

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- August 12, 1969

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

Present

S. P. Kinser, Chairman
C. L. Reeves
Jack S. Crier
Bill Milstead
Alan Taniguchi

Absent

M. J. Anderson
Roger Hanks
Robert Kinnan

Also Present

Hoyle M. Osborne, Director of Planning
Richard Lillie, Assistant Director of Planning
Wayne Golden, Planning Coordinator
Walter Foxworth, Associate Planner
Mike Wise, Associate Planner

MINUTES

Minutes of the regular meetings of January 14, 1969 and February 11, 1969, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of August 4 and 5, 1969.

Present

Alan Taniguchi
Jack S. Crier
Bill Milstead
C. L. Reeves
S. P. Kinser

Also Present

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

PUBLIC HEARINGS

C14-69-191 Richard Resendez: GR to C
805-807 Montopolis Drive
6300-6302 Felix Avenue

STAFF REPORT: This application covers 13,275 square feet of land which is located in the Montopolis Community. The stated purpose of the request is to maintain a plumbing contractor's office, storage and sales. The land use around the subject tract is predominantly single-family in character. There

C14-69-191 Richard Resendez--contd.

are a number of very large and unusually shaped tracts of land particularly in the area east of Montopolis Drive. The zoning is predominantly "A" Residential with the exception of a few tracts along Montopolis Drive. Directly to the north is a large tract of "C" Commercial zoning which is presently developed with the first portion of a small shopping center. At the intersection of Felix Avenue and Montopolis Drive is a small commercial building. At the intersection of Vargas Road and Felix Avenue is a grocery store. There are a total of 13 tracts which are zoned for non-residential purposes; however, only three are used for non-residential purposes. Montopolis Drive, designated as a neighborhood collector street, has a varying right-of-way of 50 to 70 feet. The proposed width is 70 feet. To the north of the property in the vicinity of the large "C" Commercial area there exists 70 feet of right-of-way, the additional 20 feet coming from the east side. To the south of the subject tract and north of Hogan Avenue there exists 60 feet of right-of-way with 10 feet coming from each side of the street. The right-of-way in this area is in transition from the east side centering. The remainder of the streets in the neighborhood are minor residential streets. The staff recommends that the request be denied, as it is too intensive for the area. "LR" Local Retail and "GR" General Retail zoning is designed for non-residential uses within neighborhoods and is more in keeping with neighborhood needs. The staff feels that the proposed zoning permitting the plumbing shop, warehousing and wholesale activities as well as other uses is too intensive. "C" Commercial zoning is the most intensive in the Ordinance. The "GR" General Retail district does permit the plumbing shop but does not permit the outside storage. It requires that storage be enclosed within a building, and in that regard it is felt that the "GR" General Retail zoning for a plumbing shop at this location would be appropriate, as it is within a neighborhood. If the Commission feels that the requested zoning is appropriate, up to 15 feet of right-of-way would be needed for Montopolis Drive and up to 5 feet of right-of-way for Felix Avenue in order to bring both streets to standard as proposed.

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 discussed the existing zoning and development. Several members felt that the requested change should be granted, subject to the provision of the necessary right-of-way for Montopolis Drive and

C14-69-191 Richard Resendez--contd.

Felix Avenue, as it is in keeping with the existing development; however, a majority of the members recommended that the request be denied, as "C" Commercial zoning would be inconsistent and too intensive for the area.

At the Commission meeting, Mr. Reeves and Mr. Kinser informed the members that they made a field inspection of this area and in their opinion the requested change is appropriate as it would help the area. They felt the change should be granted subject to provision of approximately 10 feet of right-of-way from the site for Montopolis Drive and 5 feet of right-of-way for Felix Avenue.

A motion to deny the request failed to carry by the following vote:

AYE: Messrs. Taniguchi and Crier
 NAY: Messrs. Kinser, Reeves and Milstead
 ABSENT: Messrs. Anderson, Hanks and Kinnan

It was then

VOTED: To recommend that the request of Richard Resendez for a change of zoning from "GR" General Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 805-807 Montopolis Drive and 6300-6302 Felix Avenue be GRANTED, subject to 10 feet of right-of-way for Montopolis Drive and 5 feet of right-of-way for Felix Avenue.

AYE: Messrs. Kinser, Reeves and Milstead
 NAY: Messrs. Taniguchi and Crier
 ABSENT: Messrs. Anderson, Hanks, and Kinnan

C14-69-192 Cruz Dominguez: A to GR
 1109½-1111½ Tillery Street
 3201-3203 Govalle Avenue

STAFF REPORT: The subject property contains an area of 13,580 square feet and the stated purpose of the request is for a retail sales service stand. "B" Residence zoning which was requested on the property to the west is for the purpose of a nursing home which was to be relocated from the Glen Oaks Urban Renewal project. Along with the request for a nursing home, the applicant submitted a letter stating that the use of the property would be restricted to that use and if it was not used as such, zoning would be requested back to "A" Residential. Govalle and Tillery Streets both have 60 feet of right-of-way but the paving is only to county standard which is 18 to 20 feet. The staff recommends that the request be denied as an intrusion into a well-established and well-developed residential area.

TESTIMONY

WRITTEN COMMENT

Joe A. Arriaga: 1109 Tillery Street FOR
 John R. Harris and L. F. Presse: 2803 West Fresco FOR

C14-69-192 Cruz Dominguez--contd.

Standard Mortgage Co., Inc.: P. O. Box 1987

FOR

PERSONS APPEARING AT HEARING

Cruz Dominguez (applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he lives on the subject property and has a small structure to the rear which he would like to relocate to the front of the lot and use for a snow-cone business. The existing structure is 5 feet wide and 8 feet long.

Mr. Milstead pointed out that "B" Residence zoning across the street was granted for a nursing home with the restriction that if the property was not used for that purpose it would revert back to "A" Residence. He suggested that the applicant talk to the staff in order to determine if there is any other way the use could be allowed without a zoning change.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Cruz Dominguez for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1109½-1111½ Tillery Street and 3201-3203 Govalle Avenue be DENIED.

C14-69-193 Joe F. Taylor: A, 1st and C, 2nd to C, 2nd
2516-2530 South Congress Avenue

STAFF REPORT: The subject property is a large tract of land containing 130,761 square feet. The stated purpose of the application is for expanding a motel, which exists on the front portion of the site. Land use immediately to the west is single-family; however, all of the land use along South Congress is predominantly non-residential with a few scattered single-family and duplex structures on very large tracts. The zoning along South Congress Avenue is predominantly commercial in nature with residential zoning immediately behind. The most recent case in the area was a request for "C-2" Commercial zoning on property to the south for the purpose of a package store which was granted. The motel on property directly to the north of the subject site was rezoned from "A" Residence, First Height and Area to "C" Commercial, First Height and Area in 1968. At the rear of that property is a strip of "B" Residence zoning. The staff recognizes the pattern of past zoning activity in this area and the non-residential development along South Congress Avenue, and in view of this, it is recommended that the zoning as requested be denied but that a 100 foot strip of "B" Residence, First Height and Area zoning be extended

C14-69-193 Joe F. Taylor--contd.

through the rear portion of the subject tract and that "GR" General Retail, First Height and Area zoning be extended through the portion of the tract which is not presently zoned "C" Commercial, Second Height and Area. The "GR" General Retail would permit the expansion of the motel and the "B" Residence strip would permit the construction of driveways for internal circulation and would also serve as a buffer for the residential area immediately adjoining to the west. The zoning as recommended by the staff would be a continuation of the zoning pattern existing both to the north and south.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Joe F. Taylor (applicant)

SUMMARY OF TESTIMONY

Mr. Joe Taylor was present on behalf of this request and stated that the front portion of the property is zoned "C" Commercial, Second Height and Area and the request was made so that this district could be extended throughout the site; however, there is no objection to the recommendation by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was cognizant of the fact that "C" Commercial, Second Height and Area zoning exists on the front portion of the tract. They concluded that the zoning as requested for the remainder of the tract should be denied; however, they recommended that "B" Residence, First Height and Area zoning be granted on the rear 100 feet of the site and that "GR" General Retail, First Height and Area zoning be granted on the balance of the property, not presently zoned "C" Commercial, Second Height and Area, as a continuation of the zoning pattern existing to the north and south.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joe F. Taylor for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Second Height and Area to "C" Commercial, Second Height and Area for property located at 2516-2530 South Congress be DENIED but that "B" Residence, First Height and Area zoning be granted on the rear 100 feet of the site and "GR" General Retail, First Height and Area zoning on the balance of the tract not presently zoned "C" Commercial, Second Height and Area.

C14-69-194 S. H. Cordell: A to C
5402 Middle Fiskville Road

STAFF REPORT: This application covers 11,500 square feet of land and the zoning is requested so that the land can be used for plumbing, storage and other uses. Land use in the area includes "C" Commercial zoning to the north and east. To the west of the railroad track is a predominantly residential neighborhood. The area in which the subject tract is located is a fairly old residential area where most of the lots are subdivided with 25 feet of width. The area to the north of East 55th Street has recently been zoned for commercial uses and all of the frontage along Airport Boulevard is zoned and used for commercial purposes. Middle Fiskville Road is classified as a minor residential street with 60 feet of right-of-way. The area is in transition to more intensive uses and the uses proposed would fit in with the future development of the area east of the railroad track. The staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Charles Wendlandt: P. O. Box 404

FOR

PERSONS APPEARING AT HEARING

S. H. Cordell (applicant)

Mrs. Willie C. Hudson: 5400 Middle Fiskville Road AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. S. H. Cordell appeared at the hearing and stated that he owns septic tank trucks and plumbing trucks and he would like the area zoned so that the property can be used for the equipment. There is no objection to a fence around the area as there is a lot of pilfering in a neighborhood such as this. It is felt that a six foot chain link fence with sheet metal on it would be more adequate for the screening of the property. He further stated that the subject property would be cleaned up regardless of the action on the zoning.

Arguments Presented AGAINST:

One nearby property owner appeared at the hearing and stated that the subject property as it exists is a junk pile. It is a rat den the way it is and has never been cleaned up. There have been promises to clean up the area for a number of years, but as yet nothing has been accomplished.

COMMENTS AND ACTION BY THE COMMITTEE

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

C14-69-194 S. H. Cordell--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of S. H. Cordell for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 5402 Middle Fiskville Road be GRANTED.

C14-69-195 John W. Pruitt and E. G. Kingsbery: GR to C
2912-3006 State Highway 20 (South Lamar Boulevard)

STAFF REPORT: The subject property contains an area of 37,500 square feet and the stated purpose of the request is to increase the use of the land to the highest and best use. There is "GR" General Retail zoning established along the north side of South Lamar Boulevard. The major portion of the area on the south side of South Lamar Boulevard is zoned "C" Commercial and is developed with several scattered commercial uses. The area west of the "GR" General Retail zoning along South Lamar Boulevard is predominantly "A" Residential and is developed with single-family homes. The zoning along South Lamar Boulevard is in conformance with the subdivision developed to the west. It is felt that the relationship of the "GR" General Retail to single-family residences is appropriate and that "C" Commercial zoning would be too permissive in that uses would be allowed that are not compatible with single-family homes. "GR" General Retail zoning is designed to permit general service type uses. With the existing "C" Commercial zoning across South Lamar Boulevard, the "GR" General Retail district would serve as a buffer between the "C" Commercial area and the single-family homes, and the staff recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Alvis Vandygriff (representing applicant)
Everett E. Morgan, Jr.: 2314 West Forest Drive AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Alvis Vandygriff, representing the applicant, advised the Committee that a mobile home sales type business is presently being operated on the site without the proper zoning. This is an area which has fast become an area for mobile home sales and the existing "GR" General Retail zoning will not permit that type use. The change is requested as there is a definite discrimination across the street and to the north and south along South Lamar Boulevard because of the

C14-69-195 John W. Pruitt and E. G. Kingsbery--contd.

existing "C" Commercial zoning and development. The use on the property is not designed for open storage per se and is in keeping with existing development throughout the area. If the "GR" General Retail zoning would permit the mobile home sales, there would be no objection to leaving the property as is. If the change is granted, the area will be paved and all requirements with regard to fencing will be met.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that the "C" Commercial development established to the east of South Lamar Boulevard was established before the property was recently annexed into the City and should not be considered in this application as the Commission and the City Council had nothing to do with the development that exists. There is a distinct difference in the property under consideration as relates to the property across South Lamar Boulevard because of the fact that the subject site backs to a well-established residential area. The zoning requested on the property is a speculative adventure and the mobile home business was established on the site in violation of the code before an application for a change was made. There is no particular objection to mobile homes; however, once the property is zoned for commercial uses, any type of development could occur.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that the existing "GR" General Retail zoning is appropriate for the site as it serves as a buffer between the commercially developed property to the east of South Lamar Boulevard and the residential property to the west of South Lamar Boulevard. They felt that "C" Commercial zoning is too permissive and that uses would be allowed that would not be compatible with the adjoining single-family residences and recommended that the request be denied.

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

VOTED: To recommend that the request of John W. Pruitt and E. G. Kingsbery for a change of zoning from "GR" General Retail, Sixth Height and Area to "C" Commercial, Sixth Height and Area for property located at 2912-3006 State Highway 20 (South Lamar Boulevard) be DENIED.

AYE: Messrs. Milstead, Reeves, Crier and Taniguchi

NAY: Mr. Kinser

ABSENT: Messrs. Anderson, Hanks and Kinnan

C14-69-196 Rodney Larson: GR to C
3300-3314 State Highway 20 (South Lamar Boulevard)

STAFF REPORT: The subject property, containing 30,200 square feet, is located at the intersection of South Lamar Boulevard and Westrock Drive in the same area as the previous case No. C14-69-195. The two cases are similar because

C14-69-196 Rodney Larson--contd.

of location and the fact that both changes are requests for mobile home sales. The area east of South Lamar Boulevard is zoned and developed "C" Commercial and "GR" General Retail zoning is established in a strip pattern along the west side of South Lamar Boulevard. "A" Residence zoning and development adjoins the "GR" General Retail district to the west. The staff recommends that this request be denied as it is too intensive for the area and the existing zoning serves as a buffer between the commercial area to the east and the residential area to the west. If the change is granted, five feet of right-of-way is needed for the future widening of Westrock Drive which presently has 50 feet of width.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Alvis Vandygriff (representing the applicant)
A. H. Blomquist: 2308 Westrock Drive

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Alvis Vandygriff, representing the applicant, stated that the zoning is requested so that a mobile home sales can be operated on the site. The area is developed commercially and the request is a continuation of existing zoning and development. There is no objection to five feet of right-of-way for Westrock Drive as it is recognized that the street is too narrow.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to commercial zoning as it would be detrimental to the adjoining single-family area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that the existing "GR" General Retail zoning is appropriate for the site as it serves as a buffer between the commercially developed property to the east of South Lamar Boulevard and the residential property to the west of South Lamar Boulevard. They felt that "C" Commercial zoning is too permissive and that uses would be allowed that would not be compatible with the adjoining single-family residences and recommended that the request be denied.

C14-69-196 Rodney Larson--contd.

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

VOTED: To recommend that the request of Rodney Larson for a change of zoning from "GR" General Retail, Sixth Height and Area to "C" Commercial, Sixth Height and Area for property located at 3300- 3314 State Highway 20 (South Lamar Boulevard) be DENIED.

AYE: Messrs. Reeves, Milstead, Taniguchi and Crier

NAY: Mr. Kinser

ABSENT: Messrs. Anderson, Hanks and Kinnan

C14-69-197 Lois McGee: A to C
 60-62 East Avenue
 712-720 River Street

STAFF REPORT: The subject property covers an area of 11,520 square feet and the stated purpose of the request is for an armored motor service office and storage of vehicles. To the south of the site is "C" Commercial zoning and to the east is the Interregional Highway. The area to the west is predominantly "A" Residential developed with single-family and two-family structures. River Street, as an extension of Holly Street, is identified as a Major Arterial street in the Expressway and Major Arterial Plan and has a proposed right-of-way of 70 feet. The street at the present time has 60 feet of right-of-way and five feet is needed from the subject site in order to bring the street to the minimum proposed right-of-way. The staff feels that the requested zoning is a logical extension of existing "C" Commercial zoning to the south and recommends that the request be granted subject to provision for the widening of River Street.

TESTIMONY

WRITTEN COMMENT

M. & S. Silberstein: 1801 Lavaca, Apt. 3E	FOR
Wilke-Clay Funeral Home, Inc.: 1811 So. Congress	FOR

PERSONS APPEARING AT HEARING

Betty Edwards (representing applicant)	
Melvin Hees: 6301 Peggy Street	FOR

SUMMARY OF TESTIMONY

Mr. Melvin Hees, Manager of the Armored Motor Service, explained that they plan to use pre-stressed concrete to build a structure on the site which will contain a vault and office facilities. The property will be fenced with a chain link fence. Future plans are to enlarge the building and store the vehicles inside and provide parking for the personnel. The site contains almost the minimum area needed for the facilities but it is felt that the five feet of right-of-way which is needed for River Street would be agreeable.

C14-69-197 Lois McGee--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, subject to five feet of right-of-way for the future widening of River Street, as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lois McGee for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 60-62 East Avenue and 712-720 River Street be GRANTED, subject to five feet of right-of-way for the future widening of River Street.

C14-69-198 Arthur E. Pihlgren: O, 2nd to C, 3rd
412 West 14th Street

STAFF REPORT: This application covers 5,809 square feet and the purpose of the request is for developing the property for commercial use. "C" Commercial, Third Height and Area zoning is established to the east of and adjoining the subject site. West 14th Street is classified as a commercial collector street with an existing right-of-way of 80 feet. The Crosstown Expressway is proposed through the area, but there is no definite schedule for improvements. The staff recommends that the zoning as requested be granted as a logical extension of existing zoning and development.

TESTIMONY

WRITTEN COMMENT

Julia Ann Kniker: 4001 Avenue H

FOR

PERSONS APPEARING AT HEARING

Chester Buratti (representing applicant)

SUMMARY OF TESTIMONY

Mr. Chester Buratti, representing the applicant, had nothing to add to the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

C14-69-198 Arthur E. Pihlgren--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Arthur E. Pihlgren for a change of zoning from "O" Office, Second Height and Area to "C" Commercial, Third Height and Area for property located at 412 West 14th Street be GRANTED.

