

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- September 9, 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  
M. J. Anderson  
Jack S. Crier  
Bill Milstead  
Roger Hanks  
Alan Taniguchi  
Fritz Becker

Absent

Robert Kinnan

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of September 2 and 3, 1969.

Present

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

Also Present

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

\*Present only on September 2, 1969.  
\*\*Present only on September 3, 1969.

PUBLIC HEARINGS

C14-69-222 H. T. Baker: A to B (as amended)  
405-501 Kenniston Drive

STAFF REPORT: This is a request for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for a 78,740 square foot tract of land located on the south side of Kenniston Drive. The stated purpose of the request is for off-street business parking in conjunction with the four lots directly to the south of the site which are to be used by the Fox Theater. The land use in the area to the north of Kenniston Drive and to

C14-69-222 H. T. Baker--contd.

the east along Isabelle Drive is an older residential neighborhood with some scattered duplex dwellings. Directly to the south on Pampa Drive is the Fox Theater. Along Airport Boulevard and clustered around the intersection of Guadalupe and Airport Boulevard exists non-residential uses, light commercial uses, and service type uses along with one or two warehouses. There is a large vacant tract of land two blocks to the north of the subject property which is owned by the City of Austin. There have been no major changes in the neighborhood except for new uses which have occurred along Airport Boulevard. The zoning in the immediate area is "A" Residence which permits single-family and duplexes and commercial zoning of various intensities along Airport Boulevard including "C" Commercial, "GR" General Retail and "LR" Local Retail. The zoning pattern is changing on the interior of the neighborhood from "A" Residence to "BB" Residence with some "B" Residence along Guadalupe Street; however, very little development if any has occurred on the most recently granted "BB" Residence zoning changes in the area. The streets in the interior are minor residential in character with 50 feet of right-of-way to serve individual lots. Guadalupe Street is a 60 foot collector street which extends southward and Airport Boulevard is classified as a Major Arterial Street in the Master Plan.

The staff recommends that the requested zoning be denied as it is felt that the north property line of the existing "GR" General Retail district to the south (the rear property line of the lots under consideration) is the appropriate zoning break between residential and non-residential zoning. It is felt that to approve zoning along Kenniston Drive would be an intrusion into this neighborhood whether it is single-family, duplexes or apartments and once zoned, any use under the "O" Office district would be permitted.

Mr. Kinser asked if "B" Residence zoning would permit the parking. Mr. Lillie explained that "B" Residence zoning would permit parking and it is realized that there is a need for additional parking for the theater; however, "B" Residence zoning for the proposed use would open Kenniston Drive to commercial traffic which the street would not normally carry and the right-of-way is only 50 feet. It is recognized that the neighborhood is changing with regard to zoning but to grant "B" Residence zoning to permit parking, would allow the use of Kenniston Drive as access to the parking area. The staff recommends that "B" Residence zoning as well as the requested "O" Office zoning be denied.

## TESTIMONY

## WRITTEN COMMENT

E. B. Webb: 403 Swanee Drive

AGAINST

## PERSONS APPEARING AT HEARING

Edgar Jackson (representing applicant)

C14-69-222 H. T. Baker--contd.

## SUMMARY OF TESTIMONY

Mr. Edgar Jackson, representing the applicant and the Fox Theater, explained that "O" Office zoning was requested on the property under consideration, because of the fact that the four lots adjoining to the south and fronting onto Pampa Drive are zoned "GR" General Retail and it was felt that "O" Office zoning would be more compatible. The subject site as well as the four lots to the south are under contract and the restrictions call for the use of the eight lots as a parking area in conjunction with the Fox Theater. There is "B" Residence zoning to the west, as well as "LR" Local Retail zoning both of which enter onto Kenniston Drive. It is felt that the establishment of "O" Office zoning on the site would be a gradation in zoning and an extension down the street. The applicants will pave the property, fence the property, and do everything that should be done in order to protect the area. There are no commercial buildings planned on any portion of the property as it is to be a parking lot for the theater. It is felt that the requested zoning blends in with the existing "GR" General Retail zoning which permits a number of different uses. There will probably be one driveway going from the site into Kenniston but it should be realized that the "LR" Local Retail and "B" Residence zoning on property to the west also have access at the present time onto the street.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be inconsistent with the existing zoning and development in the area; however, they felt that "B" Residence, First Height and Area zoning is the appropriate zoning for the site and recommended that it be granted, subject to 5 feet of right-of-way for Kenniston Drive and a fence along the north, east and west side of the property restricting access from Kenniston Drive.

At the Commission meeting, Mr. Lillie advised the members that the staff has met with the applicants during the past few days with regard to the two conditions placed on the recommended "B" Residence zoning which were 5 feet of right-of-way for Kenniston Drive and a fence along the north, east and west sides of the property. In the discussions it was felt that if the lots were zoned "B" Residence and developed with the uses permitted in "B" Residence there would be no way in which to prohibit access to Kenniston Drive insofar as the apartment usage is concerned, therefore, it is felt that it may be requesting too much for fencing and right-of-way. There is "B" and "BB" Residence zoning existing in the area and because of this, the area will likely change to apartment usage and it would be more important to require right-of-way than fencing. There are certain methods in which the access to Kenniston Drive could be regulated, one of which would be a one-way in or one-way out drive which would limit the traffic and congestion generated by the parking use. The staff feels that the right-of-way requirement is valid but not the fencing.

C14-69-222      H. T. Baker--contd.

Mr. Jackson stated that he would like to amend the application to "B" Residence, First Height and Area with no restrictions. The area will be paved and used for business parking and a fence will be required on each side of the site. It should be pointed out that if the area is zoned "B" Residence and developed with apartments, the traffic could use Kenniston Drive for access without any restriction.

Mr. Baker was also present and agreed to dedicate 5 feet of right-of-way for the future widening of Kenniston Drive.

The Commission accepted the request to amend the application to "B" Residence, First Height and Area and concluded that the request as amended should be granted, subject to five feet of right-of-way for Kenniston Drive, as the appropriate zoning for the site. It was then unanimously

VOTED:      To recommend that the request of H. T. Baker for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 405-501 Kenniston Drive be GRANTED, subject to five feet of right-of-way for Kenniston Drive.

C14-69-223      Frank Newman: B to GR  
                  1315-1525 Town Creek Drive  
                  1314-1534 Tinnin Ford Road  
                  2000-2022 East Riverside Drive

STAFF REPORT: This is a request for a change in zoning from "B" Residence, First Height and Area to "GR" General Retail, First Height and Area on property containing 3.39 acres. The stated purpose of the request is for retail development. The land use in the immediate area includes very active apartment development to the north, east and west. There is commercial development along Riverside Drive and Town Lake is immediately to the north of South Lakeshore Boulevard. The zoning is predominantly "B" Residential, which is developing with apartments, with "GR" General Retail, "LR" Local Retail and "C" Commercial along Riverside Drive. To the east of Tinnin Ford Road is a drive-in grocery. The streets have 60 and 80 feet of right-of-way which is adequate for the proposed use. Riverside Drive, a major arterial street in the Expressway and Major Arterial Plan, is scheduled to be widened which will require 75 feet from the subject tract. The staff has no objection to the request but feels that it extends too far into the residential area. The night lighting and the traffic generation from the non-residential area would not be beneficial to the apartment development and it is recommended that the "GR" General Retail zoning be established only on that portion of the property which extends back to the rear of the second tract or approximately in line with the depth of similar zoning to the east and west, subject to the right-of-way of Riverside Drive being made adequate.



C14-69-223 Frank Newman--contd.

Another nearby property owner appeared in favor and stated that in his opinion the applicant's property is the minimum area required for a major food shopping center and it is felt that the request should be granted.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, provided Riverside Drive is made adequate, as the proper zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank Newman for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1315-1525 Town Creek Drive, 1314-1534 Tinnin Ford Road and 2000-2022 East Riverside Drive be GRANTED, provided Riverside Drive is made adequate.

C14-69-224 John Schoedel, Jr.: A to BB  
407-501 Swanee Drive

STAFF REPORT: This application covers four lots consisting of 32,850 square feet. The stated purpose of the request is for apartments. There is "BB" Residence zoning established to the east, north, west and south of the site. "LR" Local Retail zoning was granted on property at the intersection of Guadalupe and Kenniston Drive in 1961. Along the north side of Pampa Drive is "GR" General Retail zoning and to the south is the Fox Theater. The staff recommends that the requested zoning be granted subject to 5 feet of right-of-way for Swanee Drive which presently has an existing right-of-way of only 50 feet.

#### TESTIMONY

##### WRITTEN COMMENT

E. B. Webb: 403 Swanee Drive  
 H. T. Baker: Box 9280

AGAINST  
 FOR

##### PERSONS APPEARING AT HEARING

Lee Hello: 502 Swanee Drive

#### SUMMARY OF TESTIMONY

No one appeared on behalf of the request.

One nearby property owner stated that Swanee Drive is at the present time a dead-end street and he would be opposed to anything that would create heavy

C14-69-224 John Schoedel, Jr.--contd.

traffic because of the many children in the area. He said that he is not opposed to the zoning but only the traffic.

