The staff is not so much concerned about the use which is proposed on the site but is concerned about the introduction of a "B" Residence pattern into an area which does not have any "B" Residence zoning or non-residential zoning. The "B" Residence zoning as requested would not relate to the development of the existing neighborhood and the existing zoning. Once established, the requested zoning could permit on the 3.7 acres approximately 150 apartment units. Under the requirements in the Zoning Ordinance for a nursing home if the request is granted, up to 160 patients would be permitted. The major streets in the area are Tillery and Govalle Streets both of which are collector streets. The staff recommends that the request be denied as an intrusion into a well-established residential area; however, if the Committee feels that the zoning is proper, it is recommended that at least 25 feet of right-of-way be required for Neal Street in order to bring the street to a minimum of 50 feet.

TESTIMONY

WRITTEN COMMENT
 Code

Bertha E. Frenzel: 1106½ Tillery
 Roger Joseph, Diana Joseph Williams, & J. Rodger
 Williams: P. O. Box 7

FOR

FOR

C14-69-122 Van C. Kelly--contd.

Olivia Garner: 1103 Tillery	FOR
Nelson Puett Mortgage Company	FOR
F. H. Gable	FOR
S. Sauer: 704 West 25th Street	FOR
J. Adoue Parker: 701 West 7th	?
Walter Wukasch: 403 West 19th Street	AGAINST

PERSONS APPEARING AT HEARING

Code

Tom E. Johnson (representing applicant)

SUMMARY OF TESTIMONY

Mr. Tom Johnson advised the Committee that he represents the applicant and Mrs. Mary Alice Arnold who wishes to establish a nursing home on the site. The need to establish a nursing home is brought about by the fact that Mrs. Arnold's nursing home is presently located in the Glen Oaks Renewal Project. She would like to stay where she is but the Glen Oaks Renewal Project is for the purpose of correcting the flooding conditions in that area and the proposal is to run a street through her property, which necessitates the removal of the nursing home even though adjacent land was required for expansion of the nursing home facilities. Mrs. Arnold has been attempting to find a suitable place to move for over a year and feels that the subject property is the proper location. The site does have enough area for an apartment project but this is not the applicant's intention for the site and will not occur.

Mr. Johnson presented plans showing the proposed development and stated that the facilities would be better than average for a nursing home building. He explained that a nursing home usage is not like an apartment usage as there is not the high-density traffic and the great number of cars that have to come in and out every day. The proposed use does not generate traffic daily as the patients have very few visitors and they do not come in and out. A quiet area is needed for a nursing home facility and it would be a great improvement for this particular area.

Mr. Kelly has contracted to sell the property to Mrs. Arnold and she will go through with the contract even if the property is not rezoned as she could develop approximately 18 single-family dwellings on the site which would probably not be as desirable as a nursing home. With regard to the right-of-way for Neal Street, 25 feet of right-of-way is a great deal of land when the proposed use will not generate any traffic as the rear exit could be provided out to Brass Street which would be sufficient for the use but she will gladly dedicate the land to increase the width of the street. The zoning is requested as it is the best use for the area and would be in compliance with the present character.

No one appeared in opposition to the request.

C14-69-122 Van C. Kelly--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and discussed the proposed use which is a nursing home in relation to the surrounding development. Some of the members were of the opinion that a nursing home would not be detrimental to the area and would in fact be an improvement. A majority recommended that the requested zoning be granted, subject to Neal Street being made adequate, and with the condition that a permanent restrictive covenant be submitted limiting the use of the site to a nursing home and in the event the property is not used as such, an application be initiated for a roll back in zoning to "A" Residence.

At the Commission meeting, the staff reported a letter from Mr. Tom Johnson, representing the applicant, offering to dedicate 25 feet from the site for future widening of Neal Street and agreeing that the requested change is contingent upon the construction of the nursing home on the site. The letter also serves as an application for a roll back to residential in the event the property is not used as indicated.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Van C. Kelly for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2913-3105 Govalle Avenue, 3000-3110 Neal Street and 1106 Tillery Street be GRANTED.

C14-69-123 Bradfield-Cummins, Inc.: Int. A, Int. 1st to GR, 1st
7210 Chimney Corners
3911-3919 Firestone Drive

STAFF REPORT: This request covers a small area containing .44 acres of land for the stated purpose of commercial and apartment development. The area adjoining to the south was zoned "GR" General Retail in 1966. In the past few months there have been a number of requests by nearby property owners. These requests have been denied. The application on the subject property is made because of a difference in the 1966 zoning field notes and the subdivision as it was finally recorded. The area now under consideration was inadvertently left out when the area to the south was rezoned. Commercial facilities are under construction on the east side of Chimney Corners at the present time. The staff has no objection to the request as an extension of the application which was made and granted in 1966, and only because an error in field notes was not rezoned.

TESTIMONY

WRITTEN COMMENT
 Code

None

C14-69-123 Bradfield-Cummins, Inc.--contd.

PERSONS APPEARING AT HEARING

Code

Tom Bradfield (applicant)
Rogan Giles (representing applicant)

SUMMARY OF TESTIMONY

Mr. Rogan Giles and Mr. Tom Bradfield were present on behalf of this request and had nothing to add to the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a technical correction to field notes of the zoning adjoining to the south.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bradfield-Cummins, Inc. for a change in zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at 7210 Chimney Corners and 3911-3919 Firestone Drive be GRANTED.

C14-69-124 University Village: C to C-2
707-715 West 23rd Street
2219-2223 Pearl Street

STAFF REPORT: The subject property contains an area of approximately one acre and the requested zoning is for the purpose of a restaurant and rathskeller. This application is in conjunction with the proposed University Village development, a large student living complex, which is occurring at the present time along West 24th Street and will occur in this block as well. The land use in the area is one of a mixture of uses ranging from single-family development to high-rise apartments. The zoning is complex and includes "B" Residence, Second Height and Area to the south and east, "C" Commercial, Second, Third and Fourth Height and Area to the north along West 24th Street and "LR" Local Retail, Third Height and Area to the north at the intersection of West 23rd and Rio Grande Street and "O" Office zoning east of Rio Grande Street. Major arterial streets in the area include West 24th and 25th Streets and Rio Grande Street which is considered as a commercial collector street. The staff has no objection to the request except for one point. In all the applications for "C-2" zoning which have been considered in the past few years, an attempt has been made to limit the zoning to only the area needing the zoning for the proposed use rather than the entire tract. It is requested that the same consideration be given with respect to this application and between now and the City Council meeting the staff and the

Cl4-69-124 University Village--contd.

applicant can try to define the limits of the location for the "C-2" use rather than the total tract. With that condition, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)
Robert L. Davis: 900 Brown Building

FOR

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, informed the Committee that this is the ground on which the University Village has now under construction its parking garage facilities. A portion of the first floor will house commercial services and approximately 15,000 square feet of the area will be utilized by food services. The "C-2" classification may not actually be needed; however, rather than be in violation of the Zoning Ordinance and determine that there is such a violation at a later date, the applicant elected to file this application. The plans are that any services in that area would be only beer and nothing else. The applicant does not propose a private club at the present time or a package store. It is anticipated that everything will be beer with the sale of food which comes under the general classification which it is now but in the event a portion of the area is set aside through partitions of one character or another and classified as a pub, the applicants would not want to be in violation of the Zoning Ordinance. There will probably be some 30 days before the exact designated area within the 15,000 square foot area is known.

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 pattern of existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of University Village for a change of zoning from "C" Commercial, Fourth Height and Area to "C-2" Commercial, Fourth Height and Area for property located at 707-715 West 23rd Street and 2219-2223 Pearl Street be GRANTED.

C14-69-125	University Village: B, 2nd to C, 4th
	801 West 25th Street
C14-69-126	University Village: B, 2nd to C, 4th
	2414 Rio Grande Street
	Rear of 2416 Rio Grande Street

STAFF REPORT: For purposes of presentation these two cases are combined as they are both by the same applicant on adjacent pieces of property and concerned with that same development. Both requests also relate to a previous application on property to the south along West 23rd Street which is before the Committee for consideration at this time. The tracts are part of the University Village development which is occurring in a two block span just to the west of Rio Grande Street. The land use north of West 24th Street is oriented more toward the fraternities-sororities type of use, as well as small apartments. Zoning has changed appreciably in the last few years and because of this, the staff recommends that the requested zoning on both tracts be granted subject to five feet of right-of-way for the widening of West 25th Street as it is a major arterial street in the Thoroughfare Plan and also subject to five feet of right-of-way for Rio Grande Street as it effects the subject tracts.