C14-69-199 Carl T. Widen: B to LR
400-404 Oltorf Street
2312-2318 Wilson Street

STAFF REPORT: This is a request for a change in zoning to "LR" Local Retail, First Height and Area, on property containing an area of 22,120 square feet. The land use in the area is predominantly single-family in character and even though it is not new development the neighborhood has maintained itself over the years. The existing zoning pattern is clustered around the intersection of two major streets. At the intersection of South First and Oltorf Streets there is "GR" General Retail and "C" Commercial zoning and land use. To the east on Oltorf Street, at the intersection of South Congress there is again a cluster of non-residential zoning which is developed with a shopping center. "O" Office zoning was granted on property to the west in 1963. Oltorf Street is classified as a Major Arterial street in the Thoroughfare Plan and is proposed to be widened from the existing 60 feet of right-of-way to 80 feet. The staff feels that the request is too intensive and that the existing "B" Residence zoning is the appropriate zoning for the tract. "LR" Local Retail zoning would be an intrusion into the low density residential neighborhood and would lead to strip zoning and development of Oltorf Street between South First and South Congress Avenue. It is recommended that the request be denied.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. M. W. Diercks: 2306 Forest Avenue	AGAINST
Jessie L. & George A. Smith: 2308 Forest Avenue	AGAINST
Louis B. Hughes, M. D.: P. O. Box 592, Baytown,	
Texas	FOR
Harry E. Montandon: 2412 N. Interregional Hwy.	FOR
Standard Mortgage Co., Inc.: P. O. Box 1987, Austin	FOR

PERSONS APPEARING AT HEARING

Carl T. Widen (applicant)	
George A. Smith: 2308 Forest Avenue	AGAINST

C14-69-199 Carl T. Widen--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and explained that he has had a number of inquiries about the subject property but at the present time there are no special plans for development. He said that he owns property to the west along South First Street which is developed with a service station and recently sold the property adjoining the service station site on which there is now a Church's chicken business established. West Oltorf Street is developed commercially and the request is logical.

Arguments Presented AGAINST:

Mr. George Smith, nearby property owner, stated that he did not object to "B" Residence zoning when it was granted on the applicant's property last year, but he does object to the intrusion of the "LR" Local Retail zoning.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Carl T. Widen for a change of zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 400-404 Oltorf Street and 2312-2318 Wilson Street be DENIED.

C14-69-200 Rex L. Bradley: A to B
 809-815 West Annie Street
 1801-1811 Bouldin Avenue

STAFF REPORT: The subject property contains an area of 1.13 acres and the stated purpose of the request is for apartments. The site is located in south Austin just west of South First Street and is in an area which is predominantly single-family in character with a few scattered duplexes that have developed over the years. Existing zoning includes a cluster of commercially zoned lots at the corner of South Fifth and West Mary Streets and some adjacent "B" Residence zoning. "B" Residence zoning was established at the corner of West Mary and South Fourth Streets in 1960 and is presently developed with a beauty shop. "B" Residence zoning to the west on West Mary Street was granted in 1968 and is developed with a church. West Annie Street with a present right-of-way of 60 feet is identified in the Expressway and Major Arterial Plan as a Major Arterial street with a proposed right-of-way of 70 feet. At the present time it dead-ends at East Boulden Creek just two blocks to the west of the site, and is proposed at some time in the future to cross the creek and join with South

C14-69-200 Rex L. Bradley--contd.

Lamar Boulevard, but that improvement is not within the six year Capital Improvements Program. West Mary Street crosses the creek and joins South Lamar Boulevard. The staff feels that the requested zoning is too intensive and is an intrusion into the low-density residential neighborhood. There is commercial and apartment zoning to the west clustered at the intersection which is not fully utilized. West Annie Street although proposed as a Major Arterial street is not presently open for that use and the staff recommends that the request be denied. The site could be subdivided into five separate lots, with the lot to the south being a single-family lot and the other four being duplex lots which would permit eleven separate units under the existing zoning.

TESTIMONY

WRITTEN COMMENT

Winifred Young: 800 W. Annie

AGAINST

PERSONS APPEARING AT HEARING

Rex L. Bradley (applicant)

Mrs. Garland L. Alexander: 808 W. Annie

AGAINST

Winifred Young: 800 West Annie

AGAINST

Mrs. John R. Paschall: Rt. 6, Box 46

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and explained that he requested "B" Residence zoning as he felt that this would be suitable for the property. The request was not made for the purpose of permitting a large apartment development to occur on the site. The property is a large tract of land which is difficult to utilize for single-family residences or duplexes, because of the topography, without a great waste of land. Under the requested "B" or "BB" Residence zoning fourplexes could be built and the full extent of the lots could be utilized. The site has very good access to the downtown area and would create no particular traffic problem. With the construction of the new post office only a few blocks away, the neighborhood is beginning to improve and it is felt that the request on the subject site would be an asset and help the neighborhood financially. There would be no objection to granting the City five or ten feet of right-of-way for future widening of West Annie Street as outlined in the Master Plan.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that There is a traffic problem existing at this location and a large apartment development would only increase the problem. There would be no objection to the development of duplexes or fourplexes.

C14-69-200 Rex L. Bradley--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they recommended that "BB" Residence, First Height and Area zoning be granted, subject to five feet of right-of-way for West Annie Street, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Rex L. Bradley for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 809-815 West Annie Street and 1801-1811 Bouldin Avenue be DENIED but that "BB" Residence, First Height and Area be GRANTED, subject to five feet of right-of-way for West Annie Street.

C14-69-201 Mrs. Maurice Plumb: A to B
 200-202 West 41st Street
 4100-4102 Avenue D

STAFF REPORT: This application covers 9,375 square feet and the zoning is requested so a house with two large apartments can be converted into four small apartments. There have been a number of requests for "B" Residence, Second Height and Area zoning on property scattered throughout the area, all of which have been granted. West 41st Street and Avenue D are both classified as minor residential streets with 60 feet of right-of-way which is adequate for the proposed use. The staff recommends that the request be granted as it conforms to the existing zoning and development within the area.

TESTIMONY

WRITTEN COMMENT

Max William Schlegel: 4105 Avenue D	AGAINST
Truman H. Montandon: 2412 N. Interregional Hwy.	FOR

PERSONS APPEARING AT HEARING

W. R. Cavett (representing applicant)	
Dudley H. Hafner: 4214 Woodway Drive	AGAINST

SUMMARY OF TESTIMONY

Mr. W. R. Cavett, representing the applicant, explained that the house existing on the subject property is a third generation home which has been enlarged into two apartments. It is felt that a more economical use of the house would be small apartments and the applicant is requesting permission to complete the project. There is apartment zoning and development within the immediate area which indicates the trend in this section of town.

C14-69-201 Mrs. Maurice Plumb--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 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. Maurice Plumb for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 200-202 West 41st Street and 4100-4102 Avenue D be GRANTED.

C14-69-202 Rylander Windsor Village, Inc.: A to C
4413-4503 Springdale Road

STAFF REPORT: This application covers 24,000 square feet of land and the stated purpose of the request is for a Community Center, including a grocery store with package sale of beer, etc. The subject tract is part of a larger tract extending to the east which is also owned by the applicant but the rear portion is still outside of the City limits. "C" Commercial, First Height and Area zoning was requested a few months ago on the long tract directly to the south, the east portion not being considered as it was outside of the City limits. The staff and the Commission recommended "GR" General Retail zoning for the area to the south as it was felt that "C" Commercial zoning is too intensive for the property; however, the City Council did grant "C" Commercial zoning. The area directly to the west across Springdale Road is developed with the Morris Williams Golf Course and the area to the north of 19th Street is undeveloped. To the south of 19th Street there are some non-residential uses and an "LR" Local Retail district which was granted as recently as 1964. To the east along Hillspring Circle is a residential subdivision.

East 19th Street, with an existing right-of-way of 110 feet is classified as a Major Arterial Street in the Expressway and Major Arterial Plan. Springdale Road is the proposed route of the Crosstown Expressway as it is to be developed on the east part of the City with a proposed right-of-way of 200 feet. This improvement will require 120 feet from the subject tract. At the time the "GR" General Retail zoning was recommended on the tract to the south, it was also recommended to the City Council that the necessary right-of-way for the proposed improvement of the Crosstown Expressway be acquired. An agreement was reached on the acquisition of that property when the "C" Commercial zoning was granted. It is recognized that the City Council did grant "C" Commercial zoning on the property to the south, but the staff feels that "GR" General Retail zoning is more appropriate for the frontage and recommends that "GR" General Retail as opposed to "C" Commercial zoning be established. It is also recommended that the City Council take note of the right-of-way needs for the proposed Crosstown Expressway. On two cases the Council heard last week, money was not available

C14-69-202 Rylander Windsor Village, Inc., contd.

to purchase necessary right-of-way and in both instances, they required that a setback be established for the proposed right-of-way line of the streets. The additional setback requirement could be an alternative to the acquisition of right-of-way in this particular case if money is not available. This would put the applicant and any future buyer on notice that improvements should not be constructed in the area needed for right-of-way.

TESTIMONY

WRITTEN COMMENT

John J. McKay, Trustee: 204 Perry Brooks Bldg. FOR

PERSONS APPEARING AT HEARING

Charles N. Avery, Jr. (representing applicant)

SUMMARY OF TESTIMONY

Mr. Charles Avery, representing the applicants, explained that this is a .55 acre tract inside the City limits. The owners also own additional property immediately behind the site. It has been represented to the City Council that an application was made on the tract mentioned by the staff some 15 years ago in 1954 and the City Council turned the request down for the reason that it was imminent that the highway would be widened. The applicants waited patiently year after year but nothing happened. Proposed on the site is a first class Rylanders Grocery store which will employ a number of people. It is ridiculous to take the attitude that no improvements can be made within the right-of-way area as it is not known just how long it will be before the street is widened. The City Council recently granted "C" Commercial zoning to the south and the request on the site is a logical extension of that zoning and the applicants are entitled to the same consideration.

It is recognized that 120 feet of land will eventually be needed for right-of-way but the applicants do not plan to include any improvements which they would expect the City of Austin to pay for. If the applicants do elect to put anything in the area it would be done at their own peril. The Council acted properly in giving "C" Commercial zoning to the south and that district should be extended.

Mr. Lillie advised the Commission that if the property is developed along with the property to the south as one tract, the staff would have no objection to "C" Commercial zoning.

No one appeared in opposition to the request.

C14-69-202 Rylander Windsor Village, Inc.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical extension of existing zoning; however, they recognized that the future Crosstown Expressway is proposed through the area which will effect the subject site and recommended that the granting of the request be subject to a 120 foot building setback line from Springdale Road. They further recommended to the City Council that acquisition of the necessary right-of-way be considered at this time.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Rylander Windsor Village, Inc. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 4413-4503 Springdale Road be GRANTED, subject to a 120 foot building setback line from Springdale Road.

The Commission further recommended to the City Council that acquisition of the necessary right-of-way for the future Crosstown Expressway be considered at this time.

C14-69-203 Charles L. Villasenor: LR to C-2
1600-1604 Montopolis Drive
 6215 Fairway Street

STAFF REPORT: The subject property covers an area of 12,848 square feet which is presently developed with a small commercial shopping center. The stated purpose of the request is for a package store. The existing land use in the area is predominantly single-family. There are two fairly large undeveloped tracts to the north and directly to the south. Country Club Gardens Subdivision to the north is proposed as a low cost subdivision and is presently being developed by the Montopolis Community Center and the Catholic Church. That portion of the subdivision which is still undeveloped is to be developed for low-density apartments and commercial uses. Directly to the east is a 150 foot strip of "LR" Local Retail zoning which was granted in 1967 and adjoining to the rear is property, recently annexed to the City, developed with a drive-in theater. The entrance to the theater is approximately across from Fairway Street as it adjoins Montopolis Drive. The "C" Commercial zoning on the corner of Santos Street and Montopolis Drive was established a number of years ago but the property is still undeveloped. Santos Street and streets to the south and west are minor residential streets for the purpose of serving the adjoining single-family residences. Montopolis Drive is classified as a neighborhood collector street with a right-of-way which varies from 50 to 70 feet. The ultimate proposed right-of-way will be 70 feet. Five feet of right-of-way was required from the subject property in a previous application made in 1965 when the site was zoned "LR" Local Retail.

C14-69-203 Charles L. Villasenor--contd.

It is the staff's understanding that only a portion of the area within the shopping center is to be used for the package store and in such instances, "C-2" Commercial zoning is generally granted for only that portion of the property to be used in that manner. It is felt that if the entire tract was zoned for "C-2" Commercial zoning that it would be too permissive for the area. The staff is not strongly opposed to the requested change as it is within a Community Center, but cannot recommend in favor.

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 a majority concluded that the requested zoning is appropriate and recommended that the request be granted; however, they felt that the "C-2" Commercial zoning as requested should be limited to only that portion of the area to be used under this classification.

At the Commission meeting, the staff advised the members that the field notes for this request are for the exact location on which the "C-2" Commercial zoning is requested.

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

VOTED: To recommend that the request of Charles L. Villasenor for a change of zoning from "LR" Local Retail, First Height and Area to "C-2" Commercial, First Height and Area for property located at 1600-1604 Montopolis Drive and 6215 Fairway Street be GRANTED for only that portion of the area to be used under this classification as described by field notes.

AYE: Messrs. Kinser, Reeves, Taniguchi and Crier

NAY: Mr. Milstead

ABSENT: Messrs. Anderson, Hanks and Kinnan

C14-69-204 Bill Milburn: B to O
7424-7446 Ed Bluestein Boulevard

STAFF REPORT: This application covers 36,900 square feet of land which is presently undeveloped. The stated purpose of the request is for an office building. This area is part of the Vintage Hills Subdivision and all of the property is owned by the applicant. The subject property is part of a larger tract that was recently zoned "B" Residence, First Height and Area. At the time of that application the staff requested that some connection be provided between Dubuque and Langston Drives in the form of a common driveway or easement across the property so that access into the tract would not require a number of driveway openings onto Ed Bluestein Boulevard inasmuch as Bluestein Boulevard at this location is one-way east. The driveway or easement was made a part of the recommendation by the Commission. The applicant was favorable to a driveway but did not want to be tied down to an exact location inasmuch as the plans for the development of the property were not final. With regard to the requested "O" Office zoning, the staff has no objection and recommends that the request be granted subject to the location of a common driveway or easement as it effects the subject tract connecting Dubuque with Langston Drive to be consistent with the previous recommendation by the staff and the Planning Commission on the subject site as well as property adjoining to the west.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, explained that at the time the application was filed for "B" Residence zoning the applicant intended to erect his office on a portion of the property zoned "GR" General Retail. The reason an exact location was not specified for a driveway connection between Dubuque and Langston Drives was because of the problems in trying to lay out an apartment project on the tract of ground without any plans or specifications. The agreement was that such an easement would be provided. The applicant has determined that it would not be advisable to cut out a section of the "GR" General Retail area for an office so he proposes to move the location to the corner of the "B" Residence area. The applicant agreed and consented to the continuation of the easement and if there is a serious problem with the location, it would be less objectionable to have a 30 foot easement across the front of the property, subject to change with approval of the Planning Department at the time the layout of the subject property is completed. If it is the desire of the Commission, it is requested that the front area be specified for the location of the easement but with the flexibility that it could be relocated.

C14-69-204 Bill Milburn--contd.

Mr. Reeves stated that in his opinion the change on the small area would set the pattern as to where the easement would be located because of the development.

Mr. Baker stated that before the Commission meeting he will get plans and specifications for the office building and fix the location of the easement.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning is the proper zoning for the site and recommended that the request be granted subject to a 30 foot access easement along the front portion of the property extending from Dubuque Lane to Langston Drive as it effects the subject tract.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bill Milburn for a change of zoning from "B" Residence, First Height and Area to "O" Office, First Height and Area for property located at 7424-7446 Ed Bluestein Boulevard be GRANTED, subject to a 30 foot access easement along the front portion of the site extending from Dubuque Lane to Langston Drive as it effects the subject tract.

C14-69-205 Lumberman's Investment Corporation: Int. A, Int. 1st to LR, 1st
5004-5210 South 1st Street and BB, 1st (as amended)

STAFF REPORT: This application covers 12.3 acres of land which is presently undeveloped. The stated purpose of the request is for uses consistent with said zoning. The subject property was considered two months ago at which time the initial application was for "GR" General Retail zoning. At the Zoning Committee and the Planning Commission meetings, the application was amended and the staff recommended at that time "LR" Local Retail and "BB" Residence zoning. The staff recommended that "LR" Local Retail zoning be established for that portion of the property from a line just to the north and parallel to Emerald Wood Drive south to the creek and that the remainder of the area to the north be zoned "BB" Residence subject to the extension of Emerald Wood Drive as it effects the subject tract. The application proceeded to the City Council where it was heard and postponed for one week at which time the recommendation of the Council was to deny. The application has been resubmitted for "LR" Local Retail zoning. Under the Zoning Ordinance requirements, if both the Planning Commission and the City Council deny an application the applicant is required to wait for one full year before reapplying for a change on the same tract; however, if the Planning Commission recommends in favor and the City Council denies the request, the applicant may refile and submit prior to a year.

C14-69-205 Lumberman's Investment Corporation--contd.

The application as submitted is for "LR" Local Retail zoning on the entire tract but a letter has been received from Mr. Richard Baker, attorney for Lumberman's Investment Corporation, requesting that the application be amended to request "LR" Local Retail, First Height and Area zoning on the portion of the property at the intersection of Emerald Wood Drive and South First Street, for a distance of 200 feet north and 200 feet south of Emerald Wood Drive and "BB" Residence, First Height and Area zoning on the remainder of the subject tract. At the hearing by the City Council there was concern that there was no real buffer to the north of and south of the requested "LR" Local Retail zoning. The applicants have now amended the application so that the "LR" Local Retail would be restricted to the intersection so the proposed Emerald Wood Drive and the "BB" Residence would be developed on that portion to the south and also to the north. It was the indication of the Council that they would look with favor on the request as it had the north and south perimeters limiting the "LR" Local Retail zoning to those intersections.

Directly to the west of the tract is Emerald Forest Subdivision which is being developed with single-family homes. To the north of the subject property, bounded on three sides by Williamson Creek is a rest home. Single-family development occurs directly to the east in the subdivision Community of Fairview. To the south of the creek is a large undeveloped tract of land. Williamson Creek meanders through the neighborhood. At the intersection of Heartwood Drive and South First Street there are four lots zoned in 1967, "LR" Local Retail. South First Street is a Major Arterial street in the Expressway and Major Arterial Plan and is proposed to be developed on the existing 80 feet of right-of-way. The staff recommends that the zoning as amended be granted subject to the extension of Emerald Wood Drive through the subject tract.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
Thomas A. Webb, Jr.: 602 Arbor Circle	AGAINST
Mr. & Mrs. Frank Hamilton: 5107 Creekline Drive	AGAINST
Marion A. Ostdiek: 604 Arbor Circle	AGAINST
Mr. & Mrs. Alex Porter: 5005 Creekline Drive	AGAINST
Esther Page: 5005 Green Heart	AGAINST
Mr. & Mrs. Joseph M. Schmidt: 5301 South 1st Street	AGAINST
Mrs. B. Tenan: 411 Ramble Lane	AGAINST
Mrs. T. R. Wiles: 5006 Creekline Drive	AGAINST
Mr. & Mrs. Henry Ray Hobbs: 501 Ramble Lane	AGAINST

C14-69-205 Lumberman's Investment Corporation--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicants, stated that this application is not being refiled at the point of trying to overload the Committee, Commission or City Council in relation to the determination of what action should be taken on the subject property inasmuch as it has been unanimously granted by the Zoning Committee and the Planning Commission in May. The request went before the City Council in June and was denied by a vote of 4 to 3. Subsequent to the Council meeting, which was the first Council meeting in which zoning applications had been considered by the new Council, they did not fully realize that they themselves could amend the application to limit the area exactly as they wanted to. There was some discussion about the fact that it could be referred to the Commission for further study and brought up on the recommendation such as has been filed. There was a question as to whether or not if it was denied that the applicant could refile immediately in accordance with these thoughts.