#### 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 the future widening of Swanee Drive, as it is consistent with the existing zoning in the area.

At the Commission meeting, the staff advised the members that Swanee Drive dead-ends to the east at the drainage ditch and is not a through street. In view of this, until there is a crossing of the drainage area, consideration should be given to controlling or limiting the high-density use of land to the lots which are close to Guadalupe Street, classified as a collector street. Approving a high-density classification on a street with only 50 feet of right-of-way and 30 feet of paving which dead-ends could present circulation problems. The staff requested that the Commission consider the dead-end situation with the thought of possibly restricting the increased density along that street until something can be done either by opening the street or requiring the development closer to Guadalupe.

Mr. Kinser and Mr. Reeves were of the opinion that the mistake of allowing the dead-end street was made by the Commission and the Council when the subdivision was put in many years ago. They felt that the request is logical and that the applicant should not be penalized for the existing situation. The other members agreed with Mr. Kinser and Mr. Reeves that the request should be granted; however, they recommended that the City Council consider putting a bridge on Swanee Drive when practical. After further discussion, it was then unanimously

VOTED: To recommend that the request of John Schoedel, Jr. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 407-501 Swanee Drive be GRANTED, subject to 5 feet of right-of-way for the future widening of Swanee Drive.

C14-69-225 Dr. Eugene W. Nelson & William B. Carssow: B to LR  
1900-1902 San Gabriel Street  
1000-1004 West 19th Street

STAFF REPORT: The property under consideration contains 19,560 square feet of land located at the northwest intersection of West 19th and San Gabriel Streets. The stated purpose of the request is for retail development. To the north of West 19th Street is a mixture of apartments, dormitories, single-family and duplex development. This is one of the primary residential areas for the University student population. To the south of 19th Street is single-family development along Vance Circle, San Gabriel, West 18th Street and Pearl Street. There are also one or two apartments, offices and a dormitory on West Avenue and West 19th Street. Along West 19th Street there is an office at the corner of Robbins' Place and the KHFI studio is established across

C14-69-225 Dr. Eugene W. Nelson & William B. Carssow--contd.

San Gabriel to the east. There is another office established across the street. A medical doctors complex and a pharmacy is located at the north-east corner of 19th Street and Pearl Street. The area is zoned "B" Residence north of 19th Street and "A" Residence south of 19th Street with the exception of a few tracts along 19th Street which are zoned "O" Office. San Gabriel Street is a 60 foot collector street and West 19th Street is an 80 foot Major Arterial street both of which are adequate at the present time; however, the paving of West 19th Street will be widened in the future. The staff feels that the existing "B" Residence or "O" Office zoning is the appropriate zoning for the site as it relates to the neighborhood and the zoning which has taken place in the past along 19th Street west of Rio Grande Street and recommends that the "LR" Local Retail zoning be denied as an intrusion of commercial zoning.

#### TESTIMONY

##### WRITTEN COMMENT

Marion B. Findlay: 910 West 19th Street	AGAINST
F. A. Matsen: 1800 San Gabriel	AGAINST
Ellen Clayton Garwood: 1802 San Gabriel	AGAINST
Sam G. Cook: Rt. 1, Box 16 Del Valle	AGAINST
Bonner McLane, President: Winn-McLane Association 901 West 19th Street	AGAINST

##### PERSONS APPEARING AT HEARING

William B. Carssow (applicant)	
Eugene Nelson (applicant)	
Frances De Bogory Horton: 1818 Vance Circle	AGAINST
Marion B. Findlay: 910 West 19th Street	AGAINST
Byron M. Nelson: 3919 Medical Parkway	FOR
Mrs. Eugene Nelson: 1900 San Gabriel	FOR
Mrs. St. John Garwood: 1802 San Gabriel	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Dr. Eugene Nelson appeared at the hearing and explained that he owns the corner lot and also the adjoining lot along with Mr. William B. Carssow. He said that he has lived on the site for the last 10 years and is very familiar with the problems in the area. The subject corner is not suitable for residential purposes because of the traffic along the street. The car count in 1968, indicated that there were approximately 14,030 cars traveling the street within a 24 hour period. San Gabriel is the only street which has traffic in both directions running from 19th Street beyond 24th Street. University student population is moving into this area because of the fact that the University is acquiring all the property from its present



C14-69-225      Dr. Eugene W. Nelson & William B. Carssow--contd.

location to the Interregional Highway, the Capitol complex is going to extend to 19th Street and Urban Renewal will take another area. Along West 19th Street there is scattered office development and a doctors office complex with a pharmacy. There is a natural barrier against this type of expansion to the north of the area by reason of the bluff above Lamar Boulevard so that the transition which is occurring is reflected in the fact that a number of students are now moving into this area and the usage would be difficult to change in the future. It is felt that the requested zoning would be more efficient for the area taking into account the developing student and other population, multi-unit apartments and heavy traffic loads going through the area. West 19th Street will be widened in the future and the traffic will increase even more. It is requested that "LR" Local Retail zoning be granted rather than "O" Office zoning as recommended by the staff because of the variety of uses which would be permitted under the "LR" Local Retail district. Retail uses are very restrictive under "O" Office zoning and if several units are developed, the number of tenants requiring an "O" Office use would be limited.

Mr. William Carssow was also present on behalf of this request and stated that the area is in transition and "LR" Local Retail would allow the best use of the property and at the same time reduce traffic much more than development permitted under "B" Residence zoning. It is recognized that the traffic is a serious problem but the requested zoning would not increase the problem. It is also realized that the interior area is one of the finest residential districts in the City but the fact remains that the subject site is outside of the residential area and is located on a very busy corner. There is "O" Office zoning along West 19th Street and also "C" Commercial zoning to the west toward Guadalupe Street. He further stated that in his opinion "LR" Local Retail zoning would be the highest and best use of the property to serve the University Area.

#### Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and explained that this is still a residential area that should not be violated with rezoning. There is a certain amount of tranquility existing in the area and the people should not be overburdened by an increase in a traffic problem which is already serious. If the change is granted, the burden of the traffic will only be increased. The property could be developed more appropriately with apartments. If "LR" Local Retail zoning is granted on the site, it will be piecemeal zoning as the surrounding area is almost entirely residential with the exception of existing "O" Office zoning and development. Traffic exiting from the site onto 19th Street could create a traffic hazard that could be avoided.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is inconsistent with the existing zoning and development in the area; however, they recommended that "O" Office, First Height and Area zoning be granted as the highest and best use of the site.

C14-69-225 Dr. Eugene W. Nelson & William B. Carssow--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Dr. Eugene W. Nelson & William B. Carssow for a change of zoning from "B" Residence, Second Height and Area to "LR" Local Retail, Second Height and Area for property located at 1900-1902 San Gabriel Street and 1000-1004 West 19th Street be DENIED but that "O" Office, Second Height and Area be GRANTED.

C14-69-226 Birnie Balke: A, 1st to C, 6th  
2817-2819 Manchaca Road

STAFF REPORT: This application covers one acre of land and the stated purpose of the request is for office development. All of the surrounding property is zoned "C" Commercial. To the north of the site is a roofing company, auto supply, service station and similar type uses. Directly to the south is a storage area. There have been several requests for "C" Commercial zoning on property to the east and south, all of which have been granted. "GR" General Retail zoning was established on property north of South Lamar Boulevard in 1956. Manchaca Road is classified as a Major Arterial Street in the Expressway and Major Arterial Plan and has an existing right-of-way of 80 feet which is adequate. The staff recommends that the request be granted as it completes the existing pattern of zoning along the east side of Manchaca Road.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Birnie Balke (applicant)

#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and explained that there is "C" Commercial zoning surrounding his property and in his opinion the site is no longer desirable for residential use.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

C14-69-226 Birnie Balke--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Birnie Balke for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Sixth Height and Area for property located at 2817-2819 Manchaca Road be GRANTED.

C14-69-227 Dan & Richard Stathos: B to C-2  
Rear of 5400 Jeff Davis Avenue

STAFF REPORT: The subject property contains an area of 4,200 square feet and the stated purpose of the request is for constructing a warehouse for storage of liquor, wine, beer and other beverages. The applicant owns the property immediately to the rear, fronting onto Woodrow Street. The frontage on Burnet Road is zoned "C-2" Commercial and developed with a liquor store and the proposal is to establish the warehouse on the rear of this property. Adjoining the property under consideration, fronting onto Jeff Davis Avenue, is a single-family residence. The area along Burnet Road is predominantly zoned "C" Commercial and developed with a mixture of intensive uses. There is apartment zoning and development to the east along Jeff Davis Avenue and "A" Residence zoning and development just to the north of the site. Jeff Davis Avenue is a minor collector street with 50 feet of right-of-way. The staff recommends that the requested zoning be granted as this is a well-defined and well-established commercial area.