TESTIMONY

WRITTEN COMMENT

Code

Svea Sauer: 704 West 25th Street

FOR

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)
 Robert L. Davis (representing applicant)
 Sara Dodson: 8709 West 25th Street

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicants, stated that the five feet of additional right-of-way needed on West 25th Street and Rio Grande Street is acceptable and the applicant will dedicate such right-of-way as he has done in the past for all the rights-of-way that have effected the properties considered. This is consistent with the policy of the University Village as it has acquired land in the area. The proposal is to use the land for high density purposes. It will be used and will be compatible with other facilities now under construction in the plan which is a multi-story, multi-tower high rise dormitory. The subject tracts will have a similar characteristic use. The use may not be an apartment house as such but it will be compatible. Fourth Height and Area is not for the purpose of constructing a building to a certain height but is for the purpose of being able to better utilize the land in setbacks and coverage in order to meet the desired requirements in a very concentrated high-density area. In answer to objections because of traffic, it is realized that the traffic will be increased as anything of

C14-69-125 University Village--contd.

C14-69-126 University Village--contd.

this character generates traffic. There will be a parking garage of some character constructed for this facility which will provide adequate parking. In relation to the garbage pick up, there will be adequate provision made and maintained in a satisfactory condition.

Arguments Presented AGAINST:

One nearby property owner appeared and stated that she owns the adjoining property. She advised the Committee that she is concerned about what will happen next door to her property because of the traffic and the garbage. The City requires garbage cans to be covered and to be taken care of but this is not always enforced. There is also concern that there should not be anything developed that would have cars coming in and out all day and late at night.

COMMENTS AND ACTION BY THE COMMITTEE

C14-69-125 University Village: B, 2nd to C, 4th

The Committee reviewed the information and concluded that this request should be granted provided West 25th Street is made adequate, as it conforms to the pattern of existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of University Village for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Fourth Height and Area for property located at 801 West 25th Street be GRANTED, provided West 25th Street is made adequate.

C14-69-126 University Village: B, 2nd to C, 4th

The Committee reviewed the information presented and concluded that this request should be granted provided Rio Grande Street is made adequate, as the appropriate zoning for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of University Village for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Fourth Height and Area for property located at 2414 Rio Grande Street and the rear of 2416 Rio Grande Street be GRANTED, provided the street is made adequate.

C14-69-127 Olga T. Schnieder: Int. A, Int. 1st to B, 1st (Trs. 1 & 4), GR, 1st
(Trs. 2 & 3) and BB, 1st (Tr. 5)

Tract 1: Rear of 2371-2601 Burleson Road

Tract 2: 2371-2511 Burleson Road

Tract 3: 2400-2508 Burleson Road

Tract 4: 2513-2601 Burleson Road

Tract 5: 2510-2602 Burleson Road

2603-2643 Metcalf Road

STAFF REPORT: This is a request for rezoning on five tracts of land located in the vicinity of Burleson Road and Parker Lane just east of Oltorf Street. The land use predominantly to the west is single-family development with related uses, i.e., churches. There are a few apartments as well as a grocery store located in the vicinity of Parker Lane and Oltorf Street. To the south and west is a small duplex subdivision which has a number of structures on the ground. The subdivision to the east and south along Burleson Road is single-family in character and is zoned "A" Residence. The zoning pattern consists of non-residential zoning along Oltorf Street and there is a pending zoning request on the southeast corner of Oltorf Street and Burleson Road east of Parker Lane in which a majority of the tract was recommended for "GR" General Retail zoning, a portion fronting onto Parker Lane was recommended for "A" Residence zoning and the remainder, one small tract, for "O" Office a short distance down Metcalf Road from Burleson Road and "BB" zoning was recommended on the interior. The request is still pending before the City Council. The remainder of the area at least that which is incorporated in the request is zoned Interim "A" Residence, Interim First Height and Area. Within the past 6 months the Commission and the Council considered and approved a Master Plan change from low-density residential to medium density residential for a portion of the subject area and the area north to Town Lake and east to Pleasant Valley Road. The major streets in the area are Interstate 35 to the west and Oltorf Street. Parker Lane is a residential collector street. Oltorf Street is proposed as a 90 foot arterial street through Tract 2 continuing on to the east to the future extension of Pleasant Valley Road. The application as submitted is not inconsistent with the preliminary subdivision on file or the Master Plan designation for the area which was recently approved. It is recommended that "B" Residence, First Height and Area zoning be granted on Tract 1, "GR" General Retail, First Height and Area zoning on Tracts 2 and 3, "B" Residence, First Height and Area zoning on Tract 4 and "BB" Residence, First Height and Area on Tract 5 subject to several conditions. It is recommended that this request be granted subject to providing for the extension of Oltorf and San Pedro Streets through the area. The reason for this requirement is that once the area is zoned the owner does not have to come in for a subdivision and the streets might not be provided for. San Pedro is now planned from the existing location to the north to connect to the extension of Oltorf Street. The second condition is five feet of right-of-way be required from each side of Burleson Road through Tracts 2, 3, 4 and 5. The third requirement is the necessity to bring Metcalf Road, which extends along the west boundaries of Tracts 3 and 5 and south of Tract 5, up to 60 feet of right-of-way and would probably require up to 10 feet from the site. In connection with Tract 5, the preliminary does show a street to extend through the tract with a cul-de-sac to the south and it is requested that the zoning recommendation on Tract 5 be subject to approval of the subdivision as it does create a

C14-69-127 Olga T. Schnieder--contd.

new street and that the street be a minimum of 60 feet in width. With the conditions as indicated, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)	
Robert L. Davis (representing applicant)	
Mrs. F. Ralph Schnieder: 1500 Travis Heights	FOR
South Austin Lbr. Co.: 2600 Burleson Road	FOR
Isom H. Hale: 2507 Stratford	FOR
Walter Angerman: 1804 Mariposa	AGAINST
Orin E. Metcalfe: 1710 Eva Street	AGAINST
Jean Santes	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicants, advised the Committee that a preliminary subdivision plat has been filed with the Planning Department which basically takes care of all the requirements as recommended for the additional right-of-way, save and except the street through Tract 5 in which the staff has recommended 60 feet of right-of-way rather than 50 feet, if approved by the Subdivision Committee and the Planning Commission. Inasmuch as the developers have anticipated most of the requirements by the staff it is felt that there will not be any objection to the additional requirement on Tract 5; however, this has not been discussed with the proposed purchaser of the tract. When the application was filed it was anticipated that the site was large enough to do the platting within the tracts in accordance with the recent Master Plan change which has been adopted and with the thought that Oltorf Street would be extended through the tract with 90 feet of right-of-way. The tract presents a rather unusual pattern inasmuch as it will be divided by two main arteries being Burleson Road and Oltorf when both are completed. This is the reason the applications have been filed for the "GR" in the vicinity as indicated as it is felt that this is consistent in a large area such as this which is basically undeveloped and will serve a need for the immediate community. It is felt that through the utilization of the tracts on the busy thoroughfares as they will be widened and developed will be more suitable for this type of development considering the large amount of traffic the streets will carry. There is agreement to the position by the Planning Department and their recommendation. It should be pointed out in relation to Tract 5, filed specifically where the staff recommended and the request was made for "BB" Residence zoning. The tract has some problems in that it is low, there is a 55 foot drainage easement that crosses the tract and there are also utility

C14-69-127 Olga T. Schnieder--contd.

easements that cross the tract and proposed development is about the only way the tract can be properly developed as there is going to be a considerable amount of lost land. It is the intention of the developers to utilize this tract for separate lots in triplex or fourplex development which is consistent with the subdivision plans.

Arguments Presented AGAINST:

Several people appeared at the hearing and stated that they are not necessarily opposed to the requested change but are concerned about the width of Metcalfe Road as it is not in their opinion wide enough to carry the existing traffic nor the traffic that will be created by the proposed development on the site. It was pointed out that the rights-of-way for streets are rarely enough to meet future demands and any additional widening needed should be requested at this time.

One nearby property owner appeared in opposition and stated in his opinion apartments on the northern portion of the site will completely ruin the value of the existing single-family residential development which is established to the north and which is restricted.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted provided Metcalfe and Burleson Roads are made adequate, and subject to the provision for the extension of San Pedro Drive and Oltorf Streets through the subject tracts.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Olga T. Schnieder for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area (Tracts 1 and 4) "GR" General Retail, First Height and Area (Tracts 2 and 3) and "BB" Residence, First Height and Area (Tract 5) for property located at (Tract 1) rear of 2371-2601 Burleson Road, (Tract 2) 2371-2511 Burleson Road; (Tract 3) 2400-2508 Burleson Road; (Tract 4) 2513-2601 Burleson Road and (Tract 5) 2510-2602 Burleson Road and 2603-2643 Metcalfe Road be GRANTED, subject to Metcalfe and Burleson Roads being made adequate and subject to provision for the extension of San Pedro and Oltorf Streets through the subject tracts.