Mr. Baker stated that prior to the filing of this application he discussed the change with the members of the City Council that raised the question of referring it back to the Commission and the time of filing. The indications were that they did not object to the intent of the zoning which would be "BB" and "LR" but objected to the fact that the "LR" Local Retail went all the way to the creek on one side and that it was not buffered within the application itself. For this reason they said they voted against it and if it had been buffered and the lots were left of a relatively reasonable size with "BB" Residence zoning on both sides that they would not object to the zoning and felt that the area could utilize the services that would be provided inasmuch as it is on a 60 foot collector street that goes into a major arterial street and would serve a large development which adjoins property presently owned by the applicants. The past and present City Council and Commission members have indicated the desire that an intensive plan if possible be filed on large tracts of ground when they are to be developed. In order to do this it is necessary that the total tract of land be annexed and the proper zoning set forth so that the parties in the immediate area prior to the purchase of property can with the exercise of reasonable diligence determine what the zoning is within an area. In this regard, Mr. Baker presented a comprehensive plan on the area located between South First Street and Stassney Lane, including the subject area, showing the existing and proposed zoning and development. He explained that the terrain in the area creates some problem as to the designation of portions of property for single-family residences. Within the proposed development as outlined and layout by the applicants and the number of homes that will be created in the area, giving due consideration to Emerald Wood Drive being a collector street and South First Street being a major arterial street, it was concluded that "LR" Local Retail zoning on the area requested for immediate service units would be more satisfactory to serve the area. It should be pointed out that the property in question is bounded on the north and south by Williamson Creek. Property directly across the street is vacant and to the north at the intersection of Heartwood Drive and South First Street is "LR"

C14-69-205 Lumberman's Investment Corporation--contd.

Local Retail, First Height and Area zoning. "GR" General Retail zoning is established at the intersection of South First Street and Stassney Lane. An attempt has been made to buffer the "LR" from the existing uses so that there will not be an effort to extend the existing zoning. If the property is zoned at this point in time it will not seriously effect any other uses in the immediate area inasmuch as the property directly across the street is not being used and it is questionable as to how it can be used because of the flood and terrain problem. Bryant-Curington has done the engineering work on the subject property and has advised that there are some flood and terrain problems as a result of Williamson Creek. The property is not suitable for single-family residences for a number of reasons. Residential development has been unsatisfactory when located on a thoroughfare which carries the traffic South First now carries and the increased traffic it will carry in the future. South First Street presently has 80 feet of right-of-way and additional right-of-way will be needed in the future which will be dedicated to the City. The property which adjoins this property is also owned by the developer and he will take the proper steps to see that the adjoining property which has not been developed will be properly buffered and protected. The requested zoning is consistent with other areas in the City and prior zoning which has been granted.

Arguments Presented AGAINST:

Mr. Alexander W. Porter appeared at the hearing and stated that he is a resident of the Community of Fairview and indicated that apparently the statutory requirement of notice has not been met as he contacted the nursing home on property to the north and they indicated that to the best of their knowledge notice was not received. Mr. Porter stated that the residents of the Community of Fairview are opposed to the requested change in zoning for a number of reasons. One of the reasons is that a park was promised to the residents by the developers of Fairview in the area of the proposed change. This representation was made by word of mouth and a model plan located in the model home on Arbor Circle. To grant the requested change would greatly increase transit traffic in the area and jeopardize the safety of any children who might be playing in the proposed park area. It is conceded at this point that although no park has been dedicated the residents are presently negotiating with agents of the developers of the Fairview Community for this use. The transit traffic would also begin to utilize Creekline Drive as a secondary traffic artery due to the congested traffic that would possibly occur from the use of South First Street as a feeder street into the local retail area. Another objection centers around the highest and best use to which land can be put and that is residential. Denial of the requested change in this instance would preserve the residential character of the tranquil area of Fairview and the developing area immediately behind the proposed zoning change which is residential and would be consistent with the developing land use within the area. If zoning is to concern itself with health, safety, welfare and morals, then these ends would not be served by the proposed change. The only interest that would be served by the change would be for the applicant. As a practical matter there is no need for Local Retail zoning in the immediate area. Ben White Boulevard is

C14-69-205 Lumberman's Investment Corporation--contd.

fast developing commercially with almost every type of business and South Congress Avenue is also developing commercially and in either instance the commercial areas are no more than seven blocks away from the proposed change.

The City Council which is the duly elected body of the City has already considered this proposed change and on June 12, 1969, denied the request which left the area in question as "A" Residential. The City Council visited the area for an on-site discussion and determined that the area would support residential development. Furthermore, one Council member said that there is no need for local retail in this area since this classification is established at the intersection of Stassney Lane and South First Street and also at the intersection of Heartwood Drive and South First Street. By those standards, the Council chose to preserve the residential character of the neighborhood. People in Fairview were led to believe when purchasing in the area that the entire area would be developed as residential and it is requested that the change be denied.

Several other nearby property owners appeared in opposition to the change as it would be detrimental to the existing character of the area and would be a hazard for the children walking to and from school.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to request "LR" Local Retail zoning for that portion of the property located 200 feet to the north and 200 feet to the south of and parallel to the proposed extension of Emerald Wood Drive and "BB" Residence, First Height and Area zoning on the remainder of the tract. They concluded that the requested zoning should be granted as amended as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lumberman'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 for that portion of the site located 200 feet to the north and 200 feet to the south and parallel to the proposed extension of Emerald Wood Drive and "BB" Residence, First Height and Area for the balance of the tract (as amended) for property located at 5004-5210 South First Street be GRANTED.

C14-69-206 Pringle Real Estate, Inc.: Int. A, Int. 1st to LR, 1st
3600-3680 Spicewood Springs Road

STAFF REPORT: The subject property contains an area of 5.37 acres and is presently undeveloped. The stated purpose of the request is for a shopping center. Approximately one year ago, Mr. Oscar Holmes, representing the Pringle Company, submitted a request for "C" Commercial zoning on the subject property at which time the Commission recommended that the "C" Commercial zoning be denied but that "BB" Residence, First Height and Area zoning

C14-69-206 Pringle Real Estate, Inc.--contd.

be granted. The request proceeded to the City Council but there was no action on the application and it has been pending since July, 1968. A letter dated July 31, 1969, has been received requesting withdrawal of that application and a new application for "LR" Local Retail zoning has been filed which is now under consideration.

Mr. Lillie read the comments the staff made one year ago on the request inasmuch as the staff feels that the conditions have not changed during the one year period. He explained that the subject property is a large irregularly shaped tract of undeveloped land containing an area of approximately 5.37 acres. The stated purpose is for a shopping center. The land has abrupt changes in topography by the location of the creek and directly east of the creek some 20 or 30 feet to the lots which are in the Balcones West Subdivision. On the south side of Spicewood Springs Road there are changes in the topography with a bluff of 10 to 20 feet in height along various portions of the area. The preliminary plan as shown on the staff report indicates an alternate residential layout for the site and proposes two cul-de-sacs with lots platted around them. Balcones West Subdivision, has developed with single-family uses. The area to the south of Spicewood Springs Road is still uncommitted with respect to subdivisions but has developed with several single-family residences and several non-residential uses outside the City limits and if annexed, would be designated as "A" Residential. The zoning in the area is Interim "A" Residential for that portion within the City limits. The area south of Spicewood Springs Road is still in the county and is unzoned.

The subject site is located along Spicewood Springs Road which is designated a Major Arterial street in the Expressway and Major Arterial Plan. The existing right-of-way is 60 feet and the proposal is to widen the street to 90 feet which will require 15 feet from the subject property and 15 feet from property to the south. The staff agrees that because of the configuration of the subject tract, the narrowness of the depth at some points, a change in topography, the limitations of the creek and the disadvantages offered by Spicewood Springs Road, it is unlikely that the site would be developed for single-family units. For this reason it is felt that low density apartment zoning could be recommended.

Approximately one year ago the staff recommended to the Commission and City Council that non-residential zoning in the newer areas be encouraged at intersections of major arterial streets. Spicewood Springs Road intersects with Balcones and the proposed Mo-Pac about one-fourth mile or less to the east of the subject property and the intersection of Mesa Drive with Spicewood Springs Road is to the west approximately three-fourths mile. It is felt that non-residential zoning should be encouraged at those intersections and if located in between those intersections which are only approximately one mile apart would be to encourage strip development in this newer developing area. It is recognized that there are several non-residential uses which have already located on Spicewood Springs Road outside of the City limits but at the same time it is very important that the major arterial streets and the land abutting them should be in the City limits for proper protection

C14-69-206 Pringle Real Estate, Inc.--contd.

and proper development control. The staff recommends that the requested "LR" Local Retail zoning be denied and that "BB" Residence, First Height and Area zoning be granted.

TESTIMONY

WRITTEN COMMENT

Frank C. Rocco: 3600 Starline Drive	AGAINST
Harvey High: 2007 Cheshire	FOR
A. L. Fitzgerald: 3900 Spicewood Springs Road	AGAINST
Murray L. Eggeling: 3602 Starline Drive	AGAINST
Don DeLaney: 3402 Ocean Drive, Apt. 42, Corpus Christi, Texas	FOR

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
Jack McGraw: 3807 Spicewood Springs Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, stated that the subject property was acquired by the applicants in 1964, prior to the time they undertook development of Balcones West, Section 1 and 2 which has been fully developed. In about 1964, they filed a preliminary plan on the subject property at which time Mr. Pringle and Mr. Holmes advised that an attempt was made to designate this area for commercial or retail area. Prior to the final filing of the plat they were advised that they had to have an alternate plan and the residential plan shown on the staff report is the plan they set forth as the alternate. The applicants feel that this is an ideal location for the establishment of a local retail service type area because of the development in the immediate area and because of the fact that Ceberry Drive is a collector street coming out of the subdivision going on to Spicewood Springs Road which will be one of the main traffic thoroughfares coming out of the northwest area to get into the interchange at such time as Mo-Pac is developed. The plans are not for a large commercial area but for the small service establishments that are necessary to serve the individual neighborhoods similar to other developments. This particular site was selected inasmuch as there is a creek in the area and below the creek there is a bluff which runs from 10 to 20 feet in height. It is felt that this would be a desirable area in which to create a local retail classification. It is realized that certain areas of the subject property are not of sufficient depth for proper utilization as there is only 62 feet on Ceberry Drive and the City will take the majority of that at such time as future widening is needed. The applicants feel that a portion of the property could be designated "LR" Local Retail and around the property could be designated "BB" Residence, First Height and Area thus buffering the

C14-69-206 Pringle Real Estate, Inc.--contd.

adjoining single-family residential area from the local retail. The local retail area would be on a major arterial street which will be 90 feet in width and provides sufficient depth to get traffic in off of the street and back into "LR" Local Retail area. It is proposed and requested that the application be amended to request "LR" Local Retail for a 400 foot portion of the area located along Spicewood Springs Road and "BB" Residence, First Height and Area zoning on the balance for multi-family low-density development. There is one lot on Baywood Drive lying below the creek which has been designated as a duplex lot for the purpose of providing a buffer to protect from one of the concerns of the staff which is a strip of zoning all the way down Spicewood Springs Road. The only development south of Spicewood Springs Road is non-conforming which has been developed over the years.

The question under consideration is how far back should the retail character of land extend from Spicewood Springs Road from the intersection of Mo-Pac and how big the center will develop in the future. At this point unless there has been a change made by the Highway Department, this crossover is the only crossover between U. S. Highway 183 and Far West Boulevard which is in excess of a mile and the area could develop into a large retail-commercial facility. It is felt that pending the future development in this area that the subject site could be used immediately for local retail service facilities. There is a demand for the land and a demand for this use in the area as there are only two other "LR" areas which are not in the immediate vicinity. The subject site is the only tract in which an application is pending in the immediate area to provide service facilities such as a drive-in grocery store, cleaning establishment, etc. which is not intended to draw traffic from a broad area but is intended only to draw traffic from the immediate residential development within the area.

Arguments Presented AGAINST:

Mr. Jack McGraw appeared at the hearing and stated that he owns 250 feet of frontage across from the site and his objection to the change is because of the noise factor. Any noise in the area is amplified because of the hills and there would be objection to any type of use that would disturb the peace and quiet.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission.

At the Commission meeting, Mr. Lillie explained that the Zoning Committee's feeling in the zoning hearing was that they would accept an amendment to the application such as "BB" Residence as well as "LR" Local Retail and instructed the staff to meet with Mr. Baker, Attorney for the applicants, to determine whether or not they would be willing to amend their application. Mr. Baker has indicated that they are willing to amend the application and would prefer to have "LR" Local Retail zoning on the portion of the property adjacent to Baywood Drive extending approximately half way through the site, with "BB"

C14-69-206 Pringle Real Estate, Inc.--contd.

Residence zoning on the balance. It is the staff's understanding that they would also not object to "LR" Local Retail zoning in the middle of the tract for approximately 300 feet fronting onto Spicewood Springs Road with "BB" Residence zoning on both sides to the north and south. One of the suggestions at the Zoning hearing was to provide a belt of approximately 150 feet deep to the east of Baywood Drive for "BB" Residence zoning which would be for fourplex development or some other apartment development and then a frontage of 300 to 400 feet along Spicewood Springs Road would be for "LR" Local Retail, and the remainder of the tract would be "BB" Residence.

Mr. Reeves stated that in his opinion, zoning on the subject site should not be split on three different sections as the tract is too small and the area to the south will be needed for right-of-way.

Mr. Lillie pointed out that Spicewood Springs Road which is presently built to county standards is identified in the Major Arterial and Expressway Plan as a future arterial street. Some of the frontage is still outside of the City limits, with the exception of several hundred feet, and there is a great opportunity for strip development to occur while it is outside of the City limits. It is felt that with this type of development it is very possible to have strip commercial zoning from Balcones Drive to Mesa Drive. It is recognized that there are site problems because of the shallowness of the southern portion of the site, the creek and bluff line and the fact that Spicewood Springs Road is a major arterial street and for that reason the property should be rezoned. The staff feels that the logical zoning development on this tract in relation to the existing subdivision and the major arterial interchanges would not be a commercial zoning but some form of a low density apartment zoning.

Mr. Reeves stated that there is a right-of-way problem and if the property is zoned "BB" Residence for the portion of the area adjacent to Baywood Drive, they could use the footage for computing an apartment project which would create the traffic and density that the people in the area object to.

There is a high bluff along the rear of the tract and it is difficult to get off of Baywood Drive into the site. Mr. Foxworth explained that the applicants would have to provide drainage easements across the rear but the extent of the drainage easement has not been determined inasmuch as there has been no platting of the site.

Mr. Crier stated that in his opinion five acres is rather large for a neighborhood service center and there should be some consideration of prohibiting access from the commercial area onto Baywood Drive.

The Commission members discussed the requested zoning in relation to the existing zoning and development, streets, topography and density. They were of the opinion that a 125 foot frontage along Spicewood Springs Road, extending southeasterly from Baywood Drive, and extending easterly to the common rear corner of Lots 8 and 9, Block J of Balcones West, Section 2, should be zoned "BB" Residence, First Height and Area and that "LR" Local Retail, First Height and Area zoning be granted for the balance of the site, subject to provision

C14-69-206 Pringle Real Estate--contd.

for the necessary right-of-way for the widening of Spicewood Springs Road and drainage easements as they effect the subject site. It was then unanimously

VOTED: To recommend that the request of Pringle Real Estate for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area for property located at 3600-3680 Spicewood Springs Road be GRANTED for the tract with the exception of a 125 foot strip of frontage along Spicewood Springs Road, extending southeasterly from Baywood Drive and extending easterly to the common rear corner of Lots 8 and 9, Block J of Balcones West, Section 2, which should be zoned "BB" Residence, First Height and Area, subject to provision for the necessary right-of-way for the widening of Spicewood Springs Road and drainage easements as they effect the subject site.

C14-69-207 Forest Cruse: B to O
607-611 Riverside Drive

STAFF REPORT: The subject property contains an area of 25,200 square feet and the stated purpose of the request is for an office building. To the west, along Riverside Drive, a request from "A" Residence to "O" Office zoning was recently granted. Directly to the north across Riverside Drive there is an office building and a restaurant. Riverside Drive at this location is proposed in the future as an expressway but until that time it is recommended that the existing right-of-way of 60 feet be widened to 90 feet. The staff has not determined where the right-of-way will come from but will have the information available by the full Commission meeting. The subject property as well as all the lots to the west are on a very steep bluff; however, the site does have access from Riverside Drive by way of a driveway as well as from the street-alley on top of the bluff. With the access from Riverside Drive there is not the concern there would have been if the site only had access from the street-alley. The staff recommends that the requested zoning be granted, subject to determination and required right-of-way.

TESTIMONY

WRITTEN COMMENT

Mrs. F. J. Winter: 601 Academy Drive	AGAINST
Kurt R. Meyer, Jr.: 604 Academy Drive	AGAINST
W. G. Moehring: 523 Academy Drive	AGAINST
Sam Goldstein: 607 Academy Drive	AGAINST
Pauline Moore: 600 Academy Drive	AGAINST
J. C. Marler: 521 Academy Drive	AGAINST
Mrs. Fred Miller: 520 Academy Drive	AGAINST
Mrs. S. C. Ray: 602 Academy Drive	AGAINST
O. A. Willhoit: 4204 Medical Parkway	FOR
Mrs. T. W. Bergstrom: 508 Academy Drive	AGAINST

C14-69-207 Forest Cruse--contd.

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
K. R. Meyer, Jr.: 604 Academy Drive	AGAINST
Sam Goldstein: 607 Academy Drive	AGAINST
Mrs. S. C. Ray: 602 Academy Drive	AGAINST
Mrs. T. W. Bergstrom: 508 Academy Drive	AGAINST
Mrs. F. J. Winter: 601 Academy Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, presented a plan showing the uses in the area. He explained that the subject tract has ready access from Academy Drive which has 60 feet of right-of-way as well as Riverside Drive. It is felt that the requested zoning is a logical extension of existing zoning and provides a buffer from the residential character to the west. The area along Riverside Drive is developed with offices and a restaurant and the balance of the land has recently been sold for the purpose of continuing development. There is an apartment house further to the east along Riverside Drive and there is "C" Commercial zoning toward Congress Avenue. The applicant realizes that the property is zoned and can be utilized for apartments and the demand is great for that type of use; however, there would be some problems with apartment development because of the additional traffic that would be created. There is a serious problem on Riverside Drive particularly during the peak hours and the thought is that office development would create less traffic coming in and out during the peak time of day. It is realized that there are problems in development of the site and the owner would certainly dedicate nine feet of right-of-way if necessary for the widening of the gravel street and would pay his pro rata portion for paving.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request because of the traffic hazard that would be created. They said that it is very difficult at the present time to get in and out of the area and the development proposed on the site would only make the situation more hazardous.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to the necessary right-of-way for Riverside Drive, as the appropriate zoning for the site.