Mr. Lillie explained that when there is a change to "C-2" zoning where the intensity of use of the tract has not changed, generally right-of-way is not required for a particular street; however, Burnet Road with an existing right-of-way of 60 feet is scheduled to be widened to 80 feet and as a result 10 feet of right-of-way will be required from the portion of the applicant's property fronting onto Burnet Road. Even though this does not effect the intensity of use on the subject site, the right-of-way could possibly be considered in conjunction with the zoning.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

E. A. Smart (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. E. A. Smart, representing the applicant, stated that the requested zoning is an extension of existing zoning and is solely for the purpose of extending the present facilities to property which is owned by the applicant.

C14-69-227      Dan & Richard Stathos--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 this is a well-defined and well-developed commercial area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Dan and Richard Stathos for a change of zoning from "B" Residence, First Height and Area to "C-2" Commercial, First Height and Area for property located at the rear of 5400 Jeff Davis Avenue be GRANTED.

C14-69-228      Jesse Mitchell:   LR to C  
6900-6902 Guadalupe Street  
600-604 Kenniston Drive

STAFF REPORT: This is a request for a change in zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area on a 22,500 square foot tract of land located at the northwest intersection of Guadalupe Street and Kenniston Drive. The stated purpose of the request is for a plumbing contractors storage. Directly to the east along Kenniston Drive is property being considered at this time for a change to "O" Office zoning for the purpose of off-street parking for the Fox Theater located south of Pampa Drive. A request for "B" Residence zoning is also being considered at this time on property to the east along Swanee Drive which indicates that the area is changing. The neighborhood is predominantly single-family with scattered duplexes. There are non-residential uses along Airport Boulevard and some light industrial uses abutting the subject tract. The zoning along Airport Boulevard is "LR" Local Retail, "GR" General Retail and "C" Commercial. The predominant zoning on the interior of the area is still "A" Residence permitting single-family and duplex development. Within the past few years there have been requests for "BB" Residence and "B" Residence zoning on property within the area, all of which have been granted. "C" Commercial zoning, established for a warehouse, is located directly to the south of the site. The staff feels that the existing "LR" Local Retail zoning is the appropriate zoning for the site and at this intersection. This more restrictive zoning provides a land use buffer between the more intensive commercial uses which have frontage along Airport Boulevard and the residential uses to the north and northeast of the site. To grant the request at this location would encourage zoning to the north along Guadalupe Street which is developed with duplexes and low density apartment usage. It is recommended that the request be denied.

#### TESTIMONY

#### WRITTEN COMMENT

Bennie L. Wylie:   603rd Civil Eng. Squad. P. O. Box      AGAINST  
1693 A.P.O. New York City, N. Y.

C14-69-228      Jesse Mitchell--contd.

Elmer L. Smith: 6904 Guadalupe Street

AGAINST

## PERSONS APPEARING AT HEARING

Jesse Mitchell (applicant)

Mr. &amp; Mrs. S. T. Whited: 6905 Guadalupe Street

AGAINST

Mrs. Elmer L. Smith: 6904 Guadalupe Street

AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request and explained that his son and nephew have a plumbing business and would like to use the subject site for storage of their equipment because of theft and because of the fact that it is more economical to buy in large quantities. They are presently using the site but a change in zoning is necessary. He explained that when he first purchased in the area ten or fifteen years ago there was just a bunch of old houses which are still established and there has not been a new single-family house established since that time. He said that the property adjoining "C" Commercial property on the west is developed with a wholesale operation. Directly in front of the site is another warehouse and a service station. A drive-in grocery store is established at the intersection of Airport Boulevard and Pampa Drive. There are also a number of duplexes developed in the area. Mr. Mitchell said that he would place a fence along the property line in order to shield the property but the property owner to the east has objected to a fence along the east side. There have been a number of changes granted in this area but new development has not occurred and it is requested that the zoning on the subject site be granted.

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and advised the Committee that there are enough businesses in the neighborhood now without adding another which would intrude into the residential area. The property is unsightly as the applicant already has plumbing supplies scattered all over the area and should be required to clean it up. There are a number of duplexes in the neighborhood and apartments are being built and it is felt that commercial zoning would be an intrusion.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential area; however, they recommended that "GR" General Retail, First Height and Area zoning be granted, subject to five feet of right-of-way for Kenniston Drive, as the appropriate zoning for the site.

C14-69-228      Jesse Mitchell--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jesse Mitchell for a change of zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 6900-6902 Guadalupe Street and 600-604 Kenniston Drive be DENIED but that "GR" General Retail, First Height and Area be GRANTED, subject to five feet of right-of-way for Kenniston Drive.

C14-69-229      Randolph A. Haynes, Jr.: Int. A, Int. 1st to B, 1st  
2412 Ventura Drive

STAFF REPORT: This site covers 10,904 square feet of land which is presently undeveloped. Adjacent to the subject site is property zoned for apartment development and the stated purpose of the request is to permit parking for the apartment development. "LR" Local Retail zoning was granted on property to the east along Burleson Road in 1968, and there is "B" Residence zoning and development established to the south along Mission Hill Drive and "GR" General Retail and Interim "A" Residence, Interim First Height and Area zoning along Ben White Boulevard. Ventura Drive is classified as a minor collector street with an existing right-of-way of 60 feet. The staff recommends that the request be granted as it conforms to the existing zoning pattern in the area.

#### TESTIMONY

#### WRITTEN COMMENT

Randolph A. Haynes, Jr. (applicant)  
 Leon Whitney: 4501 Ramsey Avenue  
 Robert F. Long: 3401 Santa Monica

FOR  
 AGAINST

#### PERSONS APPEARING AT HEARING

Gene Burchard (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Gene Burchard, representing the applicant, explained that there are final plans for the development of a 30 unit apartment complex on the "B" Residence property immediately to the east. The present design calls for the subject site to be used for parking for this complex. There has been considerable study on the plans with the architects in order to get the best and highest use for apartments, and with the requirements for parking, it is felt that the most feasible outlet for parking is on the subject site. In view of the fact that the area will be used for parking, there would be a requirement for a privacy fence from the south property line to the north property line which is not objectionable. The immediate surrounding area is developed with apartments.

C14-69-229      Randolph A. Haynes, Jr.--contd.

Mr. Reeves asked Mr. Burchard if there would be any objection to setting back 52 feet from the property line rather than erecting a fence. Mr. Burchard indicated that there would be 65 feet on the north and 52 feet on the south and this would be acceptable as long as the area can be used for parking.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and were cognizant of the fact that the site is to be used for a parking area in connection with the adjoining apartment development. They recommended that the request be granted subject to a setback to the exact dimensions of the lot.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Randolph A. Haynes, Jr. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at 2412 Ventura Drive be GRANTED, subject to a setback to the exact dimensions of the lot.

C14-69-231      Bill Milburn: Int. A, Int. 1st to B, 1st  
7403-7405 Langston Drive  
7490-7498 Ed Bluestein Boulevard

STAFF REPORT: This application covers 18,200 square feet of land which is presently undeveloped, and the stated purpose of the request is for providing a driveway easement. The immediate area to the south is being developed with single-family subdivisions. Lynridge Drive and Val Drive are predominantly undeveloped at this time but the remainder of the area is developed primarily with single-family units. Along Dubuque Lane and south of Susquehanna Drive is an elementary school site and to the north is a tract of land zoned "GR" General Retail. "B" Residence zoning was recently established on a tract of land fronting onto Ed Bluestein Boulevard and adjoining the north property line of the lots fronting onto Lynridge Drive, at which time it was the requirement of the Planning Department, the Planning Commission and the City Council that there be a common driveway easement extending from Dubuque Lane across the area zoned "B" Residence to connect with Langston Drive. The reason for this requirement is that Ed Bluestein Boulevard in this particular location has one-way frontage east and south, and it was felt that if uses were to develop on this particular frontage that there should be better circulation for the tract other than entering into the tract from Bluestein Boulevard and then leaving the tract on Bluestein Boulevard and having to turn east. It is felt that the uses of the "B" Residence area as well as the "GR" General Retail area to the east will be using Dubuque Lane and Langston Street as they are collector streets. Therefore, it was required that a common drive be established which would permit access from Langston Drive to Dubuque Lane to cross this tract without entering the travel lane of Bluestein Boulevard itself. Last month an "O" Office zoning

C14-69-231 Bill Milburn--contd.

request was considered on property at the southwest intersection of Bluestein Boulevard and Dubuque Lane, and it was the requirement of the staff and the Planning Commission that the driveway easements of approximately 30 feet in depth be located along the front property line along Bluestein Boulevard's right-of-way. In order to provide this common driveway easement, it is requested that the subject property be zoned "B" Residence which is the purpose of this application. There were several alternatives to this in that there are two lots under consideration. Both lots could be zoned "B" Residence or the corner lot could be zoned "B" Residence but the zoning is needed to provide for the common driveway easement across the tract already zoned. In view of this, the staff recommends that the request be granted.