C14-69-128	Sommerset West Development: Int. A, Int. 1st to B, 1st (Trs. 1 & 3), Tract 1: Rear of 816-1126 Stassney Lane BB, 1st (Tr. 2) and GR, 1st Tract 2: Rear of 1116-1200 Stassney Lane (Tr. 4) Tract 3: Rear of 1128-1616 Stassney Lane 5301-5419 Vinson Drive 5300-5418 Vinson Drive Tract 4: 800-1346 Stassney Lane 5421-5439 Vinson Drive
C14-69-129	Lumbermen's Investment Corporation: Int. A, Int. 1st to BB, 1st (Tr. 1) Tract 1: 907-909 Cardiff Drive and B, 1st (Tr. 2) Tract 2: 4801-5255 Vinson Drive
C14-69-130	Lumbermen's Investment Corporation: Int. A, Int. 1st to GR, 1st 5004-5210 South 1st Street

The above described applications are three separate requests within the proposed Emerald Forest Subdivision; however, since the cases are closely related, the staff made the following general comments with respect to the area and the subdivisions which are planned: Stassney Lane is located to the south, South Congress Avenue and South First Streets are located to the east, Manchaca Road and the I. & G. N. Railroad right-of-way lies to the west. Williamson Creek divides the tract. There is single-family development surrounding the proposed Emerald Forest Subdivision. To the south of Stassney Lane is a proposed elementary school site. Crockett Senior High School, Garrison Park and the proposed branch library are located in the vicinity of Stassney Lane and Manchaca Road. The Brown School property which was before the Commission for consideration last year is located just east of the I. & G. N. Railroad and Stassney Lane. This property was zoned "B" Residence. Emerald Forest Drive, or Vinson Drive, is proposed to be extended in a north-south direction through the Subdivision and is a major arterial street in the Thoroughfare Plan.

The Emerald Forest Subdivision is a preliminary plan which proposes single-family development east of the location of Emerald Forest Drive and multi-family development along and to the west of Emerald Forest Drive with commercial development along Stassney Lane. Emerald Forest Subdivision, Section One, in the northern portion of the total subdivision has been approved by the Planning Commission.

At the request of the developers, Emerald Forest Drive as indicated on the preliminary plan has been shifted west of the location proposed in the Thoroughfare Plan so that the crossing of Williamson Creek can be more economical and practical. The staff has several objections to the applications from the standpoint of the existing and proposed development of this subdivision and subdivisions which are already platted and the relationship of the proposed zoning to the Expressway and Major Arterial Plan.

Dr. Hazard asked why the staff feels that "B" Residence zoning is too intensive for Tract 3. Mr. Lillie explained that Tract 3 covers an area of approximately 44 acres and if zoned as requested, would permit 40 units per acre which is approximately 1,600 units. It is felt that this density is too great for an overall area which is developing to a low-density residential character. If zoned "BB" Residence, the number of units permitted on the site would drop to approximately 800 and if apartment zoning is to occur it should be limited to the lowest density. The I. & G. N. Railroad track on the west does buffer the area from residential development which has occurred to the west, Williamson Creek is more or less a buffer for land to the north. For this particular application, the staff recommends that the granting on the site be subject to subdivision approval or dedication and fiscal arrangements for Emerald Forest Drive, and approximately 20 feet of widening for Stassney Lane as it effects Tract 4.

C14-69-128 Sommerset West Development--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)
 Robert L. Davis (representing applicant)
 Ruth Tyson: 708 Upson
 Mrs. Patty Goodwin: 510 Arbor Lane

AGAINST
 AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicants, advised the Committee that a portion of the tract now under consideration which lies to the south of Williamson Creek is owned by the Sommerset West Development Company and the portion which lies north of the creek is owned by Lumbermen's Investment Corporation. The property under consideration has a lot of problems which are peculiar to the land itself. One of which is that it is bisected by Williamson Creek which has a very broad bed in parts. The proposal submitted is a combination of single-family and multi-family residential uses which will best utilize the land. After the first preliminary was filed it was anticipated and requested that Emerald Forest Drive be a 120 foot street. The applicants were told approximately 8 or 10 months ago that Emerald Forest Drive would be extended and would eventually connect with Ben White Boulevard. At the time of the development of the tract it was realized that there were very serious drainage problems which would make development of single-family residential lots on the portion of the land which lies between the railroad track and Emerald Forest Drive quite expensive and uneconomical for the developer. As pointed out by the staff, Emerald Forest Drive was moved closer toward the railroad track which was done for two expressed purposes. One of which was to try to lessen the amount of land which would lie between the railroad track and Emerald Forest Drive as it would be undesirable for single-family residential development to be located between a 90 foot major arterial street and railroad track and would be more desirable for other purposes. Secondly, the moving of the street resulted in a better terrain for the street itself. It was also done with a view to safety and to slow the traffic down as much as possible by getting a curve in the street.

Primary developers of this area are familiar with the problems which are precipitated by railroad tracks, major streets and by other things that happen in an area such as this because of terrain problems and the subsequent development of single-family residences. A proposal was developed after long hours of work and thought by the developer, work with the Planning Department, engineers and other outside consultants. An attempt was made to utilize the land

C14-69-128 Sommerset West Development--contd.

for the best and most compatible development prior to the time when any lots were sold or any houses were sold and this is the case. Mr. Baker stated that there are houses under construction but to the best of his knowledge none have been sold to third party purchasers but to builders who have been fully advised prior to the time they purchased the lots of the development that was going to take place.

The reason for this application and the reason for the annexation of the land at a much earlier date than other developers bring land in is the fact that the Commission has from time to time been distressed over the fact that land developers have come in and developed all of the residential area and held the rest of the land out and then came back in, after they have sold all the houses, for commercial and high density zoning which results in the fact that the Commission never gets an opportunity to review the plan they proposed to undertake nor are the owners apprised of the development that will take place on the land. It was concluded by the developers that the land would be annexed and the zoning application filed before any homes were sold so that a proper development plan could be developed and reviewed by the Commission and the department in the hopes that a satisfactory development plan could be worked out at this time before anyones' interests are prejudiced as to what will be done.

Mr. Baker further stated that the staff has recommended that "BB" Residence zoning be granted on Tract 1 and he concurs with this recommendation as it is a drainage area for Williamson Creek and there is a part of it which is felt can be utilized although extensive engineering studies will have to be made to determine what portion is feasible for utilization. Utilization will have to be through a planned development with private streets within the area because of the drainage. The applicants requested "BB" Residence zoning for the area fronting onto Emerald Forest Drive which is recommended by the staff. The reason is because of the fact that it will adjoin a single-family residential subdivision which is proposed and "BB" Residence zoning would be more appropriate against the 90 foot streets as it will cut down on the traffic problems which are generated and better off-street parking and turnaround areas can be provided. On Tract 3 it is requested that "B" Residence, First Height and Area be established rather than "BB" Residence zoning as recommended by the staff as it is felt that it would be compatible with other zoning granted by the Commission and the Council in areas such as this where there are large tracts. A large tract has a lot of advantages and usually results in less density as there is more land which can be better utilized. It should also be pointed out that the area will be served by a very satisfactory arterial system when it is totally developed and will give as good a movement in the area as any area in Austin. The staff pointed out that 40 units per acre could be developed which is true; however, it is submitted that it has been a long time since a successful unit in the City of Austin, outside the immediate University area, has been built on a 40 unit per acre basis. Development of between 1100 and 1300 units is very desirable and does provide adequate off-street parking and would meet all of the requirements of the developers. In relation to Tract 4, it is felt that "GR" zoning would be a logical extension from the "GR" zoning which is obviously going to take place at the intersection

C14-69-128 Sommerset West Development--contd.

of Stassney Lane and South 1st Street. The staff recommended that all the tracts with the exception of the 500 feet be zoned "GR" but it is submitted that the tract as proposed is the logical place to stop the zoning, as it would be more consistent than in the location recommended by the staff and would provide another means of ingress and egress to the area. Mr. Baker further commented that there is a 100 foot L.C.R.A. right-of-way easement which goes through the area which is another development problem to be contended with. This is an unusual piece of property with very serious development problems, and it is hoped that through the filing of the application at an early date that the Commission will look with favor on the proposal that the developers have submitted, trying to come in with an overall plan to utilize the land to the best of its ability, and giving due consideration to the tremendous terrain problem.

Arguments Presented AGAINST:

Mrs. Ruth Tyson advised the Committee that she owns two acres of land on Stassney Lane and indicated that she is not opposed to "GR" General Retail; however, the zoning of the remainder of the area as proposed is too dense for the existing street pattern in the area. The street pattern and circulation in the area is inadequate at this time and the proposed development would only add to the problem. The proposed development would also bring in a large number of people into the area which would eventually create a slum area and will overcrowd the existing and proposed schools.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the request should be denied; however, they recommended that "BB" Residence, First Height and Area zoning be granted on Tracts 1, 2, and 3 and "GR" General Retail, First Height and Area zoning on all but the west 500 feet of Tract 4 which should be zoned "B" Residence, First Height and Area as the appropriate zoning for the site, provided Stassney Lane is made adequate and subject to the provision for the extension of Emerald Forest Drive through the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Sommerset West Development for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area (Tract 1) "BB" Residence, First Height and Area (Tract 2) "B" Residence, First Height and Area (Tract 3) and "GR" General Retail, First Height and Area (Tract 4) located at (Tract 1) Rear of 816-1126 Stassney Lane (Tract 2) Rear of 1116-1200 Stassney Lane (Tract 3) Rear of 1128-1616 Stassney Lane, 5301-5419 Vinson Drive and 5300-5418 Vinson Drive and (Tract 4) 800-1346 Stassney Lane and 5421-5439 Vinson Drive be DENIED but that "BB" Residence, First Height and Area be GRANTED for Tracts 1, 2 and 3 and "GR" General Retail, First Height and Area be GRANTED for all but the west 500 feet of Tract 4 which should be GRANTED "B" Residence, First Height and Area subject to Stassney Lane being made adequate, and provision for the extension of Emerald Forest Drive through the site.