At the Commission meeting, the staff explained that with regard to the right-of-way for Riverside Drive, the Department of Public Works and Traffic and Transportation has suggested that the curve of Riverside Drive abutting the site be straightened which will involve all of the area of the subject site from the bottom of the bluff as well as some of the slope of the bluff. This

C14-69-207 Forest Cruse--contd.

is suggested in order to eliminate the blind corner and all of the right-of-way will come from the south side of the street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Forest Cruse for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 607-611 Riverside Drive be GRANTED, subject to the provision of the necessary right-of-way for Riverside Drive.

C14-69-208 Mrs. P. J. McDonald: A to C
2301-2311 Thornton Road

STAFF REPORT: This application covers a large tract of land containing 183,024 square feet. The stated purpose of the request is for the highest and best use of the land. To the northwest of the site is "BB" Residence zoning which was granted in 1967. Also in 1967, "C" Commercial and "BB" Residence zoning was granted on property to the south. "C" Commercial zoning was granted on the majority of the tract and "BB" Residence zoning was granted for the front 100 feet of the tract facing Thornton Road as the buffer for the single-family units located on the lots directly across the street. The sheet metal manufacturing business was already in operation at that time and required the strip of "C" Commercial zoning for the driveway out to Thornton Road. The staff has no objection to the requested "C" Commercial zoning on the subject site but it is felt that it would be appropriate to continue the 150 foot tier of "BB" Residence zoning as a buffer.

TESTIMONY

WRITTEN COMMENT

Wilbert W. Krause: 9404 Springdale Road

AGAINST

PERSONS APPEARING AT HEARING

Mrs. P. J. McDonald (applicant)
Guy D. Tarlton (representing applicant)

SUMMARY OF TESTIMONY

Mr. Guy Tarlton, representing the applicant, stated that a change in zoning is requested as the owner of the property cannot get anything from the property as it is presently zoned. It is not practical to sell off the front lot and if the change is not granted there will not be much of a return on the investment. The applicant would like to see the property developed and sell it but it is felt that residential development would not be very practical. There is "C" Commercial zoning to the east across the railroad track and also to the south and north along Oltorf Street. The applicant would like to know what

C14-69-208 Mrs. P. J. McDonald--contd.

can be done with the property and that is the reason a change in zoning was requested.

Mrs. McDonald stated that when her husband purchased the tract 20 years ago it was felt that the railroad frontage could be utilized at some time in the future.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and the majority concluded that this request should be granted subject to 5 feet of right-of-way for Thornton Road, as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. P. J. McDonald for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2301-2311 Thornton Road be GRANTED, subject to 5 feet of right-of-way for Thornton Road.

AYE: Messrs. Kinser, Taniguchi, Reeves and Crier

NAY: Mr. Milstead

ABSENT: Messrs. Anderson, Hanks and Kinnan

C14-69-209 Tom Bradfield: Int. A, Int. 1st to LR, 1st (Tr. 1) and B, 1st (Tr. 2)
 Tract 1: Rear of 2601-2611 Bee Caves Road
 2611-2621 Bee Caves Road
 Tract 2: 2621-2635 Bee Caves Road

STAFF REPORT: This is a request for a change of zoning from Interim "A" Residence to "LR" Local Retail, First Height and Area on Tract 1, which is a small tract located at the intersection of proposed Mo-Pac Boulevard and Bee Caves Road and "B" Residence, First Height and Area zoning on the large tract adjoining to the west. The stated purpose of the change is for the uses permitted under the requested zoning. The land use in the immediate vicinity is totally undeveloped. The area to the north of Bee Caves Road is within the City limits of Rollingwood and the area to the south of Bee Caves Road is in the county. The subject tract was under the dual jurisdiction of both Rollingwood and the City of Austin and was released by the City of Rollingwood for annexation to the City of Austin which has been accomplished.

A schematic plan for the Mo-Pac development was presented showing the relationship of the subject tract to the Mo-Pac proposal, the bridge at the intersection with Barton Skyway and Bee Caves Road as they will intersect Mo-Pac. The site will have frontage along the one-way south frontage road on Mo-Pac Boulevard and will have limited frontage on Bee Caves Road. Almost all of Tract 2 is on a bluff which overlooks Bee Caves Road. The staff recommends that the zoning as requested be granted as the appropriate zoning for the site.

C14-69-209 Tom Bradfield--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Tom Bradfield (applicant)

SUMMARY OF TESTIMONY

Mr. Tom Bradfield 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 as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Tom Bradfield for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area (Tract 1) and "B" Residence, First Height and Area (Tract 2) for property located at the rear of 2601-2611 Bee Caves Road and 2611-2621 Bee Caves Road (Tract 1) and 2621-2635 Bee Caves Road (Tract 2) be GRANTED.

C14-69-210 Robert C. Knight: A to O
1903 West Koenig Lane

STAFF REPORT: The subject property contains 8,700 square feet of land and the stated purpose of the request is for a chiropractor's office. The area is predominantly "A" Residential. Across the street to the east is "LR" Local Retail zoning and further to the east is "C" Commercial zoning. To the west along Koenig Lane there is more intensive zoning consisting of "C" Commercial. Koenig Lane has an existing right-of-way of 70 feet and is classified as a major arterial street with a proposed right-of-way of 90 feet which would require 10 feet from the subject site. The staff recommends that the request be granted, subject to provision for the widening of Koenig Lane, as the appropriate zoning for the site.

TESTIMONY

WRITTEN COMMENT

James E. Kirkpatrick: 1900 West Koenig Lane

FOR

C14-69-210 Robert C. Knight--contd.

Robert Harry Kelley: 1805 Palo Duro Road
 Richard L. Martin: 2501 Twin Oak Drive

FOR
 FOR

PERSONS APPEARING AT HEARING

Mr. & Mrs. Robert C. Knight (applicants)
 Mr. and Mrs. Dennis E. Cowan: 1709 Koenig Lane AGAINST

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and explained that he would like to have his office on the subject site. He said that Koenig Lane carries a great deal of traffic and is congested and there is no objection to providing 10 feet of right-of-way from the site.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to 10 feet of right-of-way for Koenig Lane, as it is in keeping with the changing character of the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert C. Knight for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1903 West Koenig Lane be GRANTED, subject to 10 feet of right-of-way for Koenig Lane.

C14-69-211 Mrs. Falla D. Lapin: A to BB
5211 Joe Sayers

STAFF REPORT: The subject property covers 11,340 square feet of land which is presently developed with a two family dwelling. The stated purpose of the request is for adding four units to the existing structure. The zoning in the area is mixed consisting of "B" Residence, "LR" Local Retail and "C" Commercial to the west; "BB" and "B" Residence zoning immediately to the north and "B" Residence zoning to the south. Joe Sayers Avenue with an existing right-of-way of 50 feet, is classified as a minor residential street which should be widened to 60 feet. The staff recommends that the request be granted, subject to 5 feet of right-of-way for Joe Sayers Avenue as it is consistent with the existing zoning and development in the area.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. W. R. Bryson: 5214 Woodrow Avenue AGAINST

C14-69-211 Mrs. Falla D. Lapin--contd.

PERSONS APPEARING AT HEARING

Falla D. Lapin (applicant)

SUMMARY OF TESTIMONY

The applicant was 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, subject to 5 feet of right-of-way for Joe Sayers Avenue, as it conforms to the pattern of recently established zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Mrs. Falla D. Lapin for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 5211 Joe Sayers Avenue be GRANTED, subject to 5 feet of right-of-way for Joe Sayers Avenue.

C14-69-212 Carl W. Burnette: A, 1st and C, 1st to C, 3rd
900-908 Reinli Street
 5801-5933 State Highway 20

STAFF REPORT: This request for "C" Commercial, Third Height and Area zoning on 6.23 acres of land is made for the purpose of permitting a high rise office and commercial complex. The land use in the immediate area is predominantly non-residential ranging from intensive commercial uses to warehousing activities. There is a small residential neighborhood to the south and another small residential area to the north of U. S. Highway 290 along Brook Street. The zoning in the area which is predominantly "C" Commercial, Fifth Height and Area reflects the uses the land is being put to. There is some "A" Residential zoning south of Reinli Street. "C" Commercial, First Height and Area zoning was recently granted on property to the east of the subject tract.

Mr. Lillie presented a design of the proposed interchange of U. S. Highway 290 and I. H. 35 and explained that this interchange will effect the subject site. The front portion of the site will be required as part of the right-of-way for the interchange. The public hearing for the improvement of the highway and the improvement of U. S. Highway 290 was held in May 1969, and work will proceed on that improvement during the next three to four years. The staff has no objection to the requested zoning but it is felt that it should be subject to several items, one of which is a building setback from

C14-69-212 Carl W. Burnette--contd.

the proposed right-of-way line of the U. S. Highway 290 and I. H. 35 Interchange and second, is clearance from the Airport Zoning Committee or the F.F.A. on the height permitted under the requested zoning which would be 120 feet.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Will D. Davis (representing Applicant)
Carl W. Burnette (applicant)

SUMMARY OF TESTIMONY

Mr. Will Davis, representing the applicant and Mr. Bob Bowers, owners of the subject property explained that the change to "C" Commercial, Third Height and Area zoning is requested for the purpose of constructing a major office building on the site. It is proposed that the structure will have 43,000 gross square feet of floor space, be seven stories in height and have parking facilities for 590 automobiles. It is felt that the structure will cost about 2.8 million dollars exclusive of land. The applicants are suppose to build the structure and put it to the use as indicated which will add taxable property to the City and school tax rolls.

Mr. Milstead asked if the setback line was considered in the planning of the structure. Mr. Davis stated that 590 parking spaces are needed to accommodate the number of tenants and square footage proposed in the structure. If the building was required to setback from the proposed line there would not be enough space available for the plans. The right-of-way line is only a proposed line and the subject property has not been condemned and no advanced notice has been given. The interchange is in the future a number of years and the applicants are not in a position to give up the land.

Mr. Burnette advised the Commission that the area is obviously the hub of the City and the subject tract is the finest piece of property in the vicinity and it should be improved with something worthwhile such as the development proposed. If the setback is required there will not be enough land to build the structure and provide the parking.

Mr. Davis said that the State has several different options available on the location of the proposed interchange and described several different possibilities. He stated that when an owner is required to give credence to some proposed right-of-way when it has not been exercised or acquired, the State is in effect gaining the ultimate use and benefit of that property long prior to ever condemning it. Plans have to be changed before the State pays any money for that privilege and the property owner is not allowed the use of the

C14-69-212 Carl W. Burnette--contd.

property. A property owner should be allowed to use his property or it should be acquired.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning is appropriate for the site; however, they recognized that the I. H. 35 - 290 Interchange is proposed in this area which will greatly effect the subject tract and instructed the staff to meet with the State Highway Department to determine the status of the proposed highway improvements and the proposed timing before acquisition of property in this area.

At the Commission meeting, Mr. Lillie advised the members that the staff checked with the State Highway Department District office after the Zoning Committee hearing regarding the I. H. 35 - 290 Interchange. As a result of that meeting, the following letter and minute order has been received from Mr. Bill Johnson, Director of the Austin Transportation study:

We have received your letter regarding the zoning change proposed on the Carl Burnette property at the southwest corner of Koenig Lane and I. H. 35.

As you indicated, this property will be affected by the proposed redevelopment of I. H. 35 due to a substantial portion of it being needed for right-of-way expansion.

The State Highway Commission passed a Minute Order on August 1, 1969, endorsing the basic design of this project as it was presented at the public hearing on May 9, 1969. As is indicated in that Minute Order, attached hereto, careful consideration was given to the suggestions made at that hearing and it has been determined that the schematic arrangement is in accordance with the currently required design standards.

It is expected that we will shortly receive Bureau of Public Roads' approval on the project. This will place us in a position to be able to do protective right-of-way purchasing as soon as the necessary right-of-way maps and field notes have been prepared and appraisals of value can be made. Although the actual construction would not probably begin for several years, we would hope that certain parcels of right-of-way could be purchased if absolutely necessary in the next few months.

C14-69-212 Carl W. Burnette--contd.

MINUTE ORDER

WHEREAS, in TRAVIS COUNTY on INTERSTATE HIGHWAY 35 from 0.2 miles south of U. S. Highway 183, southerly to East 46th Street and on U. S. HIGHWAY 290 and SPUR 69 from Cameron Road, west to the Southern Pacific Railroad in the City of Austin, a public hearing was held on May 9, 1969, in the City of Austin covering the proposed route and geometric design; and

WHEREAS, authorized representatives of the Texas Highway Department conducted the hearing and with the aid of a schematic layout displayed and explained the proposed route and geometric design; and

WHEREAS, everyone in attendance at the hearing was given an opportunity for full expression of views and opinions; and

WHEREAS, there were several suggestions regarding the alignment proposed for Spur 69 and the location of entrance and exit ramps along Interstate Highway 35; and

WHEREAS, careful consideration has been given to the suggestions made at the hearing and in recognition of required interstate design criteria for the enhancement of highway safety, it has been determined that the schematic arrangement as displayed at the public hearing is in accordance with currently required design standards.

NOW, THEREFORE, IT IS ORDERED that the route and proposed geometric design as displayed at the public hearing be and are hereby approved and the State Highway Engineer is directed to proceed with the currently programmed work with the understanding that in the preparation of construction plans, consideration will be given to meritorious design improvements, provided such improvements or modifications conform with acceptable engineering requirements and are found to be in the public interest for safety and convenience.

Since receipt of the letter and minute order, the staff has been advised that the State Highway Department expects approval of the proposal within six weeks time.

Mr. Lillie reported that a letter has been received from Mr. Will Davis, representing the applicant, stating that they had reviewed the matter with the State Highway Department and had generally agreed to allow six months for the Highway Department to determine their right-of-way requirements.

Cl4-69-212 Carl W. Burnette--contd.

The staff recommends that the request be granted subject to an agreement with the Highway Department to allow the State Commission six months time to determine the location of the I. H. 35 - 290 Interchange.

Mr. Kinser asked if the Commission has the authority to tell the applicant to wait six months before anything can be done with his site.

Mr. Osborne explained that there is a joint agreement between the City of Austin and the State Highway Department on the I. H. 35-290 Interchange and the State Highway Department has submitted a proposal to the Bureau of Public Roads for final funding. This is not a tentative plan anymore as it is moving into the designing stages. The Commission could recommend against the application simply because the highway has not been located or an agreement for acquisition has not been reached but as an alternative as a result of discussions between the people concerned, the owners have been able to get an understanding from the Highway Department as to how to proceed and that would be to allow a six month period for the State to make a determination and arrangement for the acquisition. There is not anyone who can assure that it will be the ultimate alignment as until the location goes to actual contract, it is subject to review and changes by the Bureau of Public Roads and to require a precise location could be a minor complication. Until it actually goes into contract the Bureau of Public Roads could change their requirements and could shift the alignment which would probably not be very critical. Mr. Osborne further stated that in his opinion the Commission should not require the ultimate location but should require them to reach an agreement.

The Commission members discussed the letter from Mr. Johnson, Director of the Austin Transportation Study and the letter from Mr. Davis. They concluded that the zoning as requested should be granted, as the appropriate zoning for the site, subject to an agreement with the State Highway Department to allow the State Highway Commission six months to determine the location of the I. H. 35 - U. S. 290 proposed interchange, its access roads, and initiate acquisition of the necessary protective right-of-way therefor. It was then unanimously

VOTED: To recommend that the request of Carl W. Burnette for a change of zoning from "A" Residence and "C" Commercial, First Height and Area to "C" Commercial, Third Height and Area for property located at 900-908 Reinli Street and 5801-5933 State Highway 20 be GRANTED, subject to an agreement with the Highway Department to allow the State Highway Commission six months to determine the location of the I. H. 35 and U. S. 290 proposed interchange, its access roads, and initiate acquisition of the necessary protective right-of-way therefor.

C14-69-213 H. C. Risch: A, 1st to C, 1st (as amended)
3819-3827 South 1st Street
 409-517 Fort McGruder Lane
 416-514 Ben White Boulevard

STAFF REPORT: This application covers a 5.53 acre tract of land and the stated purpose of the request is for the construction of a general commercial store. The site is located with frontage on Ben White Boulevard and South 1st Street, both of which are identified in the Expressway and Major Arterial Plan as Major Arterial streets. The land use immediately to the north is a single-family subdivision separated from the subject tract by Fort McGruder Lane which is essentially an unpaved alley with approximately 25 feet of width. The zoning application for "C" Commercial, First Height and Area zoning is pending on property directly to the west. There are non-residential uses at this general intersection of Ben White Boulevard and South 1st Street with the southwest corner being zoned "GR" General Retail and developed with a commercial store and the southeast corner being an old single-family residential subdivision which has been maintained. There has been a great deal of discussion whether Fort McGruder Lane should remain as it is, an alley, vacated or widened slightly. Krebs Lane to the north is a minor residential street with houses fronting on both the north and south sides. The houses along the south side of Krebs Lane back to Fort McGruder Lane. The tract directly to the east is undeveloped and is presently used for grazing horses.

The Director of Planning has met briefly with the Director of Traffic and Transportation and Public Works and at this point their recommendation is that Fort McGruder should be widened to 50 feet of right-of-way with the necessary right-of-way coming from the subject tract and that the improvement within the right-of-way be 40 feet of paving. The primary purpose would be to provide a driveway surrounding the commercial tract as well as the expected commercial zoning on the tract to the east. This will still be further discussed and a final recommendation will be made at the Planning Commission meeting. The site is topographically in the same elevation as the single-family area to the north and the service station and the west boundary line of Ben White Boulevard. The site does begin to fall off generally toward the east property line and the applicant does have a grading plan for the site which in effect builds up the east portion of the tract so that it would be generally level with the area to the west and on the southwest corner. The staff recommends that the zoning as requested be denied as it is too intensive but it is recommended that "C" Commercial, First Height and Area zoning be granted as it is consistent with recently granted zoning to the west.

TESTIMONY

WRITTEN COMMENT

James A. Adams: Route 1, Box 82R Leander, Texas
 Tom Wiley: 107 West 5th Street

FOR
 AGAINST

C14-69-213 H. C. Risch--contd.