## TESTIMONY

## WRITTEN COMMENT

Mr. & Mrs. Clair A. Carden: 7106 Langston Drive	AGAINST
Neville Lawton: 7300 Meadowood Drive	AGAINST

## PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
Mr. & Mrs. Ronald Tobin: 7102 Meadowood Drive	AGAINST
Mr. & Mrs. D. L. Boswell: 7107 Meadowood Drive	AGAINST
Mr. & Mrs. D. E. Vandenberg: 7203 Fred Morse Drive	AGAINST
Mr. & Mrs. Joe K. Bissett: 7210 Meadowood Drive	AGAINST
Mr. & Mrs. Gavin L. Douglas: 7211 Fred Morse Drive	AGAINST
Mr. & Mrs. S. J. Elskes: 7108 Langston Drive	AGAINST
Mr. & Mrs. Joseph W. Kondy: 7201 Fred Morse Drive	AGAINST
Mr. & Mrs. Andrew S. Halpern: 7106 Fred Morse Drive	AGAINST
Mr. & Mrs. William T. Hanley: 7207 Meadowood Drive	AGAINST
Mr. & Mrs. Scott C. Freeman: 3001 Lynridge	AGAINST
Mr. & Mrs. Sidney M. Pringle: 7203 Meadowood Drive	AGAINST
Mr. & Mrs. Rolf Stachowitz: 7302 Meadowood Drive	AGAINST
Mr. & Mrs. Neville Lawton: 7300 Meadowood Drive	AGAINST
Mr. & Mrs. Richard N. Anderson: 7301 Langston	AGAINST
Mr. & Mrs. Alf B. Rolfsen: 7208 Meadowood Drive	AGAINST
Mr. & Mrs. Dan Green: 7114 Meadowood Drive	FOR
Dick Fredrick: 7105 Fred Morse Drive	AGAINST
Michael Giblin: 7204 Meadowood Drive	AGAINST
R. K. Alguire: 7102 Fred Morse Drive	AGAINST
L. Harrold Salmon: 7105 Meadowood Drive	AGAINST
Col. Gordon W. Atkinson: 7006 Fred Morse Drive	AGAINST
William T. Fountain: 7009 Langston Drive	AGAINST
V. T. Van Sickel: 7101 Langston Drive	AGAINST
Bernie T. DeMent: 7303 Langston	AGAINST
John T. Sutphen: 3000 Val Drive	AGAINST
C. S. Story: 7107 Fred Morse Drive	AGAINST
Bill Grant: 7104 Fred Morse Drive	AGAINST



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Mrs. Roy Neidig: 7311 Meadowood Drive	AGAINST
James T. Taylor: 7109 Fred Morse Drive	AGAINST
Fred & Connie Howlett: 7207 Fred Morse Drive	AGAINST
Mrs. Frank P. Brown, Jr.: 7103 Fred Morse Drive	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Richard Baker, representing the applicant, explained that the zoning of this area started in February of this year at which time it was indicated that there should be a 30 foot common driveway to go from one street to the other at some point in this particular property. Last month an application for "O" Office zoning was filed on the corner property next to the "GR" General Retail district, and it was determined by the Commission that the 30 foot driveway should be in front of the property, either exactly adjacent to Bluestein Boulevard or back as long as it was toward the front depending on the layout. The request was filed on the two lots owned by the applicant for the purpose of flexibility in the event the driveway is not the exact 30 feet adjacent to Ed Bluestein Boulevard. If it is the desire of the Commission to zone only one lot this would be acceptable as the application was only filed to comply with the requirements of the Planning Department, the Planning Commission and the City Council. The applicant is subject to and will do whatever is the desire of the Commission in this regard. In relation to only the 30 feet for the easement, the applicant would like more flexibility than the exact 30 feet as this could effect the landscaping, etc.

In answer to objections from nearby property owners, Mr. Baker explained that the applicant would have no objection to leaving the two lots "A" Residential as they are now. The application was submitted as it was required by the Planning Commission and the Planning Department. The property went before the Subdivision Committee and the streets were laid out for development as it is, with "B" Residence zoning and it is not something that has been done without a considerable degree of planning. Traffic was taken into consideration by the Planning Department when they recommended the driveway easement.

## Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request and stated that when they purchased their homes in the area it was represented to approximately 80 per cent of the owners that this entire area would be developed residentially. They said that they were not aware of the fact that "B" Residence zoning was established on the property along Bluestein Boulevard and in their opinion the residential development along Lynridge Drive and Val Drive should be completed before development is undertaken on any of the property. They indicated to the Committee that they realize that there is a traffic problem because of the one-way frontage of Bluestein Boulevard but in their opinion a driveway across the site would not improve the situation. Several people objecting to the request discussed at length the amount of traffic and the hazards which would be created by a driveway and the proposed

C14-69-231      Bill Milburn--contd.

location and possible solutions to the problem. They indicated that there is objection to a change of this nature to provide for a driveway.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and discussed the existing and proposed traffic circulation in the area. They recommended that the request be referred to the full Commission pending further information and study by the staff with regard to the traffic situation.

At the Commission meeting, Mr. Lillie reported that the staff requested the Traffic and Transportation Department to look at this specific area with respect to traffic ingress and egress from Langston Drive to the west and Dubuque Lane to the east and in their recommendation, they felt that if an access drive is to be provided that the entrance to the two streets should be a minimum of 100 feet (they would prefer 200 feet) back from the intersection of the two streets with Ed Bluestein Boulevard. They suggested that in the submission and review of a special permit, the various City departments, the Planning Commission and the State Highway Department could review the ingress and egress from Bluestein Boulevard with respect to limitation of driveways. The staff has checked with the Highway Department and there is no guarantee that there will be a crossover at Dubuque Lane although there is one existing at Langston Drive and also Springdale Road. One of the concerns is that Bluestein Boulevard is one-way east and if there was not a way provided in which to get to the crossover there would be apartment traffic filtering back through the interior of the single-family area to get to the crossover at Langston Drive. The only other alternative open is to go to Springdale Road, make a U-Turn and then drive one-way west on Bluestein Boulevard.

Mr. Foxworth stated that a condition of the preliminary approval of the subdivision by the Subdivision Committee was that the access easement across the tract be provided on the final plat.

The Commission members were cognizant of the traffic circulation problems and were of the opinion that this request should be granted with the condition that a special permit be filed with the large tract to the east so that the location of the driveways can be controlled.

It was then unanimously

VOTED:      To recommend that the request of Bill Milburn for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at 7403-7405 Langston Drive and 7490-7498 Ed Bluestein Boulevard be GRANTED, with the condition that a special permit be filed with the large tract to the east so that the location of the driveways can be controlled.

C14-69-232      Paul E. Pressler: B to O  
304½ East 30th Street

STAFF REPORT:      This application covers 8,250 square feet of land and the stated purpose of the request is for storage, display and sale of books. There have been several requests for "B" Residence, Second Height and Area zoning within the area, all of which have been granted. There is "LR" Local Retail zoning to the west along Speedway which was granted in 1967. "LR" Local Retail zoning was also established on property to the south along Speedway and East 30th Street as a result of the Planning Commission area study. The land use in the area consists of apartment development east, west, north and south, a drive-in grocery across the street, and the "LR" Local Retail district. A dormitory is located on property adjacent to the east. East 30th Street is classified as a minor collector street with an existing right-of-way of 60 feet. The staff feels that the existing zoning is appropriate as related to the surrounding zoning and development and does not strongly object to the proposed application.

#### TESTIMONY

#### WRITTEN COMMENT

John Felter: 3008 West Avenue  
 Bess McCusston: 3002 Speedway

FOR  
 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 the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Paul E. Pressler for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 304½ East 30th Street be GRANTED.

C14-69-233      Jerry N. Wallace: Int. A, Int. 1st to GR, 1st (Tr. 1), GR, 1st (Tr. 2)  
                     Tract 1: 1620-1722 Rutland Drive      B, 3rd (Tr. 3) and GR, 1st (Tr. 4)  
                     Tract 2: 1214-1330 Rutland Drive  
                     Tract 3: Rear of 9512-10016 North Lamar Boulevard  
                     Tract 4: 9324-9730 North Lamar Boulevard