Mr. Richard Baker, attorney for the applicants, stated that it is realized that Williamson Creek would serve as a very good buffer for any type of development because of its width; however, there are three problems that have not been given due consideration. The first is the railroad track which plans a very important part on this small section of land. Second,

C14-69-129 Lumbermen's Investment Corporation--contd.

is Emerald Forest Drive extends through the area with 90 feet of right-of-way plus the intersections that will be in this particular area are a major problem, and the third is the terrain of the tract. It is felt that Tract 2 is not in itself suitable for single-family residential development because of its size, configuration, topography, location to the railroad track, and location to a 90 foot arterial street. The land which lies to the east of Emerald Forest Drive is much more desirable land for single-family residential development than are the subject tracts. The property under consideration has some real problems in that it is a triangular piece of property with Williamson Creek on one side, a 90 foot thoroughfare on one side and a railroad track on the third side. To attempt to develop the area as single-family residential would result in an inexpensive development cost and the necessity of building rather inexpensive houses, which is virtually impossible on today's market and it would result in ultimate depreciation of the immediate area because of the type of housing which would have to be constructed. It is very difficult and undesirable to sell a house located between a 90 foot thoroughfare and railroad track, whereas for multi-family development this does not seem to create a serious problem as the setbacks can be worked much more desirable to stay away from the right-of-way, the parking can be put next to the right-of-way and the area can be insulated from the undesirable characteristics which would otherwise develop. As to the "BB" Residence requested on the area lying immediately east of Emerald Forest Drive the thought was that it would not be as desirable to have single-family residences or duplexes adjoining a 90 foot street; however, for triplex and fourplex development, through the property developed, there can be less access, better turn-around area, and better parking facilities provided to meet the demands and needs for the people. The area can be fenced off to protect the "A" Residential area and this is an ideal location for the proposed use.

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.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lumbermen's Investment Corporation for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (Tract 1) and "B" Residence, First Height and Area (Tract 2) for property located at (Tract 1) 907-909 Cardiff Drive (Tract 2) 4801-5255 Vinson Drive be DENIED.

C14-69-130 Lumbermen's Investment Corporation: Int. A, Int. 1st to GR, 1st
5004-5210 South 1st Street

STAFF REPORT: This application for "GR" General Retail, First Height and Area zoning covers 12.3 acres of land which is presently undeveloped. To the north of the tract and surrounded on three sides by Williamson Creek is a rest home. To the west of the application is a portion of Emerald Forest Subdivision which is proposed to be used for low-density residential use. On the east side of South First Street, Williamson Creek meanders and crosses South First Street to continue eastward. To the east of the creek there is a subdivision which is developed with single-family homes. At the intersection of Heartwood Road and South First Street there is "LR" Local Retail zoning which was granted last year. The zoning in this area, except for the "LR" District, is Interim "A" Residence and "A" Residence. South 1st Street is a major arterial street in the Thoroughfare Plan. On the portion of South First Street from the creek south to just before it intersects Ramble Lane there has been some question as to whether the street has been dedicated in the past. Mr. Lillie advised the Committee that a copy of the minutes in the County Commissioners Court dated June 21, 1952, indicates that an offer was made to dedicate 80 feet of right-of-way for the extension of South First Street and a motion to accept the roadway was granted. The staff will submit the minutes to the Legal Department for validity.

With respect to this application, it is felt that "GR" General Retail zoning is not appropriate at this location, as non-residential zoning of this type should be closer to the intersection of major streets, that is, Stassney Lane and South First Street. The staff would recommend that the portion of the tract south of Williamson Creek be retained as "A" Residential. Ramble Lane is proposed to continue west from South First Street as a 60 foot collector street. "A" Residence would permit lots to back up to Williamson Creek as well as to the existing subdivision which is developed to the south. Because of the fact that South First Street is a major arterial street it is felt that the remainder of the tract should be considered for some use other than single-family residential and it is recommended that "BB" Residence zoning be granted subject to the acceptance of dedication of South 1st Street and extension of Emerald Wood Drive through the subject tract to South First Street. There is a cul-de-sac subdivision in the area which falls between the subject tract and Stassney Lane to the south. There is a plat on the property entitled Community of Fairview which has been submitted and approved which does include a shopping center at the northwest corner of Stassney Lane and South First Street.

TESTIMONY

WRITTEN COMMENT

Code

Petition with 104 signatures

AGAINST

C14-69-130 Lumbermen's Investment Corporation--contd.

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)	
Robert L. Davis (representing applicant)	
Mrs. Patty Goodwin: 510 Arbor Lane	AGAINST
Alexander W. Porter: 5005 Creekline Drive	AGAINST
Mrs. S. K. McElhiney: 514 Ramble Lane	AGAINST
Maurice Moussette: 513 Ramble Lane	AGAINST
Jack W. Stockton: 5202 Creekline Drive	AGAINST
Hudie M. Porter: 5005 Creekline Drive	AGAINST
Mr. & Mrs. Joseph M. Schmidt: 5301 Soist	AGAINST
Hayden W. Denham: 5212 Creekline Drive	AGAINST
Mrs. Harry Yarosh: 4903 Creekline Drive	AGAINST
Mr. & Mrs. Clifton Standefer: 5106 Creekline Drive	AGAINST
James O. Straw: 504 Heartwood Drive	AGAINST
Mrs. Ruth Straw: 504 Heartwood Drive	AGAINST
Mr. & Mrs. Allen E. Amerson: 5140 Creekline Drive	AGAINST
Mr. & Mrs. B. G. Hayes: 5109 Creekline Drive	AGAINST
W. Douglas White: 5100 Creekline Drive	AGAINST
Dan N. Roberts: 4904 Creekline Drive	AGAINST
Mrs. Dan N. Roberts: 4904 Creekline Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, explained that there are terrain and drainage problems connected with the property under consideration. Williamson Creek is on two sides of the tract and the applicant has been trying to come up with some satisfactory utilization of the area. A majority of the tract is isolated from single-family residential development or any other kind of development by the creek on two sides and a nursing home on the area to the north and the tract also lies some feet below the bluff line. Utilization of the tract has been discussed for many years and will be difficult as there is a flood line problem because of the creek. Inasmuch as the property is isolated from any residential development and because of the street outlet coming into South First Street which will be a major carrier, a logical development of the site would be some type of retail development although it may not be "GR" General Retail and perhaps the area should be reduced down to where it does not encompass so much; however, it is felt that the area which lies between the creek is not susceptible to residential development which has been confirmed by engineering studies. In any instance it is felt that Emerald Wood Drive which is a major street coming out of the subdivision, a major thoroughfare off of Vinson Drive as such that the corners of this street as they come into South First Street being taken from residential areas should have some kind of retail utilization. Mr. Baker stated that it is his understanding that a great deal of the ground cannot be used. Any development taking place would be buffered from the residential area and the bluff line is approximately a 30 foot grade elevation with a solid bank of trees along the creek. For this reason, it is felt that this is an ideal retail development location along South 1st Street.

C14-69-130 Lumbermen's Investment Corporation--contd.

Arguments Presented AGAINST:

A number of nearby property owners appeared at the hearing, presented a petition in opposition to the change and presented the following information in support of their opposition. A majority of the people opposing the change are Community of Fairview residents. It is realized that the Committee is familiar with zoning concerning health, safety, general welfare and preservation of places of historical value. It is submitted that the proposed zoning change would serve none of those purposes. "A" Residential as recommended by the staff for the lower end of South First Street where it intersects with Ramble Drive is consistent with the general zoning pattern of residential development. The homeowners do not concur with the remainder of the application for "GR" General Retail or for the suggestion by the staff for "BB" Residence zoning as it would increase the traffic load. It should be pointed out that when the residents of this area purchased their homes they were advised that the area south of the creek was to be used for a park and recreation area. "GR" or "BB" zoning would increase the flow of traffic to such an extent that it would not be feasible or wise to attempt to develop that area behind the creek into a park. The residential area is a humble community of individuals with limited means and many children with no place in the area to play. A major factor for the purchase of some of the homes in the area was the park location. There was also represented to many of the homeowners at the time of purchase that the majority of this area would be strictly residential and now they have requested to change the area to a commercial use. There is a rest home established to the north and some consideration should be given with respect to the people in that area as they need a quiet place. The requested zoning is inconsistent and should be denied.