PERSONS APPEARING AT HEARING

H. C. Risch (applicant)	
Malcolm Robinson (representing applicant)	
Conrad Wisian: 7708 Forestwood	FOR
Mr. & Mrs. Robert F. Harwell: 405 Clarke Street	FOR
Robert McKee: Houston, Texas	FOR
John Gray: Chamber of Commerce	FOR

SUMMARY OF TESTIMONY

Mr. Malcolm Robinson, representing the applicant, stated that there is no objection to the staff's recommendation to reduce the requested zoning of "C" Commercial, Second Height and Area to "C" Commercial, First Height and Area. He explained that the subject site is at present under lease to the Kroger Company which is a national concern. There is a service station on the corner property and commercial establishments located to the west. In order to get the required parking space and not get too close to the service station on the corner so that there can be free access, it is necessary to setback from the rear property line 42 feet. If 30 feet had to be given from the site for widening of Fort McGruder Lane, the structure would have to be moved and then it would be too close to the service station and there would be a loss of parking. There is two-way access in the front of the property. The applicant is preserving his home on a portion of the property fronting onto South 1st Street and because of this and the fall problem, the structure has to be set back from Fort McGruder Lane. There will be a concrete wall to the rear so that there will not be any access. The applicant would like for Fort McGruder Lane to remain as an alley or be vacated as there is no use for it. The requested zoning will place approximately \$100,000 on the tax rolls and is the highest and best use of the land.

John Gray, representing the Chamber of Commerce, appeared at the hearing in support of the request and stated that the proposed development would be an asset and benefit to the City.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "C" Commercial, First Height and Area. They reviewed the information presented and concluded that the zoning as amended is the proper zoning for the site.

At the Commission meeting, Mr. Lillie reported that the right-of-way for Fort McGruder Lane has been discussed with the Director of Planning and he agrees with the Committee that right-of-way should not be requested at this time.

C14-69-213 H. C. Risch--contd.

It was then unanimously

VOTED: To recommend that the request of H. C. Risch for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area (as amended) for property located at 3819-3827 South First Street, 409-517 Fort McGruder Lane and 416-514 Ben White Boulevard be GRANTED.

C14-69-214 John D. Byram and Charles Morrison: Int. A, Int. 1st to GR, 1st
Tract 1: 8926-9336 North Lamar (Tract 1) and B, 1st (Tract 2)
Tract 2: Rear of 8926-9336 North Lamar Boulevard (as amended)

STAFF REPORT: This application covers two tracts of undeveloped land for the stated purpose of commercial development. Tract 1 containing 32.77 acres fronts on North Lamar Boulevard and Tract 2, containing 1.61 acres adjoins Tract 1 to the east. There is newly developing subdivision activity in the area to the west. Quail Creek Subdivision, part of which is already developed, is to the north of Peyton Gin Road and to the south of the extension of Rundberg Lane. There is single-family residential development to the south and east of Peyton Gin Road and a school is under construction at the corner of Clayton Lane and Cooper Drive. At the intersection of Peyton Gin and North Lamar Boulevard there is "GR" General Retail zoning, developed with a service station, and "C" Commercial zoning also developed with a service station, as well as a drive-in grocery and laundry. To the west on Peyton Gin Road, across from Lanier High School there is "LR" Local Retail zoning.

North Lamar Boulevard is identified in the Expressway and Major Arterial Plan as a Major Arterial street with an existing and proposed right-of-way of 120 feet. The staff recommends that the "B" Residence, First Height and Area zoning on Tract 2 be granted but that "C" Commercial, First Height and Area on Tract 1 be denied, and that "GR" General Retail, First Height and Area zoning be established subject to the extension of Quail Creek Drive, Quail Park Drive and Rundberg Lane as they effect the subject tracts.

TESTIMONY

WRITTEN COMMENT

Don Bresie: 8906 Little Walnut Parkway	AGAINST
James & Doris Stegall: 8915 Little Walnut Parkway	AGAINST
Robert Christianson: 8905 Little Walnut Parkway	AGAINST
J. N. Stone: 8910-B Little Walnut Parkway	AGAINST
Charles H. Carmouche: 8909 Little Walnut Parkway	AGAINST
Arnold C. Funderburk: 8911 Little Walnut Parkway	AGAINST
Allen Brune: 8908 Little Walnut Parkway	AGAINST
John Gest: 8903 Little Walnut Parkway	AGAINST
Jerry Barton: 903 Kirschner	AGAINST
M. D. Donald son: 8907 Little Walnut Parkway	AGAINST
Robert L. & Elizabeth Collins: 9001 Little Walnut Parkway	AGAINST

C14-69-214 John D. Byram and Charles Morrison--contd.

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)	
Vesper L. Warwick: 9105 Shepard Drive	AGAINST
Ted P. Snitko: 9104 Shepard Drive	AGAINST
Charles H. Carmouche: 8909 Little Walnut Parkway	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, attorney for the applicants, explained that Rundberg Lane as proposed is a major east-west arterial street which ties into the Interchange with I. H. 35 running in a westerly direction so that it will then move traffic all the way from I. H. 35 to Burnet Road. The highway has generally been designated and determined by the Planning Department and is now being required on subdivisions that are being developed, either in final or preliminary stages and this right-of-way is completely arranged for. In a coming bond issue Rundberg Lane is to be carried easterly from North Lamar Boulevard to I. H. 35 as a part of the next development program. The fact of its existence on the north of the subject property creates a major intersection and a major development so far as the subject site is concerned. In addition, the bulk of the area to the east of North Lamar Boulevard which is zoned Interim "A" Residence, Interim First Height and Area is developed with either commercial or light industrial usage which is non-conforming. The area along Tract 2 is predominantly what is known as Little Walnut Creek and is a natural separation and barrier between the subject property and the residential area. The residential lots to the west are encumbered with a 35 foot drainage easement so there is then in fact following along the creek by the applicant's setback of 50 feet, an effective drainage area of approximately 85 feet which will separate the subject property from the adjoining residential area.

Mr. Sneed stated that with regard to the application it is requested that it be amended to "GR" General Retail, First Height and Area zoning on Tract 1 as recommended by the staff. There is no objection to the dedication of right-of-way for Rundberg Lane and a letter to this effect will be filed. He said that in regard to the opening of the two streets through the subject property that he does not have the authority to say at this time that the streets will be put in. The application was discussed with the Director of Planning but this requirement was not brought out. If it is felt that it is necessary to have the two streets it will probably be acceptable; however, from the standpoint of zoning it is better that the two streets not be opened so that there will not be any spillage effect from the commercial area into the residential area where there is a natural barrier-separation. This property is isolated by Little Walnut Creek, North Lamar Boulevard, Peyton Gin Road and the property to the south which is zoned "GR" General Retail. There is a major arterial street system around the site allowing for the flow of traffic save and except for that which is within the area and if the two streets are required there will be spillage from the commercial areas into the residential areas. Mr. Sneed further stated that he would like to review the street with the applicants

C14-69-214 John D. Byram and Charles Morrison--contd.

because there would be a major problem due to the fact that two bridges would be required to cross Little Walnut Creek. If the streets were tied together in some sort of turnaround it would be more satisfactory.

Mr. Reeves asked if there would be objection if the streets were not extended but were tied together on the west side of the creek.

Mr. Lillie explained that Quail Park Drive has been proposed in the subdivision as a 60 foot collector street and should be continued to North Lamar Boulevard.

Mr. Sneed stated that the opening of Quail Park Drive through the subject tract would make the site more valuable but at the same time it would not be in the best interest of the residential area. The applicants would be willing to give the land needed to tie the two streets together rather than to extend them through the site as this will give better protection for the area. The requested zoning is in conformance with the approved preliminary plan as it relates to the entire area. Whatever is proper in the way of shielding will be done, but it should be pointed out that if a fence is required, it would have to be put in the creek bed in some instances which would detract from the natural beauty of the many trees in the area. The area should be developed with the natural beauty maintained wherever possible, and by reason of the requirement of the drainage easement there will be a green belt going through the area. The applicants plan to develop the area commercially with the type of commercial uses that would go with the neighborhood and would permit the highest and best use of the land.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that when there is a commercial area joining the residential area it is very beneficial to put some degree of a buffer, which was provided for with the 50 feet of "B" Residential. The people along the creek as well as directly north are concerned with the fact that in some areas the buffer zone is in the creek. The way the 50 foot buffer area is established extends into the creek so in some cases there is only 50 to 20 feet to the adjoining residential lots. It is felt that the 50 foot buffer is insufficient. The general feeling is that the buffer should probably be 100 to 150 feet. The site covers a very large acreage and the residential property will be abutting a significant commercial area.

Letters were presented from some of the property owners expressing the opinion that a broader area should be considered for a buffer in order to insulate the residential area from the very intensive commercial development. It is felt that the street should not be extended through the subject property so that there will not be commercial traffic brought into the residential subdivision.

C14-69-214 John D. Byram and Charles Morrison--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend this application to "GR" General Retail, First Height and Area zoning on Tract 1. They concluded that the zoning as amended should be granted as the appropriate zoning for the site with the following conditions:

1. The green belt area, at a minimum of 100 feet in depth, be maintained as a buffer between Tract 1 and the "A" Residential area to the west.
2. Quail Park Drive be realigned to connect with Quail Creek Drive west of Little Walnut Creek and not extend through the subject tracts.
3. Subject to the extension of Rundberg Lane as it effects the subject tracts.

At the Commission meeting, Mr. Reeves stated that the Committee recommendation was that a green belt area at a minimum of 100 feet in depth or an engineering recommendation in excess of that be maintained as a buffer. He indicated that this information was to be furnished by Mr. Sneed.

Mr. Sneed explained that there are two creeks that meet in this area and they have not finished the study to determine how the water flows. There is an existing easement through the area and where the creek comes together there is approximately 80 to 85 feet as a buffer. He said that they have not been able to get everything in order since the Zoning Hearing and as a result have filed a letter requesting that the application be amended. It is requested that the application be amended from "GR" General Retail, First Height and Area to "B" Residence, First Height and Area for the most westerly 50 feet of the area sought to be changed to "GR" General Retail except for the most northerly 150 feet of same 50 foot strip commencing on the proposed south boundary line of said Rundberg Lane extension and continuing south 150 feet therefrom. The request on the most westerly area for "B" Residence, First Height and Area remains as is which would give a buffer area of 100 feet. The "GR" General Retail is requested on the most northerly 150 feet of the 50 foot strip along Rundberg Lane as the adjoining lot on Rundberg Lane is a large lot and it is felt that it would not have been left as large unless the anticipated usage was commercial or some similar usage at sometime in the future. It is felt that it would be better zoning to leave the 150 foot strip as "GR" General Retail. This appears to be an adequate drainage area taking into account the drainage which is on the other side of the easement which has been reserved on each of the plans and added to it all the way through the subject tract. The letter requesting an amendment also carries a provision for the giving of the right-of-way for Rundberg Lane. Mr. Sneed further stated that it is his understanding that there has been an agreement by the subdivider to close off the two streets that were to be extended through the site.

Mr. Lillie explained that the staff met with Mr. Bill Williams, representing Nash Phillips-Copus Subdivision, which has a recorded plat on the area just to the south of Rundberg Lane. They were of the same opinion as neighbors

C14-69-214 John D. Byram and Charles Morrison--contd.

in the area, the applicants on the subject tract and the Zoning Committee in that they would prefer not to have the streets go through. Nash Phillips-Copus control the land on which the two stub streets are planned up to the creek. The Director of Planning has commented to them and to the staff that he would not object to the closing of the two streets. Mr. Williams has agreed that the subdivider would amend his subdivisions both preliminary and the one which has been recorded to reflect these terminations.

Mr. Osborne advised the Commission that unless there is a specific reason, the staff would prefer that there not be a private access point into the commercial area from wherever one of the streets might terminate as this would create commercial traffic along the residential streets.

One of the Commission members asked about the use of the large lot to the north along Rundberg Lane on the west side of the creek. Mr. Foxworth stated that to his knowledge, the staff has not talked to Mr. Williams regarding the particular use of the lot but it is within the approved preliminary plan for single-family or duplex development.

The Commission members were of the opinion that the 100 foot buffer should be maintained along the entire westerly portion of the site and recommended that "B" Residence, First Height and Area zoning be granted and that "GR" General Retail, First Height and Area zoning be established on the balance of the tract subject to the termination of Quail Park Drive and Quail Creek Drive west of the creek and subject to the extension of Rundberg Lane as it effects the subject tracts.

It was then unanimously

VOTED: To recommend that the request of John D. Byram & Charles Morrison for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area (Tr. 1) and "B" Residence, First Height and Area (Tr. 2) (as amended) for property located at (Tr.1) 8926-9336 North Lamar Boulevard and (Tr. 2) rear of 8926-9336 North Lamar Boulevard be GRANTED, subject to the termination of Quail Park Drive and Quail Creek Drive west of the creek and subject to the extension of Rundberg Lane as it effects the subject tracts.

C14-69-215 Ramada Inns, Inc.: C to C-2
 905-1045 South Interregional Highway
 900-906 Manlove Street
 1305-1307 Edgecliff Street

STAFF REPORT: This is a request for "C-2" Commercial, Second Height and Area zoning for an area of 153 square feet. The stated purpose is for a package store. The location is within the main building of the Ramada Inn. To the west is the Interregional Highway with an existing right-of-way of 300 feet. Manlove Street is classified as a minor residential street with 50 feet of

C14-69-215 Ramada Inns, Inc.---contd.

right-of-way and Riverside Drive is a Major Arterial street which is proposed as a future expressway. The staff recommends that the zoning as requested be granted as this is a well-defined and well-established commercial area.

TESTIMONY

WRITTEN COMMENT

Stanley Smith: P. O. Box 1376

FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Ramada Inns, Inc. for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 905-1045 South Interregional Highway, 900-906 Manlove Street and 1305-1307 Edgecliff Street be GRANTED.

C14-69-216 Don A. Hart: C, 1st to DL, 2nd
600-614 Williams Street
613-629 Canion Street

STAFF REPORT: This is a request for "DL" Light Industrial, Second Height and Area zoning on a tract of land containing 1.02 acres. The stated purpose of the request is for light manufacturing uses. The land use in the area is one of light industrial including a metal shop, tile sales, warehouses, service stations, etc. Adjacent to the subject tract, in the same block, is a publishing company. The zoning in the area conforms to the uses in that there is "D" Industrial zoning adjacent to the north; "C" Commercial to the south and "C-2" Commercial to the west of Lamar Boulevard. Lamar Boulevard and Airport Boulevard are identified in the Expressway and Major Arterial Plan as Major Arterial streets. The interior streets in this particular area are minor residential streets with only 50 feet of right-of-way. It is felt that the 50 feet of right-of-way was developed for a residential area but over a long period of time the area has changed to one of intensive commercial use and it is difficult to acquire additional right-of-way in the

C14-69-216 Don A. Hart--contd.

general area to widen streets. The Second Height and Area portion of the application is requested in order to get the setback requirements waived. Under the Zoning Ordinance the subject site is considered as a through lot by the Building Inspector's office and as a result a 25 foot building setback line is required from both streets. The applicant feels that the Second Height and Area is necessary because of the unusually shaped tracts and the restriction on the setback requirements under the First Height and Area. There is some justification for the Second Height and Area inasmuch as the publishing company established in the same block is zoned Second Height and Area, and the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Don A. Hart (applicant)

PERSONS APPEARING AT HEARING

Don A. Hart (applicant)

SUMMARY OF TESTIMONY

Mr. Don Hart appeared at the hearing and presented the following written comments in support of this application:

- 1 - Provides an intermediate buffer Zone between existing "C" and "D".
 - 2 - Significantly reduces vehicular traffic hazards.
 - 3 - Increases tax revenues.
 - 4 - Helps meet existing needs for more "DL" premises.
 - 5 - Permits continuation and expansion of uses which were permissible when initiated in 1954.
 - 6 - Uses since 1954 acceptable to all concerned.
- 1 - All of the following Lots are "D" Industrial: - 1 through 8 in Block J directly across Canon Street and those in nearby Block E. All of the following Lots are "C" Commercial: - 1 through 10A in Block H, including 5 through 8 directly across Williams Street; nearby 9 through 14 in Block J and those in nearby Blocks C and D. Such change would create a transitional buffer between those "C" and "D" Lots.
 - 2 - Almost all vehicular traffic enters this area on either Raymond Street or Canon Street and proceeds around the Blocks D and I island on either Williams Street or Canon and Raymond Streets. All of those are 50 foot streets, rather than 80 foot streets as presently required in areas similarly zoned. Widening them to 80 feet would be very difficult, if not impossible, because of existing structures. Vehicular traffic hazards would be reduced very significantly by off-street loadings and unloadings made possible by the existing and planned Block I driveways.

C14-69-216 Don A. Hart--contd.

- 3 - Immediately upon approval of the requested change I will erect a 30' x 60' two-story addition on the northerly end of existing Building A to meet the urgent needs of Rainhart Co., the Lessee. As soon as possible and feasible I will erect one or more buildings on the indicated "Area For Future Building(s)", which will anticipate future needs of Rainhart Co. and possibly be leased to others until needed by them. The tax evaluations on such additions would greatly exceed those for any "C" Commercial additions under current or foreseeable conditions.
- 4 - The existing and probable future needs for additional "DL" Light Industrial premises have been well publicized by Austin Chamber of Commerce, Economic Development Council and others. The requested change will help to meet those needs and could result in one or more light manufacturing industries coming to Austin instead of locating elsewhere.
- 5 - In early 1954 Rainhart Co. started using the premises in the design, manufacture, warehousing and selling of materials testing equipment. Such uses were then permissible under Paragraphs 22, 30 and 36, Section 6, Zoning Ordinance of the City of Austin, as long as the light manufacturing did not occupy more than fifty percent (50%) of the floor space. The premises have been so used continuously and exclusively by them since then. They have grown rapidly in recent years and probably will grow even more rapidly in the near-future years. A stage has been reached when they must soon have more floor space and must use more than 50% of their available floor space for light manufacturing. Hopefully this can be accomplished on the present premises by the requested change and eliminate possibilities of them locating elsewhere within the foreseeable future.
- 6 - I am not aware of any uses of the premises since 1954 being objectionable to anyone in any way. I and Rainhart Co. wish to preserve good relations with our neighbors and assuredly will avoid any uses which might be objectionable to them.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "DL" Light Industrial, Second Height and Area zoning should be denied; however, they recommended that "DL" Light Industrial, First Height and Area zoning be granted as the proper zoning for the site.

C14-69-216 Don A. Hart--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Don A. Hart for a change of zoning from "C" Commercial, First Height and Area to "DL" Light Industrial, Second Height and Area for property located at 600-614 Williams Street and 613-629 Canion Street be DENIED, but that "DL" Light Industrial, First Height and Area be GRANTED.