STAFF REPORT: This is a request for a change in zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area on Tracts 1, 2, and 4 and "B" Residence, Third Height and Area zoning on Tract 3. The stated purpose of the request is for retail development on Tracts 1 and 2; apartments on Tract 3 and retail on Tract 4. A map was presented showing the location of the site in relation to the street system and the surrounding development (attached). To the west of the site is an area which is designated in the Master Plan as manufacturing and related uses. To the southwest at Burnet Road and U. S. Highway 183 is a smaller area which is designated as light industrial in the Master Plan and to the northeast on North Lamar Boulevard is another area which is designated as light industrial in the Master Plan. Single-family subdivisions to the north of U. S. Highway 183 and west of Lamar Boulevard include Country Air, Quail Creek, Peyton Place, Quail Creek West, and Wooten Village. Single-family subdivisions to the north of the site include Neans Place, North Meadows, White Plains and Meyers Addition. These have either been recorded and are developing or are in the planning stages. The dashed streets that are indicated within Quail Creek West, Peyton Place, and within the area of the subject application are proposed subdivision layouts for single-family development under the "A" Residence district which would allow the duplex development. Surrounding land use which relates to the subject tract includes a tier of commercial zoning, and land use along Research Boulevard (U. S. Highway 183) and along North Lamar Boulevard. The most recent zoning was approved on 30 acres last month immediately to the south of the subject site on North Lamar. On the north side of U. S. Highway 183 north and west of Peyton Gin Road to the industrial district are areas which have been zoned or proposed for "GR" General Retail and "B" Residence zoning. As a result of the above described Master Plan designations, locations of existing major streets, and locations of non-residential zoning and land use, an inner core area for low-density residential development is being created. There are four future arterial streets which will serve this core area. Rundberg Lane with 90 feet of right-of-way is proposed east-west connecting I. H. 35 on through to the industrially designated land on the west along the south boundary of the subject tracts. A north-south 70 foot right-of-way arterial street is proposed along the east side of the industrial district. A third arterial street of 70 feet right-of-way will divide the residential core area extending from Braker Lane on the north to Rundberg Lane on the south. The fourth arterial street is Braker Lane which will extend east-west to connect I. H. 35 with Mo-Pac Boulevard. The staff's effort is to assist in the continued development of the neighborhood to provide a residential neighborhood which is bounded by arterial streets and served by the non-residential uses on the fringes. In the subdivision which is part of the subject site, the staff and Subdivision Committee indicated concern about the developer's proposed major arterial street of 120 feet of right-of-way. The staff recommended that the street have 60-70 feet of right-of-way. The Committee recommended 70 feet of right-of-way. There was also concern at the Subdivision Committee meeting with respect to land

C14-69-233      Jerry N. Wallace--contd.

use designation on the proposed plan submitted by the developer as it related to surrounding uses.

It is generally felt that the application as submitted is too intensive and in relation to that the staff recommends that "BB" Residence zoning be considered on Tract 1. Because of the industrial area to the west this area is probably better used with low-density apartment use. It is felt that a compatible zoning in use would be "BB" Residence zoning on the west side of Rutland Drive. With respect to Tract 2, which falls generally in the center of the development, the staff feels that it should be zoned "A" Residence which would permit single-family and duplex development. Thirty acres of "GR" zoning exists only one-fourth mile to the east on Lamar Boulevard. It is recognized that the north-south street is a 70 foot major arterial street but it will function more as an internal collector street because it terminates on the north at Braker Lane and on the south for all practical purposes, at Rundberg Lane. The interior of the neighborhood should not be encroached upon by commercial zoning. The applicants have requested "B" Residence, Third Height and Area zoning for Tract 3 which is apartment zoning and would permit 80 units per acre and buildings to a height of 120 feet. The staff recommends that "A" Residence be established on this particular tract. The area is within the developing low-density residential core area and should be compatible. Density proposed would permit about 8,000 units. Utilities and streets are designed for low-density development. The staff recommends on that portion of Tract 4 south of Rutland Drive, between Rutland Drive and Rundberg Lane, that "GR" General Retail be established from Lamar Boulevard back to Walnut Creek and "A" Residence on the remainder of the portion. On that portion north of Rutland Drive it is recommended that "GR" General Retail zoning be established as requested. The primary reason for the staff's recommendation is that a low-density neighborhood is developing in the core area and that this development should be protected from the encroachment of higher density land use.

A preliminary plan has been submitted by the developer for the entire 440 acre tract, including single-family development between Tracts 1 and 2. Strip commercial development should be discouraged within the neighborhood. This will happen because of the uncommitted land within the area if the request is granted. The staff cannot support the application. It is felt to support higher density uses on the interior would be to subject existing and future residential property owners to land use intensities which they should not have to live with in the acquisition of a home. Several requests for changes in the Master Plan permitting manufacturing uses on Braker Lane have been denied by the Commission because of the relationship of the existing adjacent subdivisions.

#### TESTIMONY

#### WRITTEN COMMENT

None

C14-69-233      Jerry N. Wallace--contd.

## PERSONS APPEARING AT HEARING

Jerry Wallace (applicant)  
Arthur E. Pihlgren (representing applicant)  
Isom Hale (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Isom Hale, engineer for the applicant, explained that he is involved in the planning stages of the development of the subject property and has been involved in other development within this community for a long time. He described the relationship of the proposed zoning to the existing major arterial streets and subdivisions through the south and north. He pointed out the thoroughfare system being proposed for the subdivision and the requirements suggested by the Subdivision Committee and the Planning Commission. The plans for the proposed subdivision will be revised to reflect the requirements of the Subdivision Committee.

Mr. Hale pointed out the general area proposed for commercial use within the Subdivision and their relationship to major arterial streets planned for this area of the City and their relationship to anticipated commercial activities nearby. He felt that justification for the retail uses on Tract 1 was the nearness of industrially designated land in the Master Plan. The apartment zoning is requested in the area adjacent to major arterial streets and the requested "GR" General Retail zoning and Little Walnut Creek. He stated that it is not proposed to use the density permitted under Third Height and Area. Approximately 200 of the 440 acres of the total area is being requested for zoning and it is expected that the remaining 240 acres will be developed under "A" Residential zoning and a portion of this area is already being reviewed by the Planning Commission for single-family zoning.

There was considerable discussion by members of the Committee and the applicant, Mr. Hale and Mr. Arthur Pihlgren, also representing the applicant, concerning the proposed plan for the entire 440 acres. The members felt that the plan as submitted did not have adequate detail to give them enough guidance with respect to making a recommendation to the Planning Commission and requested that a more detailed plan be submitted at the Planning Commission meeting.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, Mr. Lillie explained that the Committee, Commission and the staff is required monthly to review individual requests by individual people for individual pieces of land and then in turn must try to fit the individual pieces into a total picture. The attempt in this area is to look at the total 440 acres owned by the applicant, of which only 200 acres is requested

C14-69-233      Jerry N. Wallace--contd.

for zoning, and to relate these proposals to the neighborhood which is being developed through subdivision and the City's Expressway and Major Arterial Plan.

Mr. Lillie presented a schematic plan of the area and pointed out the industrially designated land in the Master Plan, the existing and proposed subdivisions, zoning and development and street plans. He stated that it is the staff's opinion that the zoning as requested on the 200 acres under consideration is too intensive for the neighborhood and it extends too deep into what is considered a low-density single-family neighborhood which is being created within the industrial-commercial uses to the north, east and west. While it is felt that there is some validity to some of the zoning it is requested that the application as submitted be amended. The staff's recommendation on Tract 3 was "A" Residence. Since last week members of the staff have discussed the possibilities of "BB" Residence and would now like to change the recommendation on Tract 3 to "BB" Residence, First Height and Area zoning on that portion north and east of Walnut Creek. This recommendation is conditioned on the submission of a plan and subject to 12 units per acre.

Members of the Zoning Committee requested the staff to put together figures which would compare the acreage which is being proposed by the applicant. Under the proposal by the applicant as well as the staff on the total 440 acres, it is estimated that 20 per cent of the area would be used for streets which is about 90 acres. Under the applicant's proposal, 102 acres or approximately 23 per cent of the area would be used for "GR" General Retail, whereas under the Planning Department recommendation the area would be reduced to approximately 30 acres or five per cent. The applicant has requested "B" Residence zoning on approximately 93 acres and under the Planning Department recommendation this would be amended to "BB" Residence on approximately 100 acres which would be 23 per cent of the total area. The "A" Residence district under the applicant's plan would be approximately 155 acres or 36 per cent of the total area whereas under the Planning Department recommendation it would be 220 acres or 50 per cent of the total area. The "GR" General Retail district under the applicant's proposal at 25 per cent land coverage would permit over one million square feet of building space and under the staff's recommendation this would be reduced to approximately 300,000 square feet of building coverage if it were all developed with commercial use. It is felt that under the applicant's plan it is very likely that some of the 102 acres requested for "GR" General Retail zoning would not be used for commercial use and would therefore add to the number of apartment units that could be developed under the plan. It is estimated that approximately 4300 units would be permitted under the "B" and "A" Residence zoning under the applicant's plan which is just a little more than twice what could be built under the staff's recommendation.

Mr. John Selman, attorney for the applicant, presented a map of the area and explained that he has discussed this application with Mr. Wallace and they have spent several hours reviewing and discussing it with the Planning Department in order to try to come up with an overall plan of development. The applicants propose to amend the application and will submit it in writing when the acreage is broken down. He requested an amendment to that which was

C14-69-233      Jerry N. Wallace--contd.

originally submitted by the applicant which included "GR" General Retail and "LR" Local Retail, "B" Residence and "BB" Residence, First Height and Area. Mr. Selman explained that the amended application has been submitted under the gradation theory of zoning being that there is industrial on the west, "GR" and business zoning on the south along North Lamar Boulevard. The western one-half will remain "A" Residence and the "BB" zoning will be a gradation between industrial on the west and "A" on the east. The area between the creek and the proposed 90 foot collector street is for all practical purposes a triplex area because of the 90 foot street. The area to the east of the portion which has been subdivided is to remain "A" which can be developed in duplexes and townhouses. The two tracts at the intersection of the 90 foot collector street and the 70 foot arterial street is requested for "LR" Local Retail development as a convenience center. "B" Residence is requested for the area to the east of the 90 foot collector street and the north property lines of the proposed Rundberg Lane. This area is completely changing because of IBM and other industrial development which has occurred. It is realized that the requested zoning would permit a number of apartment units but there will also be a number of homes developed in the "A" Residential area and the mixture of zoning and development is occurring in almost every new section being developed in Austin. Mr. Selman referred to the Business Review Report which points out that the mode of living is changing from single-family to apartment living and the latest computations show that Austin and Houston are the two leading centers in percentage increase in apartments. The trend is toward apartment living. From January to June, 1969, the value of apartment units in dollars was \$32,429,000 whereas last year during the same period it was \$16,671,000. The percentage change was 95 per cent. The number of units constructed during the period from January to June, 1969, was 2893 and during the same period last year it was 1800. Inflation of building costs is rapidly decreasing the number of \$15,000 homes built.