Arguments In REBUTTAL:

Mr. Baker advised the Committee that the property under consideration is not owned nor has it ever been owned by the developers of the Community of Fairview. He said that to the best of his knowledge there has never been a park dedicated within the vicinity of the area. It is requested that the application be amended from "GR" General Retail, First Height and Area to "LR" Local Retail, First Height and Area which is a designation which will permit retail uses to serve people in the immediate vicinity and would not generate a great deal more traffic than is already in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "LR" Local Retail, First Height and Area. They reviewed the information presented and concluded that the request as amended should be granted for that portion of the property from Williamson Creek on the southern portion of the tract to approximately 200 feet north of the proposed Emerald Wood Drive and that the remainder of the tract to the north be zoned "BB" Residence, First Height and Area subject to the provision for the extension of Emerald Wood Drive to South First Street. It was further recommended that the area south of Williamson Creek be zoned "A" Residence, First Height and Area.

CP14-69-130 Lumbermen's Investment Corporation--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lumbermen's Investment Corporation for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area (as amended) for property located at 5004-5210 South First Street be GRANTED for that portion of the property from Williamson Creek on the southern portion of the tract to approximately 200 feet north of the proposed Emerald Wood Drive and that the portion of the tract to the north be GRANTED "BB" Residence, First Height and Area and the portion south of Williamson Creek be GRANTED "A" Residence, First Height and Area, subject to provision for the extension of Emerald Wood Drive through the tract.

SPECIAL PERMITS

CP14-69-013 Colonial West Apartments: 170 Unit Apartment Dwelling Group
 3500-3548 Westchester Avenue
 8001-8141 Sonnet Avenue
 8038-8136 Balcones 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 170 units, 2 swimming pools, one party house, one cabana and storage house, one gazebo and playground, parking spaces for 221 cars and laundry and storage facilities. The property under consideration covers an area of 6.3 acres and was zoned "BB" Residence, First Height and Area last year. The area across the street to the south of Westchester Avenue and west of Sonnet Avenue was recommended and retained by the Council as "A" Residence for the purpose of a buffer area between the apartments and the surrounding single-family residential area to the west and south. The site plan has been circulated to the various City Departments and the comments are as follows:

Traffic Engineer

Electric

Water and Sewer

- Minimum curb radii - 10 feet
- Minimum Driveway widths - 30 feet
- add easements as shown in red on attached plat.
- Sanitary Sewer is available from existing water mains in adjacent streets. One fire hydrant is required on the northeast corner of the property. This will require a 6 inch stub and 6 inch valve connected to the existing 14 inch main in Balcones Drive. A fire demand meter will be required at the property line.

CP14-69-013 Colonial West Apartments: 170 Unit Apartment Dwelling Group--contd.

Storm Sewer

- 1. Drainage facilities required at the southeast corner of the development.
- 2. Carry the surface flow from the southwest quarter of the development to Westchester Avenue.

Building Inspector

- 1. Minimum 10 feet required between buildings; otherwise the special permit is in conformance with the Zoning Ordinance requirements.
- 2. Building Code Approval not included.

Advance Planning
Director of Public Works

- Acceptable.
- The locations of the driveways as shown on the plan meet with our approval; however, we will need a request for and approval of them before construction begins.

Office Engineer

- Require request for commercial driveway.

Tax assessor

- Taxes are paid through 1968.

Health

- Waste Water System to be available.

Fire Protection

- Recommended fire hydrants is indicated in red.

The staff recommends approval subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Jack Cook (rep. C. L. Reeves)

FOR

SUMMARY OF TESTIMONY

Mr. Jack Cook, representing C. L. Reeves, was present at the hearing and indicated that he had nothing to add to the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

CP14-69-013 Colonial West Apartments: 170 Unit Apartment Dwelling Group--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Colonial West Apartments for a Special Permit for the erection of a 170 unit apartment dwelling group for property located at 3500-3548 Westchester Avenue, 8001-8141 Sonnet Avenue and 8038-8136 Balcones Drive, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution when the requirements have been met.

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

CP14-69-014 Maxie E. and Norma Brune: Day Care Nursery
 1907 Inverness Boulevard
 5401-5403 Manchaca Road

STAFF REPORT: This application has been filed as required under Section 4 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care center containing an open play area, enclosed area, chain-linked fence, concrete drive and new drive openings. The subject property is zoned "A" Residence, First Height and Area and the use proposed on the site is permitted in this district. The request for the special permit resulted from an amendment to the Ordinance last year in which a day nursery for 7 or more children is required to go through the special permit procedure. The request has been circulated to the various City Departments and the comments are as follows:

Traffic Engineer

Electric

Water and Sewer

Storm Sewer

Building Inspector

Advance Planning

- Driveway locations not shown - incomplete.
- Electric okay.
- Sanitary Sewer is available from the existing 8 inch main in Inverness Boulevard.
- Water service is available from the existing 6 inch main in Inverness Boulevard. Additional fire protection not required.
- Plan complies with requirements.
- 1. The lot area for the subject property allows fifteen (15) children by Zoning Ordinance requirements.
- 2. Issuance of the special permit would be subject to approval of the State Child Welfare licensing office also.
- Open play area should be fenced.

CP14-69-014 Maxie E. and Norma Brune: Day Care Nursery--contd.

Director of Public Works

- The location of the driveway on Inverness Boulevard meets with our approval; however, we will need a request for and approval of them before construction begins.

Office Engineer

- Require request for commercial driveway.

Tax Assessor

- Taxes are paid through 1968.

Health

- Waste Water System to be available.

Fire Prevention

- 1. Wiring to be according to the City Electric code for day nursery.
- 2. Walls to be of fire resistant construction.

Fire Protection

- 3. Roof to be class C or better.
- Existing facilities are believed to be adequate.

The staff recommends that the request be approved subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

David A. Brown:	1901 Inverness Boulevard	AGAINST
Raymond J. Hill:	1808 Inverness Boulevard	AGAINST

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 granted subject to compliance with departmental reports.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Maxie E. and Norma Brune for a special permit for a day care nursery for property located at 1907 Inverness Boulevard, and 5401-5403 Manchaca Road, subject to compliance with departmental reports and authorized the chairman to sign the necessary resolution when the requirements have been met.

CP14-69-014 Maxie E. and Norma Brune: Day Care Nursery--contd.

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

CP14-69-016 John Byram: Apartment Dwelling Group
 512-612 South 1st Street
 701-703 Barton Springs Road

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 7 apartment buildings, one swimming pool and storage and laundry facilities. The property under consideration contains an area of 2.7 acres. Two applications for "B" Residence, Second Height and Area zoning are shown as pending on the staff report but Mr. Sneed, attorney for the applicant, has indicated that the zoning has been approved by the City Council. The Planning Department records do indicate that the Planning Commission recommended in favor of the changes as well as the City Council but the Ordinances are still pending, one of which is pending right-of-way along South First Street. The request has been circulated to the various City departments and the comments are as follows:

Traffic Engineer

- Minimum curb radii of 10 feet.
- Minimum of driveway openings:
1-2 - 30 feet, 3-5 - 25 feet.

Electric

- Additional easements as noted in red on attached plat.

Water and Sewer

- Sanitary Sewer is available from existing mains in South First Street and Barton Springs Road.
- Two fire hydrants are required. One fire hydrant will be located on the south side of the northern most driveway along South First Street. In addition a 6 inch valve will be required on the existing main south of the point at which the fire hydrant is connected to the main. The second fire hydrant will be located on the eastern corner of the driveway exiting into Barton Springs Road. This will require a 6 inch stub with a 6 inch valve to cross Barton Springs Road and tie to the existing 12 inch main in Barton Springs Road. A fire demand meter will be required at each fire hydrant.

CP14-69-016 John Byram: Apartment Dwelling Group--contd.

Storm Sewer

- 1. Building floors need to be constructed to minimum floor elevation of 449⁰.
- 2. Existing inlets in South First Street appear to be in proposed driveways, and need to be relocated by Developer.
- 3. Drainage easement required.

Building Inspector

- 1. The two separate buildings are 9' apart - MINIMUM 10' REQUIRED.
- 2. The parking for Phase I of this project has been approved and a building permit has been issued for it, (#111188) and the building is now under construction. The 50 spaces provided for Phase II of this project does meet the requirements of the ordinance for parking.
- 3. Building Code approval not included.

Advance Planning

- 1. Show correct R.O.W. for South 1st Street.
- 2. Usable open space is not adequate.
- The location of the driveways as shown on South 1st Street and Barton Springs Road meet with our approval. We will need request for and approval of them before construction begins.

Office Engineer

- Require request for commercial driveway.