C14-69-217 Alton Greeven: A to C
 407-503 West St. Elmo Road

STAFF REPORT: This application covers a large irregular-shaped tract of land containing 7.01 acres. The stated purpose of the request is for a mobile home park. The surrounding area is a single-family residential area which has been well-maintained since construction. There is a small cluster of non-residential uses on the northeast corner of St. Elmo Road and South 1st Street, including a service station, drive-in grocery, cleaners, etc., which is zoned "C" Commercial. The southeast corner was zoned "GR" in 1958, but is still undeveloped. A church is established on the southwest corner and a school is located on the northwest corner at the same intersection. The subject property is undeveloped with the exception of the two single-family homes fronting onto St. Elmo Road. The staff made a field inspection of the site and it is felt that the request is too intensive as it relates to the existing residential neighborhood. It is recommended that the request be denied as an intrusion into a low-density single-family neighborhood with inadequate streets. It should also be pointed out that a mobile home park could be developed under "GR" General Retail zoning or "LR" Local Retail zoning which would require a special permit; however, the staff feels that "GR" or "LR" zoning would be an intrusion into the area as the site is surrounded on three sides by single-family residential development. St. Elmo Road, with a present right-of-way of 40 feet, is a collector street with a proposed right-of-way of 60 feet.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. L. A. Robinson: 407 Philco Drive	AGAINST
Dale R. Werner: 4413 South 1st Street	AGAINST
Jerry Lee Welch: 410 Philco Drive	AGAINST
John B. Morgan: 2300 Thornton Road	AGAINST
Wallace Wilburn Hohertz: 408 Philco Drive	AGAINST
Daniel E. McQuaig: 400 Philco Drive	AGAINST

PERSONS APPEARING AT HEARING

A. E. Greeven (applicant)	
Jerry Lee Welch: 410 Philco Drive	AGAINST
Wallace Hohertz: 408 Philco Drive	AGAINST
Mr. & Mrs. Renato G. Gutierrez: 4411 South 1st St.	AGAINST
Walter R. Johnson: 4414 South 1st Street	AGAINST

C14-69-217 Alton Greeven--contd.

Mr. & Mrs. B. L. Parker: 4501 South 1st Street	AGAINST
Jim Farrell: 4500 South 1st Street	AGAINST
Mr. & Mrs. Dale R. Werner: 4413 South 1st Street	AGAINST
James C. Mchanay: 404 Clover Court	AGAINST
H. H. Schultz: 505 Clover Court	AGAINST
Stanley J. Oleksy: 502 Clover Court	AGAINST
James E. Ferguson: 500 Clover Court	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated that he is surprised by the comments of the staff inasmuch as development of the property was previously discussed with the members of the Planning Department and there was no objection to a mobile home park development. Mr. Greeven explained that he had purchased the property 28 years ago and has been paying taxes since that time. He said that the property has never been fully developed and he is attempting to find some use for it. The area is completely surrounded by backyards and that is one of the reasons it was felt that a mobile home park would be a good possibility for development. There is a draw through the property and a creek runs down to a point and in the creek which meanders through the middle of the property and through the corner property which is zoned "GR" there is a sewer line. The City was given an easement to build the sewer line some 10 to 12 years ago. He said that in his opinion a mobile home park would adapt to the site very well and if it did not go over and another use was contemplated, a lot of money would not have been spent.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and presented a petition signed by 15 adjoining homeowners. They said that the use of the property should not be denied; however, the "C" Commercial zoning should be denied because of the adjoining residential area. Most of the homes along South 1st Street are on lots containing more than 10,000 square feet and "C" Commercial adjoining to the rear could be detrimental because of the fact that if one venture was not successful, then the property could be developed more intensively. There is a traffic hazard in the area and increased density would only over burden the streets. The tenants in a mobile home park change quite often so the adjoining residential owners would not always know who their neighbors would be. The property is well situated and could easily be developed into single-family residential development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area and an intrusion into a well-developed residential neighborhood.

C14-69-217 Alton Greeven--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Alton Greeven for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 407-503 West St. Elmo Road be DENIED.

C14-69-218 Nash Phillips-Copus: BB to GR and B (as amended)
 5808-5810 Wellington Drive
 2000-2006 Dexmoor Drive
 5808-5810 Belmoor Drive

STAFF REPORT: This change in zoning, covering 1.73 acres of land, is for the purpose of extending a shopping center. The land use to the south is apartment development and to the south of Cheshire Drive and to the west of Wellington Drive there is duplex development all of which is very new. It is the staff's understanding that all of the land is still under one ownership. There was an application made on the subject property in 1968, for "B" Residence zoning which was denied; however, "BB" Residence zoning was granted for apartment use. Dexmoor Drive, Belmoor Drive and Cheshire Drive are loop streets which were developed for the apartment development. The zoning boundary line between the apartment zoning and the "GR" General Retail to the north of Gaston Place was established at the rear property line for the lots fronting onto Dexmoor Drive. The applicant wishes to develop a commercial store within the "GR" area and feels that the existing area is not large enough and is requesting that the zoning be extended down to the right-of-way line of Dexmoor Drive, including the cul-de-sac. The staff would prefer to see the existing zoning boundary maintained as a separation between the commercial zoning fronting onto Gaston Place and the apartment zoning to the south; and recommends that "B" Residence, First Height and Area be granted as opposed to "GR" General Retail zoning. This would permit a parking area for the commercial uses. The store structure could be developed within the "GR" area and the overflow parking could be established on the "B" Residential area having frontage onto Dexmoor Drive and Belmoor Drive. "BB" Residence zoning does not permit public parking. In this way it is felt that the commercial uses would still be predominantly oriented to Gaston Place and Wellington Drive and there would be some separation between the Commercial use and the apartment development to the south. The staff does not strongly object to "GR" General Retail as the land is still under one ownership but it is felt that the relationship between the zoning is proper and the relationship of the commercial use to the apartment area would be better suited by providing the parking area as opposed to a commercial building. An amended application to "B" Residence, First Height and Area zoning would be supported.

TESTIMONY

WRITTEN COMMENT

None

C14-69-218 Nash Phillips-Copus--contd.

PERSONS APPEARING AT HEARING

W. T. Williams, Jr. (representing applicant)
Don K. Burgess

FOR

SUMMARY OF TESTIMONY

Mr. Bill Williams, representing the applicant, stated that he agrees with the principle that the proper boundary usually would fall in the center of the block and back lot lines but that is not necessarily always the case. While it does not necessarily assure more compatible development on both sides of the street, if the property ownership on two sides is different, the separate boundary line in the center of the block would tend at least to provide more compatible development on the two sides; however, in this case the same property owner owns both sides and there should not be a fear that he would do anything that would be incompatible with the use on the other side of the street. A map was presented showing the existing zoning and uses and the ownerships within the area. Mr. Williams explained that the property now owned by the applicants extends along Gaston Place and down to Wellington and Cheshire Drives as well as across the street. The property in the center of the area is presently being developed with a group of apartment buildings with the principle frontage being on Wellington Drive. To limit the "GR" zoning to the present line would restrict the amount of parking needed for the commercial area but if the line was extended, there could be more flexibility in the development of the site. It is true that if the area was zoned "B" Residence it could be used for parking in connection with the commercial building but this would not give the flexibility needed for the development.

Mr. Williams presented illustrations of how the property could be developed and explained that there is not as yet a design for the building and a site plan for the area although there are one or two prospective tenants. It should be pointed out that Dexmoor Drive has been widened to 60 feet in connection with an earlier request.

After discussion between Mr. Reeves and the Committee members with regard to the proper development for the site and the establishment of a buffer area, Mr. Williams requested that the application be amended to request "B" Residence, First Height and Area zoning on that portion of the tract from Dexmoor Drive north 35 feet and parallel to the north right-of-way line of Dexmoor Drive and "GR" General Retail, First Height and Area zoning on the balance of the tract. He further indicated that the applicants would like to have a portion of the cul-de-sac area vacated.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "B" Residence, First Height and Area zoning on that portion of the tract from Dexmoor Drive north 35 feet and parallel to the north right-of-way of Dexmoor Drive and "GR"

C14-69-218 Nash Phillips-Copus--contd.

General Retail, First Height and Area zoning on the balance of the tract. They concluded that the zoning as amended should be granted as the appropriate zoning for the site. The Committee was also of the opinion that a portion of the cul-de-sac should be vacated.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Nash Phillips-Copus for a change of zoning from "BB" Residence, First Height and Area to "GR" General Retail, and "B" Residence, First Height and Area (as amended) for property located at 5808-5810 Wellington Drive, 2000-2006 Dexmoor Drive and 5808-5810 Belmoor Drive be GRANTED.

C14-69-220 Morris-Bilt Homes: Int. A, Int. 1st to BB, 1st (Tr. 1) and A, 1st
 Tract 1: 8124-8180 Balcones Drive (Tr. 2)
 Tract 2: 8116-8124 Balcones Drive

STAFF REPORT: This is a request for a change in zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area on Tract 1 which is the larger tract containing 12.17 acres, and "A" Residence, First Height and Area for Tract 2 containing approximately 4.58 acres. The stated purpose is for an apartment dwelling group on Tract 1. The land use in the immediate vicinity to the north is that portion of land which falls within the Wallace Mayfield Master Plan which is at the present time undeveloped. To the west is presently undeveloped land but there is a subdivision which has been approved for low-density development. To the south is Balcones West Subdivision which is single-family in character. The subdivision to the south, with lots platted around a cul-de-sac and to the east of Ceberry Drive is being proposed for either single-family or duplex development. Directly to the east of the site there is undeveloped land with the exception of the large tract zoned "BB" Residence, on which a special permit was approved for the development of approximately 150 apartment units. The zoning pattern is "A" Residence for the area west of Sonnet Avenue and "BB" Residence along Balcones Drive to within 200 or 250 feet of Steck Avenue. A request for "BB" Residence zoning was recently granted on three lots along Sonnet Avenue. A request for "BB" Residence, First Height and Area zoning with the limitation of 12 units per acre was recently approved on approximately 50 acres of land within the Mayfield Master Plan area to the north of the proposed extension of Steck Avenue. To the immediate west there is within the proposed Wood Shadows Subdivision a proposed 80 foot right-of-way from Spicewood Springs Road extending northward to connect with the proposed extension of Steck Avenue. The subdivision has proposed single-family and duplex development. Ceberry Drive which is on the ground and extends from Spicewood Springs Road through the Balcones West Subdivision is proposed in this request to extend through Tract 1 and extend westward and to eventually connect with the proposed collector street which has recently been applied for in the last few months. There would be a tier of lots on both the north and south side of Ceberry Drive in which single-family and duplexes should be constructed. The street has been located fairly close and is approved in the subdivision to the west.

C14-69-220 Morris-Bilt Homes--contd.

The staff feels that the application and the subdivisions which have been approved to the west, the buffer which is being created by the applicant within the subject tract and the duplex subdivision which is being created immediately to the south creates an additional buffer for the "BB" Residence which is proposed on Tract 1. It is directly across the street from the 50 acre Mayfield apartment development which will have primary access to Steck Avenue. The staff recommends that the requested "BB" Residence, First Height and Area zoning on Tract 1 and "A" Residence, First Height and Area zoning on Tract 2 be granted subject to the extension of Steck Avenue as it effects Tract 1 and Ceberry as it effect Tract 2. It is felt that this development will be the completion of the "BB" Residence zoning in this area, as the subdivisions to the west have been applied for. There will be a tier of "A" Residential zoning on either side of Ceberry Drive and the apartment traffic generated by Tract 1 would be generated to Steck Avenue and not to Ceberry Drive. There is some concern about the shallowness of the lots in Tract 2 but they meet the minimum Ordinance requirements.

TESTIMONY

WRITTEN COMMENT

Morris-Bilt Homes (applicant)
Charles Landers (representing applicant)

PERSONS APPEARING AT HEARING

Charles L. Landers (representing applicant)

SUMMARY OF TESTIMONY

Mr. Charles Landers, Architect representing the applicants, stated that the lots in Tract 2 are 90 foot lots but most are 80 feet in width and some are even wider. Under "A" Residence zoning duplexes can be built on 60 foot lots with sufficient depth in order to get the square footage. There are several large duplexes laid out for some of the lots which take all the width of 60 feet and this is the reason for the 90 foot depth. There is room for the duplexes on the site and enough room to the rear. This has been worked out with the staff to a certain extent in that the traffic on Spicewood Springs Road going to the new elementary school and the new proposed high school needs a way to get into that school area without going through apartments or heavily built up areas.

Mr. Landers presented an overlay of part of the Master Plan by Mr. Mayfield and explained the traffic circulation in the area. He stated that the staff does not feel that there should be traffic on Ceberry Drive and the residential streets which is acceptable. The duplexes are part of the entire planned Community Apartment Project and there will be no through streets. There is a Master Plan for 200 units which has been approved by the financing institution. An artist's conception was presented of the proposed development. Many

C14-69-220 Morris-Bilt Homes--contd.

of the apartments have 1700 square feet and are studio type apartments. Some will have three bedrooms and three baths for families with children. The proposal for the tract is well-designed for the area and is the highest and best use of the land.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to the extension of Ceberry Drive as it effects Tract 2 and Steck Avenue as it effects Tract 1, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Morris-Bilt Homes, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (Tr. 1) and "A" Residence, First Height and Area (Tr. 2) for property located at 8124-8180 Balcones Drive (Tr. 1) and 8116-8124 Balcones Drive (Tr. 2) be GRANTED, subject to the extension of Steck Avenue as it effects Tract 1 and Ceberry Drive as it effects Tract 2.

C14-69-221 Mrs. Nellie M. Eklund: A, 1st to O, 2nd
901 East 14th Street
1307-1311 Olander Street

STAFF REPORT: This is a request for "O" Office, Second Height and Area zoning on an 11,250 square foot lot for the stated purpose of an office building. The area to the east is predominantly "A" Residential. A request for "B" Residence, First Height and Area zoning on property to the east was denied in 1968. To the south along East 12th Street is "C" Commercial zoning and "B" Residence zoning is established to the west along the Interregional Highway. East 14th Street is classified as a minor residential street with a present right-of-way of 50 feet. East Avenue (Interregional Highway) is classified as an Expressway. The staff feels that the zoning as requested is too intensive for the area and recommends that the request be denied; however, it is recommended that "O" Office, First Height and Area zoning be granted subject to 5 feet of right-of-way for East 14th Street. It is also possible that up to 10 feet of right-of-way will be needed for Olander Street which is a very short street with a present right-of-way of 40 feet.

Mr. Lillie pointed out this area is within the Interchange of the Crosstown Expressway and I. H. 35. All the area north of East 12th and west of Navasota Streets is involved in the proposed improvements. There is no timing as yet for this facility.

C14-69-221 Mrs. Nellie M. Eklund--contd.

TESTIMONY

WRITTEN COMMENT

Lillian Free: 902 East 14th Street FOR
Hans H. Hansson: 910 East 14th Street FOR
Paul R. Sivard: 1401 Devon Drive Corpus Christi, Tx. FOR

PERSONS APPEARING AT HEARING

Sidney Smith (representing applicant)

SUMMARY OF TESTIMONY

Mr. Sidney Smith, representing the Texas Optometric Association, advised the Committee that they plan to have their building for the state headquarters on the subject site. The reason the site was chosen is because of the close proximity to the Capitol. It is proposed that the building will have at least 4800 square feet of floor space and parking for 15 or 16 cars which is the reason that Second Height and Area zoning is needed. Interchange plans for this area are at some time in the future, and should not be a consideration.

Mr. Reeves pointed out that 35 feet of height is permitted under First Height and Area zoning.

Mr. Smith indicated that this would be satisfactory.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they recommended that "O" Office, First Height and Area zoning be granted, subject to 5 feet of right-of-way for East 14th Street, as the proper zoning for the site.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Mrs. Nellie M. Eklund for a change of zoning from "A" Residence, First Height and Area to "O" Office, Second Height and Area for property located at 901 East 14th Street and 1307-1311 Olander Street be DENIED, but that "O" Office, First Height and Area be GRANTED, subject to 5 feet of right-of-way for East 14th Street.

SPECIAL PERMITS

CP14-69-029 Colorado Hills Estates: 47 Unit Townhouse
 2001 Woodland Avenue
 1801-1911 Briar Hill Drive

Mr. Richard Lillie, Assistant Director of Planning, reported a letter from the applicant requesting that this application be withdrawn; however, the request was advertised for public hearing and it is the Committee's prerogative as to whether the request should be heard.

The Chairman asked if anyone was present in interest of the application and was advised that there was opposition to the request. In view of this, the Committee felt that the hearing should proceed.

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 a townhouse development containing 47 two-bedroom units, 117 off-street parking spaces, tennis courts and nursery. The request has circulated to the various City departments and the comments are as follows:

Health

- Approved: Waste Water System to be available.

Advance Planning

- 1. Subdivision of property is necessary.
- 2. Approval needed on setback for units located on Montrose Avenue and south end of Briar Hill Dr. based on classification of Montrose (only if it is classified as a minor street).
- 3. Approval needed on use of Patio area as private yard area.

Office Engineer

- Briar Hill Drive & Montrose Avenue not dedicated.

Will require separate request for commercial driveways.

Building Inspection

- 1. If the request is granted, it should be subject to the property being subdivided according to the requirements as outlined in the Zoning Ordinance.
- 2. The Planning Commission must construe the roof deck of the carports as complying with the spirit and intent of the Ordinance concerning private yard requirements (400 sq. ft. of Private yard is required) or a Board of Adjustment variance will be necessary.

CP14-69-029 Colorado Hills Estates--contd.

- | | |
|--------------------------|--|
| Tax Assessor | - Taxes are paid through 1968. |
| Storm Sewer | - 1. Drainage easements required. |
| | - 2. Drainage and paving facilities required, depending upon future plat design. |
| Water and Sewer | - Sanitary Sewer is available from the existing 8 inch main in Briar Hill Drive. |
| | Water service is available from the existing 6 inch main in Briar Hill Drive. An additional fire hydrant will be required on the northwest corner of the intersection of Briar Hill Drive and Montrose Avenue. It will be required that a 6 inch main with valves be constructed from the existing main in Briar Hill Drive to Montrose Avenue to the limits of said tract as shown on the plat. |
| Fire Prevention | - Required fire extinguishers must be installed as the units are completed. |
| Electric | - Electric easements to be obtained at a later date. |
| Director of Public Works | - Driveway locations as shown meet with our approval. Will need request for and approval of them before construction begins. Also recommend a minimum radius of 5 feet. |
| Fire Protection | - The recommended fire hydrants and water main are indicated in red. We recommend that the fire hydrant be installed and usable before building construction is started. |

Townhouse development is permitted under the "A" Residence zoning district subject to subdivision. Under the subdivision regulation, each of the townhouse units is required to be developed on a lot of approximately 20 feet in width, and approximately 100 feet in depth. The total density has to meet 3,500 square feet per unit for the tract which is duplex density. It is recognized that the applicant has requested withdrawal of the application; however, the comments from the various departments indicate that there are no problems and the staff recommends approval subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

CP14-69-029 Colorado Hills Estates--contd.