Mr. Selman presented illustrations of a type of development similar to the one that is planned by the applicant and stated that under the "B" Residence, First Height and Area zoning approach 29 or 30 units per acre can be anticipated. It is realized that there is a large amount of area under consideration for apartment development and under the developers plan there could be 18 to 20 apartments per unit which would give privacy and a homelike atmosphere which is the current trend. There is great competition for the apartment business and the development with the most privacy, the largest area and the most for the money is an apartment development that will be rented. This is one of the fastest developing areas in the City of Austin for apartments and if the development is restricted to 12 units per acre only duplexes would be permitted. The way the property is laid out will make a tremendous area of development and living.

Mr. Taniguchi stated that he cannot understand how 440 acres can be so casually planned. He said that in his opinion there will be some problems that have occurred previously when people buy in an "A" Residential area expecting that the entire area will be developed in the same manner and then find at a later date they did not know what will be developed next to them. A piece of land of this size should have some pre-planning as to why one or another zoning classification should be designated.



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Mr. Osborne stated that this is a situation where there is a request for a large amount of apartment development within an area which has been predominantly developing with residential. The basic starting point of consideration should be the Master Plan, the reference to the development which has occurred in the area and the fact that there is existing single-family residences within this particular block of land and the progress of streets and utilities being put in and houses being constructed. The density situation in this particular area does not warrant the large amount of apartment development and there should be a better balance between the apartment development and the single-family development principally through the lowering of density. As a zoning issue, the large amount of land in relation to density and certain location issues should be considered which is one of the reasons the staff has suggested "BB" Residence, First Height and Area with the limitation on the number of units. To grant the zoning as requested by the applicant would give the developer a fair degree of latitude to develop a large number of apartment units by a detailed plan. The staff feels that this is an area without a specific plan in that there is not an arrangement of general layout which can be considered. It is suggested that if at all possible a general layout set of plans that begins to allocate not just land area but by blocks an arrangement for buildings and the relationship of the approximate coverage being considered.

The Commission members discussed the applicant's proposal as compared to the staff's, in relation to the surrounding and proposed development. The majority of the members felt that the application should be amended to request "LR" Local Retail zoning at the intersection of the 90 foot collector and 70 foot arterial streets; "GR" General Retail, First Height and Area along North Lamar Boulevard north of the extension of Rundberg Lane; "BB" Residence, First Height and Area on the area between the "LR" Local Retail and "GR" General Retail area; "BB" Residence, First Height and Area, restricted to 12 units per acre on a small area southwest of the "LR" Local Retail; the area to the west of and adjacent to the 70 foot arterial street south of the creek "A" Residence and the area in Tract 1 be recommended for "BB" Residence, First Height and Area. After further discussion it was therefore

VOTED: To recommend that the request of Jerry N. Wallace for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (Tr. 1) "A", "BB" at 12 units per acre and "LR" Local Retail, First Height and Area (Tr. 2) "BB" Residence, First Height and Area at 20 units per acre (Tr. 3) and "BB" Residence, First Height and Area at 20 units per acre and "GR" General Retail, First Height and Area (Tr. 4) for property located at (Tr. 1) 1620-1722 Rutland Drive; (Tr. 2) 1214-1330 Rutland Drive; (Tr. 3) Rear of 9512-10016 North Lamar Boulevard; and (Tr. 4) 9324-9730 North Lamar Boulevard be GRANTED.

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

C14-69-234      Rev. J. L. Brice: A to O  
                    2902 East 12th Street

STAFF REPORT: This application covers 6,500 square feet of land and the stated purpose of the request is for a commercial building. To the west of the tract is public school property and to the north and east is predominantly single-family and duplex development. There is "A" Residence zoning predominantly to the south of East 12th Street and east of Hargraves Street with the exception of the "C" Commercial zoning at the southwest intersection of East 12th Street and Hargraves Street. There is also "C" Commercial and "B" Residence zoning further to the east and south of East 12th Street. West of Hargraves is a large area belonging to the City of Austin which is zoned "E" Industrial, and is used for a service yard. "LR" Local Retail zoning is established on property immediately adjoining the site to the west and also on property further to the east along East 12th Street. The Glen Oaks Urban Renewal Project is located to the southwest of 12th Street and Hargraves Street. The proposed Crosstown Expressway is scheduled through the area and East 12th Street, classified as a future expressway, has an existing right-of-way of 60 feet. The staff feels that the zoning as requested is appropriate and recommends that the change be granted.

#### TESTIMONY

##### WRITTEN COMMENT

None

##### PERSONS APPEARING AT HEARING

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Reverend J. L. Brice for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 2902 East 12th Street be GRANTED.

C14-69-235      Chas. Morrison, John D. Byram, Roberta P. Dickson: Int. A, Int. 1st  
4501-4715 East Riverside Drive      to BB, 1st

STAFF REPORT: This application covers three tracts of land totaling approximately 176 acres, located south of East Riverside Drive and east of the proposed extension of Pleasant Valley Road. Tract 1, fronting onto East Riverside Drive contains 96 acres; Tract 2 adjoining Tract 1 to the south and west contains an area of 80 acres and Tract 3, fronting onto Riverside Farms Road contains an area of 4,000 square feet. The stated purpose of the application is for apartment and related uses development. Directly to the west of Tracts 1 and 2 and west of the proposed Pleasant Valley Road, the City had a request for a change in the Master Plan earlier this year from low-density residential to medium-density residential which was granted by the City Council. Last month there was a similar request on the subject area now under consideration at which time the Commission recommended the change for a depth of approximately 1,000 feet from Riverside Drive and from the west property line for medium-density and the remainder of the area for low-density residential. The Council granted medium-density on the entire area but requested that at least ten per cent of the area be set aside for open space within the total tract. This would be developed in conjunction with an overall development plan for the total area. Immediately to the north and west is a large apartment complex which is developing north of Riverside Drive. Directly to the north of Riverside Drive there is very large acreage of approximately 500 to 600 acres which is still undeveloped. Immediately to the east of the subject tracts is Riverside Farms which is an older suburban residential development located along Riverside Farms Road, and a subdivision which has developed only along the frontage of Riverside Drive immediately to the north of Tract 1. As previously mentioned the total area was recently approved by the City Council for medium density residential development. The area is within the City limits and the request is in conformance with the Master Plan designation. The staff recommends that the request for "BB" Residence zoning be granted on Tracts 1 and 2, but requests that Tract 3 should be deleted as it would be an intrusion into the existing residential neighborhood. It is the staff's understanding that the primary purpose of Tract 3 is to provide access to Riverside Farms Road either by driveway or some future street; however, an attempt is usually made to orient traffic from higher density areas to major arterial streets rather than to a minor residential street. Riverside Drive is classified as a major arterial street and is scheduled to be widened which will require additional right-of-way from the subject site.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Robert C. Sneed (representing applicant)  
Ferdinand Williams (planner for applicant)

Cl4-69-235 Chas. Morrison, John D. Byram, Roberta P. Dickson--contd.

#### SUMMARY OF TESTIMONY

Mr. Robert C. Sneed, attorney for the applicants, adopted the report by the staff and requested that the application be amended to withdraw Tract 3 which was not recommended. The staff correctly stated that the purpose of Tract 3 was for access purposes and at this time they would like to eliminate from the application any controversy over the matter of access. Mr. Sneed advised the Committee that they met at length with Mr. Osborne reviewing with him the plans. Those present were Mr. Byram, Mr. Morrison, and Mr. Ferdinand Williams discussing the planning which has been done in connection with the tract of land. He said that in regard to Riverside Drive it is recognized that the street will have to be widened and the applicants will formally submit in writing a letter offering to dedicate to the City the reasonable land necessary for that widening. The matter of the green belt area has been discussed at length with the City Council and at this point it is the recommendation of Mr. Williams that it not be tied to the ground specifically by metes and bounds exactly what the location should be but that the matter should be handled in the manner of providing a restrictive covenant running for the benefit of the City of Austin providing that 10 per cent of the property will be used for open space area exclusive of parking area. This is a difficult instrument to draw but an attempt will be made to have a draft before the Commission meeting next week, with the idea that it can be amended by action of the governing body of the City so that when it is tied down to a specific place the plan can be taken to the Planning Department, reviewed and then whatever amendment if any is to be made, can be approved by the City Council, but in the meantime so far as Mr. Byram and Mr. Morrison are concerned they would have committed in writing an enforceable contract. This would comply with the discussions by the City Council. There are political problems which exist in that the property is located within the Del Valle School system which creates difficult problems for development of the property for residential purposes.