Tax Assessor

- Taxes are not paid for 1968. Prior years are paid.

Health

- Waste Water System to be available.

Fire Protection

- Suggested fire hydrants are indicated in red.

The Planning Department commented on the concern for the right-of-way for South First Street which was included in one of the zoning applications. If the zoning has been approved and the right-of-way has been granted, the site plan would have to be modified to show the right-of-way which was involved in the zoning application. The additional right-of-way would effect a minimum of 7 parking spaces on the site plan. The site plan also indicates that South First Street has 60 feet of right-of-way, however, if 5 feet is granted, the right-of-way will be 65 feet and this should be shown on the site plan. The staff recommends that the request be approved subject to compliance with departmental reports which will require a modification in the parking layout of the site plan.

CP14-69-016 John Byram: Apartment Dwelling Group--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Mr. W. R. Coleman (representing applicant)

SUMMARY OF TESTIMONY

Mr. W. R. Coleman, representing the applicant, indicated that there would be no problem in complying with the department requirements and he would be happy to redraw anything to rework the site plan.

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 compliance with departmental reports.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of John Byram for a special permit for the erection of an apartment dwelling group for property located at 512-612 South First Street and 701-703 Barton Springs Road, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-017 Sharon Anderson: Doll Museum
501 Park Boulevard
4207 Duval Street

STAFF REPORT: This application has been filed as required under Section 10-A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. The subject property is zoned "B" Residence, Second Height and Area and the proposed use is for a doll museum. The special permit resulted from a zoning case before the Commission several months ago in which the applicant made application for "O" Office zoning at the southeast corner of Park Boulevard and Duval Street. The existing zoning is "B" Residence along the frontage of both sides of Duval and the staff recommended that the "O" Office zoning be denied, which was upheld by the Commission.

CP14-69-017 Sharon Anderson: Doll Museum--contd.

When the request went before the City Council, the City Manager, the Legal Department and the Council suggested that the applicant work with the Legal Department to see whether or not the use could be permitted under the existing "B" Residence zoning through a special permit procedure. The applicant has done this and the Building Inspector and the Legal Department both have indicated that the use proposed on the site could be allowed under the special permit provision. The special permit was then applied for and the site plan circulated to the various City Departments and the comments are as follows:

Traffic Engineer

- Incomplete - no driveway locations shown.

Electric

- Electric okay.

Water and Sewer

- Sanitary Sewer is available from the existing 6 inch main in the East 42nd Street Alley.

Water Service is available from the existing 2 inch main in the East 42nd Street Alley, the existing 14 inch main in Duval Street, and the existing 12 inch main in Park Boulevard.

Storm Sewer

- Plan complies with requirements.

Building Inspector

- 1. The parking requirement for a museum is one (1) space for each 400 sq. ft. of gross floor area (in this case four (4) spaces). See site plan for suggested arrangement.
- 2. Any sign erected in advertising the museum could not exceed six (6) sq. ft. in area; as per Sec. 11 of the Zoning Ordinance.

Advance Planning

- Along Duval Street 5' of R.O.W. is needed and a 5' sidewalk and utility easement is also needed to comply with the Austin Development Plan.

Director of Public Works

- There is insufficient information on the attached plans for us to approve due to the fact there are no driveways or off-street parking shown.

Office Engineer

- Require plan showing proposed commercial driveway.

Tax Assessor

- Taxes paid.

Health

- Waste Water System to be available.

Fire Protection

- Existing fire protection is believed to be adequate.

The comments are minor and the Planning Department indicates that 5 feet of right-of-way should be required on Duval Street and an additional 5 foot sidewalk and utility easement should be considered to comply with the Austin Development Plan as recently adopted. The applicant does not plan to change the

CP14-69-017 Sharon Anderson: Doll Museum--contd.

exterior characteristics of the structure and the use will be carried on within the confines of the building. There may be some remodeling done to the exterior but the plans are to use the building as is. The applicant is required to have 3 parking spaces which will be checked by the Building Inspector. There is a deep driveway with enough depth between the driveway and the house to put in two angle parking spaces. The staff recommends approval of the request subject to compliance with the 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 granted subject to compliance with departmental reports.

A majority of the Commission members concurred with the Committee recommendation and

VOTED: To APPROVE the request of Sharon Anderson for a special permit for a doll museum for property located at 501 Park Boulevard and 4207 Duval Street subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution upon completion.

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

NAY: Mr. Milstead

ABSENT: Mr. Kinman

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.

CP14-69-018 Wendlandt Estate: Apartment Dwelling Group

3100-3102 Warren Street
 3101-3103 Warren Street
 3304-3308 Maywood Avenue
 3303-3309 Maywood Avenue
 3305-3417 Pecos

STAFF REPORT: This application has been filed as required under Section 5 and in accordance with the procedures as specified in Section 10-C of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group, consisting of 105 units in 10 individual buildings with one centrally located swimming pool with clubhouse facilities. The site plan has been distributed to the various City departments and there have not been any comments received which would indicate that there is a serious problem. The comments are as follows:

Traffic Engineer

- Based on this plot plan, it is felt that the opening opposite Maywood Ave. should be closed. It is felt that driveway should be kept open on Pecos in addition to the opening on W. 35th Street. Both openings should be a minimum of 40' wide.

Electric

- Additional easements as shown in red on attached sketch.

Water and Sewer

- Sanitary Sewer is available from existing mains in Maywood Avenue and Pecos Street. Relocation of the existing mains located on said property will be required to remove mains from under proposed buildings. This will require laying an 8 inch main in the eastern drive from the existing sanitary sewer main to a point plus 210' southerly of 35th Street continuing westerly plus 195' and northerly plus 55' to the existing manhole. Also, an 8 inch main will be required from the existing 8 inch main in Maywood Avenue down the proposed Warren Avenue to the existing 8 inch main in Pecos Street.

Two fire hydrants will be required. one will be on the southwestern corner of the drive parallel to Pecos Street plus 210' northeasterly of the intersection of Maywood Avenue and the proposed Warren Avenue. The second fire hydrant will be located on the

CP14-69-018 Wendlandt Estate: Apartment Dwelling Group--contd.

southwestern corner of the intersection of the drive parallel to Pecos Street and the northern most drive parallel to 35th Street. This will require a 6 inch main with valves to be connected to the plugged main in Maywood Avenue running northerly through the proposed drive parallel to Pecos Street and tying to the existing 8 inch main in 35th Street. A fire demand meter will be required at each property line where said main crosses.

Storm Sewer

- 1. Drainage easements/facilities required.
- 2. Need to carry surface drainage from development to existing creek.

Building Inspector

- 1. Site is not correctly zoned for proposed use. If property is in the process of re-zoning.
- 2. Ten foot minimum distances required between separate structures.
- 3. Nineteen (19) Townhouse Units as designated by plan are not townhouses as defined by Ordinance.. More information needed to complete report regarding such units.
- 4. If property is to be replatted a setback of 25' from W. 35th Street would be required.
- 5. Building Code approval not included.

Director of Public Works

- We will need approximately 1½' dedicated on subject property in order to bring Scenic Drive to a 60' right-of-way. The location of the driveways as shown meet with our approval; however, we will need a request for and approval of them before construction begins.

Office Engineer

- Require request for commercial driveways.

Tax Assessor

- Taxes are paid through 1968.

Health

- Waste Water System to be available.

Fire Protection

- Suggested fire hydrants are indicated in red.

CPI4-69-018 Wendlandt Estate: Apartment Dwelling Group--contd.

Mr. Lillie advised the Committee that zoning was considered on this property in 1968, at which time the staff recommended in favor subject to the following conditions:

1. Development should be limited to 108 units.
2. Development should not exceed two stories in height.
3. No improvements on the east 20 feet of the site, except on the north end for driveways.
4. A fence should be provided on the east line where requested by the adjoining neighbors.
5. Additional right-of-way should be provided for Scenic or Pecos Drive.

On the site plan submitted, the proposed development at the southeast corner of the property is located within 20 feet of the east property line and is in conflict with the 1968 requirement, and as a result, an amendment to the site plan is necessary in order to conform to that setback. Because of the street vacations and dedications and the likelihood that the site plan will have to be modified slightly, the staff recommends that this request be referred to the full Commission pending compliance with departmental reports.

Mr. Lillie stated that the applicants have requested that the zoning application now being considered on this property be postponed for one month; however, notices have been mailed and the application must proceed to the regular meeting of the Planning Commission.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Mr. Jack Ritter, Jr.

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. W. R. Coleman, representing the applicants, advised the Committee that they will cooperate in every way possible with the departmental comments. He explained the the Wendlandt Estate owns the small tract between the property under consideration and West 35th Street and it was their understanding that the area was a commercial tract and the zoning change would not be needed. He said that if the tract was inadvertently left out, they would be happy to include it in with the property now being considered as part of the zoning change. Any problem on this particular area can be worked out satisfactorily.

CP14-69-018 Wendlandt Estate: Apartment Dwelling Group--contd.