PERSONS APPEARING AT HEARING

Mr. & Mrs. E. B. Magnuson: 5917 Fairlane	AGAINST
William M. Patton: 1201 Towncreek Drive	AGAINST
Mr. & Mrs. S. Howard Culp: 1907 Crooked Lane	AGAINST
Mrs. Eugene Nelson: 1904 Crooked Lane	AGAINST
Mr. & Mrs. Curtis M. Carnes: 1902 Crooked Lane	AGAINST

SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and stated that when they purchased their property they were assured that this would be a residential area. The total development of the area was to include the property on Riverside Drive, and the apartment area with duplexes buffering the residential area from the apartments. The property at the intersection of Woodland Avenue and Briar Hill Drive was to be developed as five lots. It is recognized that some of the lots in the area have been sold for duplex development and there is no objection to the type of duplexes that have been developed and are still being developed as they are an asset to the area. If the development as proposed is permitted, the streets would have to carry a great deal more traffic which would be detrimental to the residential subdivision. Townhouses should not be permitted on an area which was planned for residential and duplex development. There are only 117 parking spaces shown on the plan and this is not adequate to support the number of units proposed. The area is very quiet at the present time as there is not a great deal of development; however, if the proposal is allowed, the character of the area will change. The streets are adequate for residential purposes but are not adequate to handle intensive development as there would be cars parked along both sides of the streets.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized the request to withdraw this application; however, they felt that the request is appropriate as it meets the requirements of the Ordinance and recommended that it be granted subject to compliance with departmental reports. They further recommended that if the request for withdrawal is still valid at the Commission meeting, that it be accepted.

At the Commission meeting the staff reported that the request for withdrawal is valid. In view of this, the Commission unanimously

VOTED: To ACCEPT the request to withdraw this application.

CP14-69-030 River Hills Joint Venture: Apartment Dwelling Group
1529-1617 Royal Crest Drive

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing nine structures including one recreation building; 80 one-bedroom units; 64 two-bedroom units; two three-bedroom units; one swimming pool; one spa; one laundry and 287 off-street parking spaces. (255 off-street parking spaces are required.) The subject tract covers 5 acres and is presently zoned "B" Residence, First Height and Area.

The staff presented the site plan for the specific proposal and a Master Plan for the total area, including the area directly to the south and directly to the north. The subject property is the center portion of the total tract. In the spring of this year, this area was included as part of a Master Plan change from low density residential to medium density residential. The southern boundary of the Master Plan change area being the property fronting along Woodland and to the east of Colorado Hills and to the south of Colorado Hills. The only area not changed east of Parker Lane was the area within the subdivision of Colorado Hills Estates.

The site plan has been circulated to the various City departments and the comments are as follows:

Water and Sewer

- Sanitary Sewer is available from the existing 8 inch main in Royal Crest Drive to serve the proposed buildings in the central and western areas. However, to serve the proposed buildings in the eastern area will require further study and possibly construction of an approach main to this area.
- Water Service is available from the existing 6 inch main in Royal Crest Drive. Two additional fire hydrants will be required. One will be on the northwest corner where the drive running easterly turns north. The other fire hydrant will be on the corner + 240' northerly of the first fire hydrant shown on the plat. It will be required that a 6 inch main, with valves be constructed from Royal Crest Drive through the proposed drives in Phase II and Phase III looping back to the existing six inch main in Royal Crest Drive. The two fire hydrants shown in Phase III

CP14-69-030 River Hills Joint Venture--contd.

- Storm Sewer
- Director of Public Works
- Health
- Fire Protection
- Traffic Engineer
- Electric
- Building Inspector
- Advance Planning
- Tax Assessor
- Fire Prevention
- will not be required at this time but will be when Phase III is submitted.
- 1. Drainage facilities required.
 - 2. Drainage easements may be required.
 - Driveway location as shown meets with our approval; however, will need request for and approval of driveway before construction begins.
 - Waste Water System to be available.
 - The recommended water main and fire hydrants are indicated in red. The green indicates fire hydrants recommended when Phase III is started. Blue indicates existing water main and fire hydrants.
 - We recommend that fire hydrants are installed and usable before building construction is started and that fire lanes be kept open so that our trucks will have access from buildings to the fire hydrants.
 - No objection.
 - Electric easements to be obtained at a later date.
 - 1. It appears that this property has not been subdivided; however, applicant gives legal description as Lot 9, Block A, Colorado Hills Estates.
 - 2. Does not include Building Code approval.
 - 3. Four foot high solid fence would be required where parking is adjacent to property developed for a residential use.
 - 4. Building on site plan identified as club building to be designated as recreation building.
 - Very little usable open space provided.
 - Taxes are paid through 1968.
 - Install fire extinguishers on buildings as they are completed. Provide fire escapes on three story buildings as required by State law.

CP14-69-030 River Hills Joint Venture--contd.

The Planning Department feels that there is very little open space other than that provided in the driveways and parking areas. Other than the technical problems, the plan meets the Ordinance requirements and the staff recommends that the request be approved subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John Fitzpatrick (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Fitzpatrick appeared at the hearing 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 approved, subject to compliance with departmental reports.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of River Hills Joint Venture for a special permit for the erection of a 147 unit apartment dwelling group located at 1529-1617 Royal Crest 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.

CP14-69-031 Alton Heiner: Apartment Dwelling Group
3445-3459 Greystone Drive
7405-7419 Shadow Hill 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 a 27 unit apartment dwelling group, one swimming pool, one storage area, one vending area and 51 off-street parking spaces. The subject site contains 64,050 square feet

CP14-69-031 Alton Heiner--contd.

of land which is presently zoned "BB" Residence, First Height and Area. Requests for "LR" Local Retail, "O" Office and "BB" Residence zoning are pending in this area. The site plan has been circulated to the various City departments and the comments are as follows:

Fire Protection

- Recommended water main and fire hydrant is indicated in red. We recommend that the building permit be restricted so that construction cannot be started before fire hydrants are installed and are usable.

Water and Sewer

- Sanitary Sewer is available from the proposed 8 inch main in Greystone Drive. Water Service is available from the proposed mains in Greystone Drive and Shadow Hill Drive. A fire hydrant will be required in Shadow Hill Drive across from the southwest corner of said tract as shown on the plat. No fire demand meter will be required.

Traffic Engineer

- Parking spaces located adjacent to driveways in northwest and southeast corners of property do not appear to have sufficient maneuvering area. Entrance and exit from these spaces will be difficult.

Electric

- Electric easements to be obtained at a later date.

Storm Sewer

- Surface drainage flow from parking areas need to be carried to Greystone Drive.

Building Inspector

- 1. Because one of the required parking spaces will have to maneuver in public right-of-way on Shadow Hill Drive, the space is not acceptable and reduces the number 1 below the minimum requirement.
- 2. Does not include Building Code approval.
- 3. Four foot high solid fence is required where parking is adjacent to property developed for a residential use.

CP14-69-031 Alton Heiner--contd.

Advance Planning

Director of Public Works

Office Engineer

Tax Assessor

Health

Fire Prevention

- Access to the three units at the southeast of the site needs clarification.
- Driveway locations meet with our approval; however, will need request for and approval of them before construction begins.
- Drives okay. Require separate request.
- Taxes are paid through 1968.
- Waste Water System to be available.
- Required fire extinguishers to be installed as buildings are completed.

Mr. Lillie explained that the advanced planning comment referred to the 3 units at the southeast corner and the question was the access to those particular units. It appears that it is only by a sidewalk.

Mr. Reeves stated that he knows the applicant and he does not feel that they would object to putting a sidewalk over to the parking lot.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Mr. John Fitzpatrick (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Fitzpatrick was present at the hearing 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 approved, subject to compliance with departmental reports.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Alton Heiner for the erection of a 27 unit apartment dwelling group on property located at 3445-3459 Greystone Drive and 7405-7419 Shadow Hill Drive, subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution upon completion.

CP14-69-031 Alton Heiner--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.

CP14-69-032 A. M. Revell, Trustee, Ward Memorial Methodist Church:
2007-2105 Parker Lane Kindergarten and Nursery

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 kindergarten and nursery including pre-school day care, nursery, kindergarten, and church activities. The subject tract contains an area of 7.82 acres. The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|--------------------|--|
| Traffic Engineer | - Okay. |
| Health | - Waste Water System to be available. |
| Advance Planning | - Okay. |
| Office Engineer | - Driveway location okay. Require separate request for commercial driveway. |
| Storm Sewer | - Plan complies with requirements. |
| Tax Assessor | - 0303 Tax exempt. |
| | 0107 Taxes are paid through 1968. |
| Water and Sewer | - Sanitary Sewer is available from the existing 8 inch main in Parker Lane. Water Service is available from the existing mains in Parker Lane. No additional fire protection will be required. |
| Building Inspector | - 1. The facility and site shall be approved by the Texas State Dept. of Public Works. |
| | 2. The number of children to be kept is not specified; however, the property as platted contains 7.82 acres which would permit 1,112 children under requirements of the ordinance. Would prefer that a specific number of children be granted. |
| Electric | - No easements needed. |
| Fire Prevention | - Interior panels should have fire retardant finish applied to them. |
| Fire Protection | - Fire protection facilities for the above properties believed to be adequate. |

CP14-69-032 A. M. Revell, Trustee, Ward Memorial Methodist Church--contd.

Director of Public Works

- Okay. Driveways were constructed when church was built.

Mr. Lillie explained that the church proposes to open a kindergarten and nursery and do not plan to change any of the configurations of the existing building. There is interior parking provided. The staff recommends that the request be approved subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

SUMMARY OF TESTIMONY

A member of the Church Board stated that they intend for the use to be an extension of the Sunday School Program. During the summer there are extensive programs for the young people and it is felt that this is a community service. The proposal will be controlled by the church and the governing board and will be under the supervision of the Commission on Education.

No one appeared in opposition to the request.

COMMENTS AND ACTIONS BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of A. M. Revell, Trustee, Ward Memorial Methodist Church for a special permit for a kindergarten and nursery on property located at 2007-2105 Parker Lane, subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution upon completion.

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

SUBDIVISIONS

R146

SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of July 21, 1969, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee meeting of July 21, 1969, on the minutes of this meeting.

SUBDIVISION PLATS - FILED AND CONSIDERED

The following final plats have previously been before the Commission, were accepted for filing and disapproved pending technical items which were a requirement of the Ordinance, and now have been given approval under the Amended Rules and Regulations recently adopted by the Commission. The procedure is in accordance with the rules and regulations whereby the Director of Planning, the Chairman of the Planning Commission and the Secretary of the Planning Commission can give approval to the final plats when the technical requirements of the Ordinance have been met. The Commission then

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

- C8-68-89 Lakeridge Estates - Section 4
Lakeridge Drive and Lisa Drive
- C8-68-63 Point West of Westover Hills - Section 4
Hyridge Drive and Westover Club Drive
- C8-68-75 Whispering Oaks
William Cannon Drive
- C8-69-48 Country Club Gardens - Section 2
Montopolis Drive and Carnation Terrace
- C8-69-6 Emerald Forest - Section 2
Emerald Forest and Stassney Lane
- C8-69-44 Salem Walk - Section 1
Stassney Lane and Salem Walk
- C8-69-30 Quail Creek West - Section 2
Quail Run and Peyton Gin Road
- C8-69-50 Phillips Ranch Addition
Turkey Creek Road
- C8-69-53 Balcones Village - Section 4
Cedarcrest and Balcones Drive

C8-69-60 Turner Addition - Section 1
 Thomas Springs 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 the required additional easements and completion of departmental reports. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of TURNER ADDITION - SECTION 1 pending the requirements as indicated.

C8-69-64 Coronado Hills - Section 3
 Glenhill Road and Pebble Brook Drive

Mr. Foxworth reported that there are several reports still lacking, as this is the first appearance of this final plat before the Commission and the staff recommends that it be accepted for filing and disapproved pending the required additional easements, fiscal arrangements, completion of departmental reports, annexation, letter required for sidewalks, and a letter of approval required from James H. Mitchell, an adjoining property owner to the east.

This was a revised preliminary that was considered at the last Subdivision Committee meeting at which time it was recommended by the staff that an agreement be submitted from Mr. James A. Mitchell, who is the adjoining property owner to the west, concerning a prior agreement between him and Mr. Nash Phillips regarding the street. It was the staff's understanding that the Subdivision Committee approved the revised preliminary without any agreement from Mr. Mitchell and it is felt that since the original agreement was made that there should be a letter of agreement from Mr. Mitchell at this time in order to pull the cul-de-sac back, as the preliminary revision proposes, away from Mr. Mitchell's property. The original agreement between Mr. Mitchell and Mr. Phillips was that the cul-de-sac would be brought in to Mr. Mitchell's property and he had agreed to join in the dedication for his portion of the cul-de-sac and provide for his share in the fiscal arrangements, paving, and utilities.

Mr. Reeves stated that the Subdivision Committee was aware of the agreement at the Subdivision Committee Meeting but was also aware of the fact that Mr. Mitchell had been informed of the meeting by the proper notification and felt that if he had any objection he should have brought them to the Commission as it was a public hearing. Mr. Mitchell has apparently talked to the staff but has not talked to Mr. Phillips or the Commission. The Subdivision Committee chose and felt that it was their duty of planning in accepting this subdivision on its own merits.

Mr. Foxworth stated that to his knowledge Mr. Mitchell has not contacted anyone in the Planning Department since the original preliminary was approved. Mrs. Butler attempted to report that the Planning Commission and Subdivision Committee had originally approved the preliminary on the basis of an agreement between Mr. Mitchell and Mr. Phillips.

C8-69-64 Coronado Hills - Section 3--contd.

Mr. Reeves stated that there was not an agreement that the Subdivision Committee could see and they were forced to act on the merits of the situation as it was considered at the public hearing. Mr. Mitchell does have ingress and egress and a cul-de-sac is a good plan for this piece of property. Mr. Mitchell's property is not handicapped and if he had an agreement with Mr. Phillips he should discuss it with him.

Mr. Foxworth explained that the problem is that the original plan was required to be done in that manner by the Subdivision Committee. In other words, Mr. Phillips stated his plans, similar to what is shown with the exception that the cul-de-sac came straight down and curved around. The point is that Mr. Mitchell referred to Mr. Phillips and he agreed to it and it was considered by the Subdivision Committee and was required by the Committee to come into Mr. Mitchell's property. There are minutes pertaining to this agreement in an old file and it was definitely a requirement of the previous Subdivision Committee. He said that he is not saying that this is not good planning but since there was an agreement between them there should be a subsequent agreement between them to revise the plan.

Mr. Kinser stated that the Subdivision Committee was hoping that there would be some information from Mr. Mitchell but it was their opinion that if they could not get together that this plan should be approved.

Mr. Reeves said that the Subdivision Committee asked Mrs. Butler to be sure that Mr. Mitchell was aware of the subdivision and if he had any objections to bring it to the full Commission. He apparently went to the Planning Department and looked at the plan and was informed that it was to be discussed and therefore must have no objection and the letter should not be required.

Mr. Foxworth stated that he was not aware of the contact by Mr. Mitchell but if he has recently contacted the office and he will not give a letter, then it will be acceptable.

Mr. Watts advised the Commission that it was his understanding that the Subdivision Committee approved the revised plan at the last meeting. There was an oral agreement between Mr. Phillips and Mr. Mitchell to bring the cul-de-sac down as reported by the staff but this request for a change in the preliminary plan was a move on the applicant's part to change that preliminary through proper channels and this is the reason it was brought to the Subdivision Committee.

The Commission members discussed the preliminary with regard to the letter of agreement from Mr. Mitchell. They were of the opinion that this final plat should be accepted for filing and disapproved pending the items as indicated by the staff, with the exception of the letter of approval from Mr. Mitchell which should not be a requirement.

C8-69-64 Coronado Hills - Section 3--contd.

It was then unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CORONADO HILLS - SECTION 3 pending the required additional easements, fiscal arrangements, completion of departmental reports, annexation and a letter for the sidewalks.

C8-69-24 St. Edwards Heights - Section 4- Revised
Parker Lane and Woodward Street

Mr. Foxworth reported that there are several departmental reports still lacking as this is the first appearance of this final plat before the Commission and it is recommended that it be accepted for filing and disapproved pending completion of departmental reports. There is also another problem to consider in that the plat does not comply with the preliminary plan requirements for streets. At the Subdivision Committee meeting, the staff recommended a street to the north of the church tract which is the lot in question on the final plat. The engineer for the developer appeared at the Subdivision Committee meeting and presented some arguments against having the street in that location but agreed to have a street either on the north side or the south side of the tract, and as a result, the Subdivision Committee made that a condition of the preliminary approval. The City policy regarding a street where lots are being platted abutting the required street on a preliminary plat is that portion of the street has to be dedicated by the same plat. There are no streets other than Parker Lane shown on the plat. A letter has been received from Mr. Jeryl D. Hart, Engineer, co-signed by Mr. David Barrow stating that the Austin Corporation will develop a street at one of the alternate locations when further development on the west side of Parker Lane indicates the proper location. The problem is with regard to the statement in the letter pertaining to further development on the west of Parker Lane indicating the proper location. The staff feels that the proper location is either on the north or south side of the tract. Another problem is the fact that the property is already platted south of the garbage fill area which is located south of the subject site. The staff recommended that the street be located to the north because of the garbage fill area. The north line of Mr. Barrow's property is located about 100 feet north of the subject tract and because of these limitations, the location of the street was determined to be required adjoining the subject site either to the north or south.

The developer has indicated that he will commit himself to the street at some future date; however, the commitment has been determined by the Subdivision Committee and he is aware of the committee recommendations. The problem is that the final plat is being submitted for consideration and acceptance without the street at either location.

C8-69-24 St. Edwards Heights - Section 4 - Revised--contd.

The Commission agreed that the street should be provided on the north side of the tract because of the sanitary or garbage fill area on the south side and therefore

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of ST. EDWARDS HEIGHTS - SECTION 4 - REVISED, pending completion of departmental reports and with the provision for the street on the north side of the subject tract.

C8-67-82 Southridge - Revised
Clawson Road and Morgan Lane

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, fiscal arrangements, completion of departmental reports, annexation and a letter required for sidewalks. It was then unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of SOUTHRIDGE - REVISED, pending the requirements as indicated.

C8-69-72 Northcape - Section 3
Northcape and Hansford

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 fiscal arrangements, completion of departmental reports, annexation and a letter for required sidewalks. It was then unanimously

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

C8-69-75 Castlewood Forest - Section 3
Crownspoint and Castlewood

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. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CASTLEWOOD FOREST - SECTION 4, pending completion of departmental reports.

C8-69-49 Parson's Subdivision - Revised
Kramer Lane and Plains Trail

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and a letter required on the sidewalks.

C8-69-49 Parson's Subdivision - Revised--contd.

The Commission then unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PARSON'S SUBDIVISION - REVISED, pending the items as indicated.