Mr. Sneed introduced Mr. Williams and advised the Committee that he is the planner for the area and served for ten years as the Assistant Director of Planning for Houston commencing in 1948, and since that time has served as a planner and has done many projects in Houston and other areas where there have been large acreages developed for multi-housing usage. In addition, he has been employed by the Humble Oil and Refining Company and is the planner for the 30,000 acre Clear Lake City development near the NASA site. He is also the planner for the joint venture of Humble Oil and Refining Company and the King Ranch in the 15,000 acre Kingwood City which is also a private city which is being developed.

Mr. Ferdinand Williams explained that there are many problems due to the topography of the particular site and the existing thoroughfare plan in the area both with Pleasant Valley Road and this section of Riverside Drive which is planned as a modified expressway. He stated that there is a major drainage that cuts right through the property that drains several thousand acres through the site to Town Lake as well as a gully which drains another 300 acres. In addition there is a power company easement running at an angle through the property. Another problem is Oltorf Road which is a major thoroughfare planned out to the intersection of Pleasant Valley Road. He said that it is their feeling

C14-69-235      Chas. Morrison, John D. Byram, Roberta P. Dickson--contd.

because most of the area is going to densities higher than normal single-family that probably the extension of Oltorf into this area to be able to handle the traffic and feed it into I. H. 35 would be needed. There is a necessity to accommodate the thoroughfare through the property.

Mr. Williams presented a basic proposal for the site and stated that the primary access problem to the property relates to Riverside Drive. Tentatively the Riverside Drive Expressway will terminate after it crosses Pleasant Valley Road but if it is extended further as an expressway the plan will still work. The basic problem is the intersection of the roadway that will serve the property under consideration which occurs at a point of approximately 800 or 900 feet east of Pleasant Valley Road which indicates that the intersection is at a point which creates great difficulty as far as traffic goes. Because of this, an alternate plan was developed which would retain Pleasant Valley Road as a thoroughfare but modify the interchange to add an additional primary road to the property which will eliminate the intersection problem and tie the 176 acre tract along with other land that is developing to the south into the interchange where it will have a complete interchange with the freeway and work into Riverside Drive in a much more efficient manner. The overall planning has been terminated at this point from the City. There is still some doubt as to which plan will be followed and this is in the process of being worked out. Once it is resolved, the final plan will be submitted to accommodate the property.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to withdraw Tract 3 from the application. They reviewed the information presented and concluded that the request should be granted as it conforms to recently established Master Plan designation for the area and subject to right-of-way on East Riverside Drive to be determined by Public Works.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Chas. Morrison, John D. Byram, and Roberta P. Dickson for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area for property located at 4501-4715 East Riverside Drive (Tracts 1 and 2 as amended) be GRANTED subject to right-of-way on East Riverside Drive to be determined by Public Works.

ABSTAINED: Mr. Hanks

C14-69-236      Henry Wetzel, Jr.: A to B  
906 West Mary Street

STAFF REPORT: The subject property contains an area of 7,800 square feet and the stated purpose of the request is for residential apartments as permitted

C14-69-236 Henry Wetzel, Jr.--contd.

under the requested zoning. Land use in the area is predominantly single-family residential and scattered duplexes with the exception of the "C" Commercial zoning established at the intersection of South 5th and West Mary Streets which was developed with a drive-in grocery, washateria, etc. and "B" Residence zoning adjoining the "C" Commercial to the west and also to the southeast. "B" Residence zoning is also established at the southwest intersection of South 4th Street and West Mary. A request for "B" Residence, First Height and Area zoning is pending on property to the north at the corner of West Annie and South First Street. West Mary Street is classified as a neighborhood collector street with an existing right-of-way of 60 feet. The staff recommends that the request be granted as the appropriate zoning for the site.

## TESTIMONY

## WRITTEN COMMENT

A. F. White: 1207 Alta Vista  
Frank McBee, Sr.: 913 West Mary

AGAINST  
FOR

## PERSONS APPEARING AT HEARING

John Selman (representing applicant)

## SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, explained that this is an older area which has been revitalized because of the new post office. There is "C" Commercial as well as "B" Residence zoning existing to the west and there have been other "B" Residence zoning changes granted within the past several years. It is felt that the requested zoning is justified and will blend in with the neighborhood.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Henry Wetzel, Jr. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 906 West Mary Street be GRANTED.

C14-69-237      Estelle Lang & Anna Birdwell: Int. A, Int. 1st to B, 1st  
3300-3306 Manchaca Road

STAFF REPORT: This is a request for a change in zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for a 1.5 acre tract of land fronting onto the west side of Manchaca Road. The stated purpose of the application is for a nursing home as permitted by the requested change. The land use in the area is predominantly single-family and duplex dwellings. To the west is a trailer park and apartments. To the east and south is an office and a drapery shop. The zoning in the immediate area is predominantly Interim "A" and "A" Residence. There is "LR" Local Retail zoning to the south and "B" Residence zoning to the east. To the north along State Highway 20 there is a large area which is zoned "C" Commercial. "GR" General Retail zoning exists to the west. Manchaca Road, classified as a major arterial street in the Expressway and Major Arterial Plan, has an existing right-of-way of 80 feet. The staff recommends some consideration be given to the depth of the proposed zoning because of the unusual shape of the tract, and also recommends that the request be granted as the appropriate zoning for the site.

#### TESTIMONY

##### WRITTEN COMMENT

None

##### PERSONS APPEARING AT HEARING

John Selman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, explained that a prospective purchaser has an option to buy the property under consideration subject to zoning for the purpose of a nursing home. The site is not very far from Airport Boulevard and this is a logical area for a nursing home and it would offer a good buffer between the residential area and the commercial businesses established along Airport Boulevard.

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 Estelle Lang & Anna Birdwell for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at 3300-3306 Manchaca Road be GRANTED.

C14-69-238      Westgate Square, Inc.: BB to C  
Tract 1: 4620-4642 West Gate Boulevard  
4651 Sunset Trail

STAFF REPORT: This application covers two tracts of land located along West Gate Boulevard. Tract 1 contains an area of 2.72 acres and Tract 2 contains an area of 1.62 acres. The stated purpose of the request is for commercial development as permitted under the requested zoning. A letter has been received from the attorney for the applicant requesting that Tract 2 be deleted from the application. Immediately to the east and southeast of the site there is Interim "A" Residence, Interim First Height and Area and "BB" Residence, First Height and Area zoning which is developed with duplexes and apartments. To the immediate west in the direction of U. S. Highway 290 there are two large vacant undeveloped tracts both zoned "C" Commercial. The area to the south along Sunset Trail is within the Sunset Valley City limits. When the application was filed, the staff had some concern in that the area zoned "C" Commercial was still undeveloped and does include a very large area. The staff has discussed the request with the attorney for the applicant and there is a possibility that Tract 1 will be developed with the large tract to the northeast between Tract 1 and U. S. Highway 290. It is felt that the extension of "C" Commercial zoning through Tract 1 would be logical. It is also felt that in connection with that zoning, and it has been submitted in a letter by Mr. Selman, that a fence should be provided along the rear property line which adjoins the residential lot which fronts onto Sunset Trail. There is also a possibility that five feet of right-of-way will be required from the tip of the site for Sunset Trail, a minor residential street with only 50 feet of right-of-way, because of the existing zoning which has occurred on the large tract to the north. It is recommended that "C" Commercial zoning as requested be granted on Tract 1. The existing "BB" Residence zoning on Tract 2 which has been withdrawn from the application would serve as a buffer for the protection of the area along Western Trails Boulevard as it extends into the neighborhood.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

John Selman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, explained that at the time he submitted the application, Tract 2 was not sold. Since that time it has been purchased for a church site. The two large "C" Commercial tracts are owned by H. E. B. and they are in the stages of planning development because of the large amount of ground in the area. The area to the south and along Sagebrush Trail is developed with fourplexes. Mr. Selman stated that he has tried to convince Mr. Butt to purchase Tract 1 but he would like to have the



C14-69-238      Westgate Square, Inc.--contd.

area zoned "C" Commercial. He further indicated that he would amend the request to give the right-of-way necessary on Sunset Trail. It is recognized that there will have to be fencing and Tract 2 is a perfect buffer between the other "BB" Residence zoning. It is requested that the application be granted as it is a logical extension of existing zoning.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to withdraw Tract 2 from the application. They reviewed the information presented and concluded that the requested "C" Commercial zoning is appropriate for the site and recommended that it be granted, subject to a 25 foot building setback line on the west and south side of Tract 1 and subject to 5 feet of right-of-way for Sunset Trail.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Westgate Square, Inc. for a change of zoning from "B" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at (Tr. 1) 4620-4642 West Gate Boulevard and 4651 Sunset Trail be GRANTED, subject to a 25 foot building setback line on the west and south of Tract 1 and subject to 5 feet of right-of-way for Sunset Trail.