He said that they would have no objections to the other departmental comments by the staff and are agreeable to working on any problem that may arise.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request as they felt that the proposed development would detract from the existing residential area and would create too much traffic. There are four or five very sound residential dwellings on property adjoining the site to the east and a street along the eastern boundary of the site would in effect create double frontage for the lots.

Mr. Jack Ritter, Jr. appeared at the hearing and stated that he is not necessarily opposed to the development as the property lends itself to multi-family structures; however, there is concern about the type of development that will occur and the traffic circulation in the area. He said that in his opinion the public should be discouraged from using Pecos Drive and encouraged to use West 35th Street because of the existing traffic load. Mr. Ritter advised the Committee that some of the recent development in the area has been a social deterrent to the Community and he would encourage the applicant to develop the property in a manner that would be compatible and add to the area.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, Mr. Milstead stated that he voted for the zoning change because he feels that the applicant should be able to develop his property to the fullest as long as it is in keeping with the neighborhood but if the special permit is not in keeping with the neighborhood he would be opposed. The density allowed on the site is not the only criteria for development within the neighborhood. The quality of construction and development should also be considered. It is realized that the developer intends to develop the project as a first class area but this should be strongly encouraged and it should be brought out and understood. He asked if the Commission can make a suggestion as to development of the property,

Mr. Lillie explained that the various City Departments make technical requirements for a special permit but this does not affect the design of the structures.

Mr. Milstead asked if the special permit and the development as submitted is in keeping with the neighborhood. Mr. Osborne explained that the design of the proposed development is an aesthetic consideration in association with other items. The Commission can properly consider the appearance and other factors similar to that in relation to the basic overall development proposal.

CP14-69-018 Wendlandt Estate--contd.

The staff cannot assure the Commission that it will in the final analysis compliment the neighborhood. The designs that are indicated appear to be reasonable and relate to the area. There could be more open green area and more unpaved open space but the planners feel the request is generally within the framework of the technical requirements.

Mr. Milstead asked about the access onto West 35th Street. Mr. Coleman stated that they have a deeded easement through the property. He explained that the development proposed is the very highest priced, well-done type project that will fit in with the particular area. The development of the property is very difficult and that is one of the reasons a special permit was tied to the zoning so that there would be an indication of the development planned on the site. The project will be basically for retired people and it is felt that the design is most attractive.

Mr. Osborne stated that in his opinion the plan is suitable for the area. He said that the proposal as indicated on the plan is for staggered buildings along Scenic Drive rather than a continuous wall so that there is not the massing of a single building or buildings in a row.

Mr. Brown stated that he is in favor of the request as it has been demonstrated to him that under the existing residence classification duplexes can be developed which may or may not fit in with the area. The special permit on the site clearly indicates that there will be a better looking project than if it were left for duplex development.

After further discussion, the Commission concurred with the Committee recommendation that the request should be granted subject to compliance with departmental reports. It was then

VOTED: To APPROVE the request of Wendlandt Estate for a special permit for an apartment dwelling group on property located at 3100-3102 Warren Street, 3101-3103 Warren Street, 3304-3308 Maywood Avenue, 3303-3309 Maywood Avenue and 3305-3417 Pecos Drive, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of April 22, 1969, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals

R146 SUBDIVISION COMMITTEE--contd.

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 April 22, 1969, on the minutes of this meeting.

SUBDIVISION PLATS - FILED AND CONSIDERED

The staff reported that the following final plats have previously been before the Commission, were accepted for filing and disapproved pending technical items which were requirements of the Ordinance, and have been given approval by the staff through a new procedure recently adopted by the Commission whereby the Director of Planning, the Chairman of the Planning Commission and the Secretary of the Planning Commission can give approval 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>C8-69-13</u>	<u>Sefcik Subdivision - Section 2</u>
	East 51st Street
<u>C8-68-57</u>	<u>River Oak Lake Estates - Section 5</u>
	Blue Water and Cedar Bend
<u>C8-69-14</u>	<u>Crockett Heights</u>
	Stassney Lane and Cougar Drive
<u>C8-68-106</u>	<u>Greenwood Hills, Section 6</u>
	Sheraton Avenue and Old Castle Road
<u>C8-68-48</u>	<u>Country Club Gardens - Section 1</u>
	Montopolis Drive and Marigold Terrace
<u>C8-69-4</u>	<u>Glenwood Square</u>
	Lansing Drive and Richmond Avenue
<u>C8-68-41</u>	<u>Northcape - Section 2</u>
	Hansford Drive and Childress Drive
<u>C8-69-9</u>	<u>Rosewood Village - Section 2</u>
	Morris Street and Conway Court

<u>C8-68-54</u>	<u>Allandale Estates - Section 3</u>
	Shoal Creek Boulevard and U. S. 183

The staff reported that this is a revision to a previously submitted final plat and the staff recommends that it be accepted for filing and disapproved pending the required additional easements, fiscal arrangements and completion of departmental reports. The Commission then

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

C8-69-21 Blue Bird Hill
Parker Lane and Mariposa Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending annexation and completion of departmental reports. There is a variance involved in that Mariposa Drive is a dead end street and there is no provision for a cul-de-sac. The street is being extended by a final plat from the two lots on Parker Lane. A letter has been received from Mr. Harvey Smith, representing the developer, requesting that the variance be granted as the same owner owns the property to the east on which a preliminary plan has been approved and there are fairly immediate plans to extend the street. Because this street will be extended two lots from the intersection and plans are to extend the street in the future, the staff recommends that the variance be granted and that the plat be accepted for filing and disapproved, pending the requirements as previously indicated. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BLUE BIRD HILL, pending the requirements as indicated, and granting a variance from requiring a cul-de-sac on Mariposa Drive.

C8-69-12 South Meadows
Eberhart Lane and South Meadows

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

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

C8-69-37 Battle Bend Springs, Section 2
Battle Bend Boulevard and Spanish Bluff

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and vacation of old location of Spanish Bluff Court and Spanish Bluff Drive. The Commission then

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

C8-69-27 Apache Shores, Section 2
Geronimo Trail and Big Horn Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and approval of water supply by the Health Department.

C8-69-27 Apache Shores, Section 2--contd.

The Commission then

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

C8-69-44 Salem Walk, Section 1
Stassney Lane and Salem Walk Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing pending completion of departmental reports, and with the condition that Pineleigh Drive be 60 feet in width. The Commission then

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

C8-68-75 Whispering Oaks I, Revised
William Cannon Drive and Manchaca Road

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

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

C8-69-32 Castlewood Forest, Section 2
Crownspoint Drive, Ramblewood Drive and Queenswood Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending additional easements, completion of departmental reports and a return which is required on the West side of Crownspoint Drive for a street shown on the preliminary plan. The Commission then

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

C8-69-39 Flournoy's Sweetbriar, Section 5
Bramble Drive and Woodbine Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending the required additional easements, completion of departmental reports and with the condition that the alignment on Woodbine Drive be straightened at Lots 4 and 5, Block E.

C8s-69-39 Flournoy's Sweetbriar, Section 5--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of FLOURNOY'S SWEETBRIAR, Section 5, pending the requirements as indicated.

SHORT FORM PLATS -- FILED AND CONSIDERED

C8s-68-141 Valley View Acres, Section 1
State Highway #71

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

VOTED: To APPROVE the short form plat of VALLEY VIEW ACRES, Section 1.

C8s-69-69 Barton Terrace, Section 5, Resub.
Deerfoot Trail

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

VOTED: To APPROVE the short form plat of BARTON TERRACE, Section 5, Resub.

C8s-69-71 Thames Subdivision
Northeast Drive and Walnut Hills

The staff reported that this short form plat meets all the requirements of the Ordinance but there is a variance involved on the signature requirements of the adjoining owner. A letter has been received requesting that the variance be granted inasmuch as an attempt was made to get the adjoining owner to participate. In view of this, the staff recommends that the short form plat be approved and that the variance be granted. The Commission then

VOTED: To APPROVE the short form plat of THAMES SUBDIVISION, granting a variance from requiring the signature of the adjoining owner

C8s-69-64 Tex Con Addition No. 1 -- Resub.
St. Johns Street and Duval Street

The staff reported that this short form plat has met all requirements of the Ordinance and has complied with all departmental reports; however, there is a variance involved on the signature of the adjoining owner. A letter has been received stating that the adjoining owner does not wish to participate in the platting. In view of this, the staff recommends that this short form plat be approved and the variance granted.

C8s-69-64 Tex Con Addition No. 1 -- Resub.,-- contd.

The Commission then

VOTED: To APPROVE the short form plat of TEX CON ADDITION NO. 1 -- Resub., granting a variance on the signature requirements of the adjoining owner.