C8-69-57 Springdale Hills - Section 4
Broadhill Drive

The staff reported that this is a final plat on the same property on which the preliminary was submitted two weeks ago where there were two rather large commercial lots on the corner of 19th Street and the street that goes into the subdivision. The staff had recommended that those lots be platted for residential. The Subdivision Committee approved all but the commercial portion of the subdivision and now the staff is recommending that the entire tract be accepted for filing and disapproved pending completion of departmental reports, annexation, letter on the sidewalks and a schmatic plan required on the balance of the tract to the west, due to the fact that the developer has agreed to and has submitted the final plat with all residential lots including the area shown as commercial on the preliminary plan. It was then unanimously

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

C8-69-82 ²³ North Park Estates - Section 3
Braker Lane and Plains Trail

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 the stub street. The Commission then

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

C8-69-65 Parker Heights - Section 1
Burleson Road and East Oltorf

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PARKER HEIGHTS - SECTION 1, pending the requirements as indicated.

ABSTAINED: Mr. Reeves

C8-69-83 Parker Heights - Section 2
Burleson Road and East Oltorf

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PARKER HEIGHTS - SECTION 2, pending the requirements as indicated.

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-69-126 Travis Howard Subdivision - Resub.
Springdale Road

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

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of TRAVIS HOWARD SUBDIVISION - RESUB., pending completion of departmental reports.

C8s-69-128 Elmhurst - Resub.
Summit Street and Taylor Gaines

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

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of ELMHURST - RESUB., pending completion of departmental reports.

C8s-69-130 Ridgewood Village - Section 1 - Resub.
Ridgewood Road

The staff reported that this is the first appearance of this short form plat before the Commission and recommended that it be accepted for filing and disapproved pending the required tax certificates. There is also a problem in that a variance is required on the signature of the adjoining owner. A letter has been received stating that the adjoining owner refuses to participate in the platting and the staff recommends that the variance be granted and that the short form plat be accepted for filing and disapproved pending the required tax certificates. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of RIDGEWOOD VILLAGE - SECTION 1 - RESUB., pending the required tax certificates and granting a variance on requiring the signature of the adjoining owner.

C8s-69-132 Community of Fairview - South 1st Street Section
Stassney and South 1st Street

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

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of COMMUNITY OF FAIRVIEW - SOUTH FIRST STREET SECTION, pending completion of departmental reports.

C8s-69-133 Annette Acres
Davis Lane

The staff reported that this is the first appearance of this short form plat before the Commission and there are several reports still lacking. There is also a variance involved on the width of lot 1 which presently has about 36 feet of frontage on the street but it is on a curved portion of the street and they are dedicating 10 feet for widening which brings the frontage to 46 feet. The staff recommends that the variance be granted due to the fact that the staff has requested and has placed on the plat a setback line at which point the width of the lot is in excess of 100 feet. The staff recommends that this short form plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form of ANNETTE ACRES, pending completion of departmental reports, and granting a variance on the width of Lot 1.

C8s-69-134 Thurman Addition
Emerald Forest and Turtle Creek

The staff reported that this was the first appearance of this short form plat before the Commission and there are several reports still lacking. There is also a problem involving the variance required to exclude the balance of the tract from which it came. The staff recommends that the variance be granted due to the fact that there is a preliminary plan on the balance of the tract that will be presented at the next Subdivision Committee meeting. It is further recommended that this short form plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of THURMAN ADDITION, pending completion of departmental reports and granting a variance to exclude the balance of the tract.

C8s-69-91 A. H. Neighbors Addition - First Resub.
Riverside Drive and Maxwell

The staff reported that all departmental reports are complete and all requirements of the Ordinance have been met on this short form plat but there is a variance required on the width of Lot 2-A. The staff recommends that a setback line be placed on Lot 2-A due to the fact that this is a lot where sanitary sewer is not available and the Ordinance requires a minimum width of 60 feet. The lot is a "L" shaped lot with 50 feet of frontage on the street which opens up wide to the rear. It is recommended that a variance be granted provided there is a setback line placed on Lots 2-A at the rear of the neck of the 50 foot portion of the lot. The Commission then unanimously

VOTED: To APPROVE the short for plat of A. H. Neighbors Addition - First Resub., granting a variance on the width of Lot 2-A provided a setback line is placed on the rear of the 50 foot neck.

C8s-69-129 Poole and Lane Subdivision
High Road and Ridgecrest

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

VOTED: To ACCEPT for filing and APPROVE the short form plat of POOLE AND LANE SUBDIVISION.

C8s-69-131 J. A. Bowles Subdivision
Leo Street

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

VOTED: To ACCEPT for filing and APPROVE the short form plat of J. A. BOWLES SUBDIVISION.

ADMINISTRATIVE APPROVAL

The staff reported that 10 short form plats have received administrative approval under the Commission rules. The Commission then

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

C8s-69-124 Kenray Corners
Guadalupe and West 45th Street
C8s-69-125 Colorado Hills Estates - Section 2 - Resub.
Crooked Lane

ADMINISTRATIVE APPROVAL--contd.

C8s-69-127	<u>Westover Hills - Section 3, Phase 4 - Resub.</u>
	<u>Silverarrow Circle</u>
C8s-69-86	<u>D. C. Noguez Subdivision</u>
	<u>Center Street and Birch Street</u>
C8s-69-90	<u>Johnston Terrace - Section 3</u>
	<u>Arthur Stiles Road</u>
C8s-69-101	<u>R. F. Jones Subdivision</u>
	<u>Winsor Road and Vista Lane</u>
+ C8s-69-110	<u>Highland Hills N.W - Chimney Corners Section</u>
	<u>Far West Blvd. and Chimney Corners</u>
+ C8s-69-116	<u>West Gate Commercial Resub.</u>
	<u>West Gate Blvd. and Western Trails</u>
+ C8s-69-121	<u>Wukasch Resub - Brackenridge Heights</u>
	<u>South Congress and Fredrick Street</u>
C8s-69-123	<u>Ponca Street Addition</u>
	<u>Ponca Street and Montopolis</u>

OTHER BUSINESS

R1410 ZONING ORDINANCE: Text Amendments
Zoning Classification of newly annexed land

The Director of Planning reported that the City Council has requested the Commission to consider an amendment to the Zoning Ordinance under which all annexation would take place under "AA" Residential zoning, and submitted the following proposals:

SUBJECT: PROPOSED AMENDMENT TO THE ZONING ORDINANCE RE: ZONING DESIGNATION OF NEWLY ANNEXED TERRITORY

In accordance with the request of the City Council for the Planning Commission to consider and recommend on an amendment to the Zoning Ordinance whereby newly annexed territory would be "zoned" as "AA" Residence, the following is submitted to you:

To amend paragraph E, Section 31 of the Zoning Ordinance to read as follows:

- E. All territory hereafter annexed to the City of Austin shall be classified in the "AA" Residence District, subject to the following:
1. Building permits and certificates of occupancy and compliance may be issued for all uses permitted in the "AA" Residence District subject to all of the requirements and regulations for this district.
 2. Building permits and certificates of occupancy and compliance for uses permitted in the "A" Residence District may be issued in a newly annexed territory upon authorization by the City Council in the following manner:

R1410

ZONING ORDINANCE--contd.

- a. The submission of a plan or subdivision plat showing the proposed "AA" Residence District and "A" Residence District uses, street widths and other pertinent elements such as topography, adjacent uses and non-conforming uses.
- b. The submission of an application for any use permitted in the "A" Residence District but not permitted in the "AA" Residence District. Said application shall show the use contemplated, the size of the lot or tract of land to be used and the location of and the size and type of building proposed to be constructed.
- c. The above described plan and application shall be submitted to the Building Official who shall forward copies to the City Clerk and the Director of Planning. The Director of Planning and the Building Official shall refer the plan and application, with any comments or recommendations, to the Planning Commission for consideration.
- d. The Planning Commission shall make its recommendation to the City Council after giving due consideration to the Master Plan of the City of Austin and such other detailed plans that are present for the area in which the application is located.
- e. The Planning Commission shall forward its recommendation to the City Council. The City Council may grant, deny or amend the application as the facts justify.
- f. The plan and application may be submitted to the City of Austin at any time prior to the hearing by the City Council upon the territory to be annexed by the City of Austin.

The Commission members briefly discussed the existing annexation policy and the proposal submitted by Mr. Osborne. All of the members were of the opinion that this matter should be further studied before a decision is made and a final recommendation to the City Council and therefore

VOTED: To consider the proposal at a later date.

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

Approximately 7 acres bounded on the south and east by West Duval Road and located approximately 400 to 600 feet west of Mo-Pac Railroad

Mr. Wayne Golden, Planning Coordinator, advised the Commission that Mr. E. U. Parsons is requesting a change in the Austin Development Plan from Low Density Residential to Manufacturing and Related Uses on approximately 7 acres of land bounded on the south and east by West Duval Road and located approximately

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

400 to 600 feet east of Mo-Pac Railroad. The existing development and land uses were pointed out, including the residential subdivision named Angus Valley located to the west of the application and along both sides of Duval Road. To the west of the Angus Valley Subdivision, fronting onto U. S. Highway 183 is Communications Research, a manufacturing concern. There is a 40 foot lane along the north side of the subject property. Along the south side of the request is the R. W. Hoover Tract, a portion of which is used for rock crushing. The development in and around the site is predominantly residential at this time.

The applicant proposes to build a plant for manufacturing electronic instruments and proposes to divide the tract into six other sites. He has indicated that there is a market for property suitable for his type of development. There are utilities available and the site is located in an area which will probably be served by the sewer line going to Texas Instruments. The water service which is available is primarily for residential type uses and not for a high volume water user. There may be a problem as far as providing adequate fire protection.

Mr. Osborne stated that the requested change is an extension of an existing designated area for manufacturing and related uses. He pointed out that at some time in the future there will be a problem for Duval Road and the Missouri-Pacific Railroad crossing as it is a very awkward crossing and is one that will have to be improved; however, there are no plans for this at the present time.

Mr. E. Parsons was present at the hearing and advised the Commission that he manufactures electronic instruments and has had a difficult time finding a suitable location for his business. He said that he is interested in taking the 7 acres and cutting them into different sites. His plans are for his plant and six additional sites. On the west side of the tract there will be a road put in to connect Duval and the County Road so that the site will be completely surrounded with access to the property. There will then be a dividing line from the north to the south with three parcels on each side.

Mr. Parsons presented a site plan and explained that he is asking for a planned development area which would not be a heavy industrial development as such, but would be restricted to light industrial uses where there would be no loud noises, odors, etc. His business operates eight hours a day and will be enclosed within a structure. The structures that are proposed to be erected for rental will essentially be steel buildings and there will be a park-like setting for the area through landscaping, off-street parking and fencing. The area will be well lighted and attractive. It is requested that the change be granted as this is a desirable location for the proposed use.

Two nearby property owners appeared at the hearing and stated that the primary concern of the people in the area is the water supply. They explained that

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

this is the old Travis-Williamson District Number 1 which the City purchased several years ago and the water pressure is not very great. They asked if the City would enlarge the existing facilities if the change goes through.

Mr. Golden explained that there would have to be negotiations if the water usage is beyond what would normally be for residential use.

Mr. Milstead asked if there is any restriction on the type of industry that can be located in this area if the Master Plan change is granted inasmuch as the site is outside of the City limits and not zoned.

Mr. Reeves asked the applicant if he would restrict his property to the uses as stated. Mr. Parsons indicated that there would be no objection.

Mr. Osborne advised the Commission that he recommended against the Planning Development provisions as the applicant's plans are too general at the present time and it involves several different possible uses as well as his particular use. The Planned Development provisions are usually worked out where there is a single-industry or a very clear cut plan. He stated that he could not recommend in favor of restricting the subject property unless there was some unique circumstances such as the site immediately abutting existing residential development. In this particular case the land that is adjacent to the site is designated as Manufacturing and Related Uses and there is no distinguishing feature between the sites to indicate that one is different from the other. The staff recommends that the change be granted without any restrictions on the site.

The Commission members briefly discussed the surrounding development and the proposal on the subject site. They were of the opinion that the request is a logical extension of an existing designated area and recommended that the request be granted. It was then

VOTED: To recommend to the City Council that the request to change the land use designation on approximately 7 acres of land bounded on the south and east by West Duval Road and located approximately 400 to 600 feet west of Mo-Pac Railroad from Low Density Residential to Manufacturing and Related Uses be GRANTED.

C10-69-1(t) STREET AND ALLEY VACATION

Park Street, Short Street, Dwarf Street, First Street, Dell Street (and the alleys in the vicinity) at Lake Austin Boulevard and Enfield Road

The staff reported that this request for the vacation of Park Street, Short Street, Dwarf Street, First Street, Dell Street and all the alleys in the vicinity adjacent to blocks 2 and 4 of the lake addition to the City of Austin is made by the University of Texas. The request has been circulated to the various City departments and they recommend in favor, subject to the retention

C10-69-1(t) STREET AND ALLEY VACATION--contd.

of the necessary water, electric and telephone company easements and dedication of right-of-way along Enfield Road from Exposition Boulevard to Lake Austin Boulevard to bring the right-of-way up to 80 feet. The Commission then

VOTED: To recommend that Park Street, Short Street, Dwarf Street, First Street, Dell Street (and the alleys in the vicinity) are adjacent to blocks 2 and 4 and the Lake addition be VACATED, subject to the retention of the necessary easements as indicated and right-of-way for Enfield Road as requested.

C10-69-1(u) STREET AND ALLEY VACATION

Whitis Avenue, West 25th Street and the alleys in the vicinity

The staff reported that this request to vacate portions of Whitis Avenue, West 25th Street and the Guadalupe Street alley from the north line of West 25th Street to the south line of West 26th Street is made by the University of Texas. The portion of Whitis between 24th and 25th Streets and a portion of 24th Street abutting this area has already been vacated. The staff recommends the vacation as requested, subject to the retention of the necessary easements, based on an agreement with the University that West 26th Street be increased to 90 feet and an understanding that the University has informed the owners north of the University of Texas property on Whitis Avenue.

Mr. Osborne stated that it is his understanding that the University has been in contact with the individual owners to the north of West 26th Street, and the church, and there is no objection to the vacation. The intention of the University is that the street will be left open in the foreseeable future.

Mr. Reeves said that in his opinion the Commission should not recommend in favor of vacation when the adjoining property owners are not notified. If it is to be vacated, the vacation should be subject to a letter or some agreement from the abutting property owners stating that they do not object.

Mr. Osborne advised that the City Council is meeting with Mr. Frank Erwin and other members of the Board of Regents and this will be one of the items discussed. He again stated that it is his understanding that there is no objection from the property owners and the staff is recommending vacation of the street.

The Commission members were of the opinion that the streets should be vacated subject to a substantive indication from the University that the adjoining property owners agree to the vacation and subject to the retention of the necessary easements. It was then unanimously

VOTED: To recommend that Whitis Avenue, West 25th Street and the alleys in the vicinity be VACATED, subject to the retention of the necessary easements and a statement from the University that the adjoining property owners agree to the vacation.

C10-69-1(v) ALLEY VACATION

Alley from Lavaca to Colorado Streets between West 5th and 6th Streets

The staff reported that this request to vacate the alley from Lavaca to Colorado Street between West 5th and 6th Streets is made by Mr. Richard Baker, attorney for the American National Bank, owner of the abutting property. The request has been circulated to the various City departments and the recommendation is in favor, subject to the retention of the necessary sanitary sewer, water department, electric department and gas company easements. The American National Bank is contemplating improvements on the total area in this block and is requesting that the alley be vacated. The easements will all be relocated within the alleyway prior to the commencement of construction. The staff recommends that the vacation be granted subject to the retention of the necessary easements. The Commission then unanimously

VOTED: To recommend that the alley from Lavaca to Guadalupe Streets between West 5th and 6th Streets be VACATED, subject to the retention of the necessary easements as indicated.

C10-69-3 RIGHT-OF-WAY POLICY

Consideration of revised right-of-way for subdivisions and zoning

SUBJECT: PROPOSED RIGHT-OF-WAY POLICY FOR SUBDIVISIONS AND ZONING CASES

The Arterial Committee of the City of Austin has worked with the present right-of-way policy for about one year and has had the policy under review for the past six weeks. The proposed revisions are intended to implement the development of a major and collector street system to handle the rapidly increasing traffic in and near the city, recognizing that the City participates substantially in the paving of existing streets and the subdivision of land (through the "refund" contract and payments for extra width rights-of-way). In addition, the City has adopted an Expressway and Arterial Street Plan in which the present indications are that the City will have to allocate substantial financial resources to the proposed expressways and the improvement of many existing streets and the development of many new streets. Without these new and improved streets and expressways, the growth of the city and its economic vitality may be hampered. Perhaps more importantly, public safety must be based on well-designed streets, driver training, safe vehicles and sound enforcement.

In addition, the recommendations are intended to recognize the relationship between private development and increasing street requirements without placing an undue burden on newly developing areas or existing areas that are undergoing increases in intensity of use.

PROPOSED RIGHT-OF-WAY POLICY

Note: This proposal has not been reviewed by the City Manager and has had only general review by the Law Department.

C10-69-3 RIGHT-OF-WAY POLICY--contd.

1. This policy would apply to all subdivisions and all zoning changes involving a potential increase in the intensity of use.
2. This policy would be administered by the City Manager or by such departments or Officers of the City designated by the Manager and by the Planning Commission in its considerations and actions.
3. Any appeal from the application of the provisions of this policy would be to the City Council by written request to the City Manager.
4. The following requirements would apply to the required dedication of right-of-way.

<u>Maximum Dedication Required*</u>	<u>In City***</u>	<u>Out of City**</u>
Major Street (expressway, arterial or collector)	90'	120'
Major Street on boundary of property (new street)	50' min./ 90' max.	50' min./120' max.
Widening of Existing Major Street	Additional right-of-way	Additional right-of- way not exceeding
Recommended.....	not exceeding 45'	60'
Alternate 1.....	1/2 of addi- tional right- of-way not exceeding 45'	1/2 of additional right-of-way not exceeding 60'
Alternate 2.....	Up to 15% of the average depth of pro- perty not ex- ceeding 45'	Up to 20% of the average depth of property not ex- ceeding 60'

* All requirements would be based on a line parallel to the proposed center line of the street or the equivalent area where the alignment or property lines were not parallel.

** Out of City: Property that is outside the City or that has not been on the tax rolls of the City of Austin prior to January 1st of the preceeding year.

C10-69-3 RIGHT-OF-WAY POLICY--contd.

*** In City: Property that has been on the tax rolls of the City of Austin prior to January 1st of the preceeding year.

5. Right-of-way to be acquired by the City, over and above the above described dedications, may be acquired by agreement or option between the subdivider or zoning change applicant for a period extending up to and including three years where defined as "In City". The time period for property defined as "Out of City" may be up to and including five years.
6. The proposed policy is recommended to be instituted as of January 1, 1970.

The Commission members agreed to further review the proposals before making a recommendation to the City Council.

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

Hoyle M. Osborne
Executive Secretary