C8s-69-67 M. E. Belvin Subdivision
Travis Hills Drive and Bell 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 approved subject to a no occupancy restriction which is required on the plat pertaining to an approved water supply. The staff attempted to contact the owner to get the restriction on the plat but was not able to. The restriction is to meet the requirements of the Ordinance where public supply is not available. The Health Department has said that they will approve individual wells but in this event there is only one well and another would have to be drilled and tested by the Health Department. After further discussion the Commission then

VOTED: To ACCEPT for filing and APPROVE the short form plat of M. E. BELVIN SUBDIVISION subject to a no occupancy restriction on the plat pertaining to an approved water supply.

C8s-69-66 Northwest Hills -- Section 9, Block C, Lot 3
Northhills Drive

The staff reported that this is the first appearance of this short form plat before the Commission and it involves a variance to exclude the balance of the tract from which it came. A letter has been received from Mr. David Barrow, owner of the property, requesting that a variance be granted inasmuch as he does not know what he intends to do with the balance of the property and is hesitant to subdivide the property into lots under the circumstances. In view of the letter requesting the variance, the staff recommends that the plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of NORTHWEST HILLS -- Section 9, Block C, Lot 3 pending completion of departmental reports.

C8s-69-68 George M. Moreland Subdivision
Dalton Lane

The staff reported that this is the first appearance of this short form plat before the Commission and several reports are lacking. There is also a variance involved on the signature requirements of the adjoining owner. The staff recommends that the variance be granted due to the fact that this is a one tract subdivision out of a larger tract of land purchased several years ago and

C8s-69-68 George M. Moreland Subdivision--contd.

the surrounding property has been subdivided and approved, partially in final form and the balance in preliminary form, but the subject property was not included. The staff recommends that the short form plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of GEORGE M. MORELAND SUBDIVISION, pending completion of departmental reports, and granting a variance on the signature requirement of the adjoining owner.

C8s-68-45 Gray and Becker Addition
I. H. 35 and East Liveoak Street

The staff reported that this short form plat has complied with all departmental reports and has complied with all of the requirements of the Ordinance; however, there is a problem involved. This is a short form subdivision which involves the creation of 3 lots on Interstate 35, East Liveoak Street or Oltorf Street and Parker Lane. The particular problem in question, is that Lot 3 is a 50 by 450 foot lot. It was the concern of the staff that this type of lot could be of some problem in the future for development. It is the staff's understanding that Mr. Forest Troutman, attorney for the applicant, has a letter filed by the adjoining owner, Mr. Jack Andrewartha, which has a place for the signature of the owners of the subdivision in question pertaining to agreement in connection with the zoning of the property. Inasmuch as Mr. Andrewartha's property is located behind Lot 3, there was some agreement by the applicant and Mr. Andrewartha that the 50 foot strip would not be built upon. Mr. Robert Sneed, attorney for the applicant, indicated that he would give the staff a letter to the effect that if Lot 3 is not developed with Lot 2 on this plat within a year's time, and the purchaser also has an option, if this is not done and an agreement cannot be worked out, the letter in question would act as a letter for zoning to revert from "O" Office, First Height and Area to "A" Residence, First Height and Area. If this is satisfactory to the Commission, the staff recommends that the plat be approved inasmuch as this would protect Mr. Andrewartha's interests in relation to the use of the property.

Mr. Robert Sneed, attorney for the applicant, advised the Commission that a verbal agreement was made with Mr. Andrewartha in 1954. He said that the agreement is not enforceable from a legal standpoint but from a moral standpoint the applicants are obligated and are prepared to honor their agreement. The particular arrangement worked out with Mr. Andrewartha was that the 50 x 450 foot strip should be held up in the existing shape because of the commitment made at the time of the zoning of the subject property. The property is now under option to Richard Hardin, but subject to compliance with prior commitments. Such option lasts for a period of 1 year and in the event the option is not exercised, the letter would serve as a request for a change in zoning to "A" Residence, First Height and Area. The way the lot is shaped, it is a beautiful lot in that it is tree covered and has a magnificent view of the City of Austin. The agreement as indicated was a verbal agreement which will be honored.

C8s-68-45 Gray and Becker Addition--contd.

After further discussion, the Commission then

VOTED: To APPROVE the short form plat of GRAY AND BECKER ADDITION with the creation of a 50 by 450 foot lot (Lot 3).

C8s-69-65 Berkman Drive Addition - Section 2
Berkman Drive and Patton Lane

The staff recommended that this short form plat be accepted for filing and disapproved pending the required fiscal arrangements and a clearance from the Gas Company. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of BERKMAN DRIVE ADDITION - Section 2, pending the items as indicated.

C8s-69-72 Bruton Springs Resub.
Arrow Eye Trail and War Bonnet Drive

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

VOTED: To ACCEPT for filing and APPROVE the short form plat of BRUTON SPRINGS Resub.

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

VOTED: To ACCEPT for filing and DISAPPROVE the following short form plats:

<u>C8s-69-74</u>	<u>Northwest Hills - Mesa Oaks, Phase 5A-Resub.</u>
	Tallwood Drive and West Rim
<u>C8s-69-75</u>	<u>Calhoun-Smith Addition</u>
	Lamar and North Meadows
<u>C8s-69-76</u>	<u>Gullett Gardens # 2 - Resub. Lot 1, Block 2</u>
	Mansell Avenue and Lyons Road

ADMINISTRATIVE APPROVAL

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

ADMINISTRATIVE APPROVAL--contd.

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-69-63	<u>R. L. Struhall Subdivision</u>
	E. Ben White and Catalina Drive
C8s-69-62	<u>Lamar Place - Resub. Lots 3 and 4</u>
	Lamar Place and Burns Street
C8s-69-59	<u>Anderson - McBride Addition</u>
	East 16th Street and Perez Street
C8s-69-60	<u>N.W. Hills, Mesa Oaks - Ph. 5A, Resub. Lots 4-7, Blk. A</u>
	Tallowood Drive
C8s-69-47	<u>Alma Dean Addition</u>
	Braker Lane and Georgian Drive
C8s-69-30	<u>Terrace Village - Section 3</u>
	Barton Hills Drive and Trailside
C8s-69-51	<u>Simpson-Yates Addition - Resub.</u>
	Buell Avenue
C8s-69-58	<u>Las Plazas - Section 2</u>
	U. S. 183 and Lazy Lane
C8s-69-70	<u>Wooten Village - Section 4, Resub. Lots 17 & 18, Block G</u>
	Redfield Lane
C8s-69-61	<u>Ron's and Jack's Addition</u>
	Northeast Drive and U. S. Highway 290
C8s-69-20	<u>Fiskville School Addition - Resub. Lot 6, Blk. 3</u>
	Georgian Drive and Elliot Street
C8s-69-73	<u>Conley & Ross Addition</u>
	I. H. 35 and Wilshire
C8s-69-21	<u>Fiskville School Addition, Resub. Lot 5, Blk. 3</u>
	Elliot Street west of Georgian Drive

OTHER BUSINESS

R1410 ZONING ORDINANCE: Text Amendments
 Consideration of amendment to Section 31,
 Subsection B and Subsection G

Mr. Richard Lillie, Assistant Director of Planning, explained that Section 31 of the Zoning Ordinance covers changes and amendments. Subsection B provides that at least four (4) members of the City Council shall be required to overrule a Planning Commission recommendation or where twenty (20) per cent or more of the property owners have objected to a change. Because of the increase in the Council from five members to seven members, it is recommended that four (4) affirmative votes be amended to require six (6) affirmative votes.

R1410 ZONING ORDINANCE: Text Amendments--contd.

In view of the increase in the Council members, the Commission agreed that the number of required votes should be increased from four to six. It was then

VOTED: To recommend to the City Council that Section 31, Subsection B be amended to require an affirmative vote of six members rather than four in order to overrule a recommendation by the Planning Commission or the objection by twenty (20) per cent or more of the people in an area and instructed the Legal Department to write the necessary resolution.

Mr. Lillie advised the Commission that the proposed amendment to subsection G would allow 45 days from the date of application to the date of hearing by the Council rather than the present 35 days. It was stated that the case load of from 35 to 40 cases per month made the extra 10 days necessary to prepare the minutes and recommendations of the Planning Commission and get them to the City Council.

Several members of the Commission (Messrs. Dunnam, Brown and Milstead) objected to the extension of time noting that additional staff should be used to prepare the information within the present 35 day limit. It was stated that this was a public service and the level of service should be maintained.

It was noted by the staff that: (1) a zoning change is usually for the benefit of an individual and not a "normal" public service; (2) the legal notice and related requirements push the time limits quite severely; and (3) the addition of staff would not solve the problem of transcribing and editing the actions of the Commission which must be handled by the Administrative Secretary and the Supervisor of Current Planning.

Mr. Dunnam stated that it was the duty of the Commission to make the Council aware of the nature of the problem.

The Commission unanimously

VOTED: To advise the City Council of the increasing time necessary to handle the additional zoning work and suggest that the Council take positive action to alleviate the problem, possibly through the authorization of additional staff.

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

Hoyle M. Osborne
Executive Secretary