C14-69-239      Nash Phillips-Copus: Int. A, Int. 1st to B, 1st  
Rear of 7100-7126 Highway 290 East  
7032-7058 Highway 290 East

STAFF REPORT: This is a request for a change in zoning on 10.6 acres of undeveloped land, to "B" Residence, First Height and Area zoning for the purpose of building multi-family dwellings. This area is within the Coronado Hills development which is bounded by U. S. Highway 290 on the south, Cameron Road on the west and U. S. Highway 183 on the north. The subdivision is developing immediately to the west of the subject tract with single-family development, although there are still portions backing up to the creek along the edges of the subdivision, which are still undeveloped. For the most part, Coronado Hills Subdivision is single-family in character. The tracts immediately to the north of the site toward the creek and U. S. Highway 183 and east of Walnut Creek adjoining U. S. Highway 290 are undeveloped and are still outside the City limits. There have been a number of requests for rezoning within the area during the past year, two of which were requests for "BB" Residence zoning on property to the south of Coronado Hills Drive. Both have been granted but are pending for right-of-way reasons. The subject property was a part of the application for zoning to the south at which time the Commission recommended that "BB" Residence zoning be granted only for that portion from Coronado Hills Drive north to the creek and that the site now under consideration, be deleted from the application. The applicants agreed to

C14-69-239 Nash Phillips-Copus--contd.

accept "BB" Residence zoning on the portion recommended by the Commission and to delete the subject site. A plat has been submitted on the area immediately to the west of the subject site and a proposed street would give access to the subject site on the west. Shelbourne Drive, also to the west, adjoins the site. The primary concern by the staff is that if the property is rezoned for apartment use it would be desirable to terminate any access to the minor residential streets. In other words, it is felt that there should not be any apartment generated traffic using the minor residential streets. All access should be from the south through the tract which is already zoned "BB" Residence. The staff does not support the request for "B" Residence zoning because of the granting of "BB" Residence to the south but could support a request for "BB" Residence zoning on the site if access to streets to the west were terminated.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

W. T. Williams, Jr. (representing applicant)

## SUMMARY OF TESTIMONY

Mr. W. T. Williams, Jr., representing the applicant, stated that they are willing to accept the "BB" Residence zoning as recommended by the staff. He said that they would prefer to have access from the streets to the west of the tract although it is possible to cross the deep draw with a pipe and some fill in order to provide access from the south. The draw that runs through the area is about 150 feet wide and about 30 to 40 feet deep and it would cost a considerable amount of money to cross it. Hollowbrook Drive, which is the street immediately to the west of the tier of lots adjacent to the tract already approved for "BB" Residence zoning, has been widened to 60 feet and it is felt that the access that would be provided by that 60 foot street and the extension of Shelbourne Drive into the tract should be adequate to provide the circulation necessary to take care of the traffic generated by the density permitted under "BB" Residence zoning. Pebblebrook and Shelbourne Drives could both be extended and widened to 60 feet so that there would then be two 60 foot streets tying in with Brookhollow Drive which ties into Coronado Hills Drive, another 60 foot street.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they recommended that "BB" Residence, First Height and Area zoning be granted subject to no access into the residential area to the west with access provided from the south to Coronado Hills Drive.

C14-69-239 Nash Phillips-Copus--contd.

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 Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at the rear of 7100-7126 Highway 290 East and 7032-7058 Highway 290 East be DENIED but that "BB" Residence, First Height and Area be GRANTED, subject to no access into the residential area to the west with access provided from the south to Coronado Hills Drive.

C14-69-240 R. E. Black: A to B

Tract 1: Rear of 1407-1409 Broadmoor  
1411-1421 Broadmoor  
Rear of 1423-1611 Broadmoor  
Tract 2: 1512-1522 East 51st Street

STAFF REPORT: This application covers two tracts of land with a total area of approximately 12.5 acres. The stated purpose of the application is for building multi-family dwellings. Tract 1, consisting of 9.9 acres is located to the rear of Tract 2 and has limited frontage onto Broadmoor Drive and Berkman Drive. Tract 2, consisting of 3.08 acres fronts onto East 51st Street. The land use in the area immediately to the north of the site and north of the creek is single-family. Immediately to the west of Tract 2 there are very large deep lots which are developed with single-family homes on the frontage. To the east of Tract 2 is a large undeveloped tract which is owned by the City of Austin and across Berkman Drive is Bartholomew City Park and Playground. Across 51st Street is the Municipal Airport. The zoning in the area is predominantly "A" Residence with the exception of "BB" Residence zoning which is established to the west along East 51st Street. There is a pending request for "BB" Residence zoning on Tract 2 which was subject to an avigation easement.

It is felt that there was an error in the writing of the field notes for the application in that it was the intent not to include the two lots on Broadmoor Drive in the request. It is the staff's understanding that the field notes follow the rear property lines of the two lots along the east property line of the lot closest to the creek. It is felt that consideration should be given to possibly amending this application because of the pending request on Tract 2 which was approved by the Planning Commission and the City Council earlier this year and is subject only to the granting of the avigation easement. It is also recommended that the application be amended to "BB" Residence zoning, which can be supported by the staff, on that portion of the area south of the creek and that "A" Residence zoning be retained on the area north of the creek fronting onto Broadmoor Drive so that there is no access to the apartment area from Broadmoor Drive as it is a minor residential street serving single-family residences.

C14-69-240 R. E. Black--contd.

## TESTIMONY

## WRITTEN COMMENT

Walter Ohlendorf: 1418 Broadmoor	AGAINST
George A. McMahan: 1423 Broadmoor	AGAINST
Mr. & Mrs. Jack Vanripper: 1420 Broadmoor	AGAINST

## PERSONS APPEARING AT HEARING

W. T. Williams, Jr. (representing applicant)	
Mrs. Jack Vanripper: 1420 Broadmoor	AGAINST
Walter Ohlendorf: 1418 Broadmoor	AGAINST

## SUMMARY OF TESTIMONY

Mr. W. T. Williams, representing the applicant, explained that they did not intend to include the two lots fronting onto Broadmoor Drive as a part of the application. The field notes were late and the application had to be filed before the zoning deadline. There is no objection to omitting the area between the creek and Broadmoor Drive. It is a fairly large area and it would be extremely difficult to get access from this point. Access is proposed from East 51st Street. Mr. Williams explained that they would like to have the area to the north of the creek and to the southwest of the two lots which should not be included in this application, as it would permit more area for density purposes. There is no way that a structure could be built on that particular area but it could possibly be used for a green area. He said that the applicant would also prefer to have "B" Residence zoning on Tracts 1 and 2 rather than "BB" Residence as recommended by the staff. This would allow a much higher density although it is doubtful that the maximum number could be developed because of the topography of 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 denied; however, they recommended that "BB" Residence, First Height and Area zoning be granted for the site, with the exception of the area to the north between the creek and Broadmoor Drive which should remain as "A" Residence.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of R. E. Black for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at (Tr. 1) rear of 1407-1409 Broadmoor, 1411-1421 Broadmoor, the rear of 1423-1611 Broadmoor and (Tr. 2) 1512-1522 East 51st Street be DENIED but that "BB" Residence, First Height and Area zoning be GRANTED for the site with the exception of the area to the north between the creek and Broadmoor Drive which should remain as "A" Residence, First Height and Area.

C14-69-241      John T. and Mitzie Davis: C to C-2  
400-410 West 17th Street  
1700-1708 Guadalupe Street

STAFF REPORT: The property under consideration contains an area of 17,792 square feet which is developed with a restaurant. The purpose of the request is to establish a restaurant with on-site consumption of alcoholic beverages. The land use in the area is mixed, consisting of the YMCA, restaurant, apartments and service stations to the north; various commercial businesses to the east and south, and offices and apartments to the west. The Telephone company is located on the block to the south of West 17th Street. The zoning to the northeast and south of the site is predominantly "C" Commercial, Third Height and Area, and to the west is "O" Office. "C-2" Commercial zoning exists at the intersection of West 6th Street and Lavaca and also to the north along Guadalupe Street. Guadalupe Street, classified as a major arterial street, has an existing right-of-way of 80 feet and 17th Street, classified as a commercial collector street, has 60 feet of right-of-way. The staff recommends that the request be granted as this is a well-defined and well-established commercial area.

#### TESTIMONY

#### WRITTEN COMMENT

Miss Emilie Limberg	FOR
Walter Wukasch & Edna Swiedom: 403 W. 19th	AGAINST
Howard P. & John H. Steinle, Jr.: 2700 Oakhurst	AGAINST
Mrs. H. E. Duff: 1718 Lavaca	FOR

#### PERSONS APPEARING AT HEARING

Wm. Terry Bray (representing applicant)  
 John T. & Mitzie Davis (applicants)

#### SUMMARY OF TESTIMONY

Mr. Terry Bray, representing the applicants and the leasee of the property, explained that the site is presently zoned "C" Commercial and is developed with an old house which has been remodeled into a restaurant. They have applied for and are now processing an on-site liquor permit in order to serve beer and wine with meals that are being served in the restaurant. He stated that they have an old antique bar which was built some 80 or 90 years ago and brought from St. Louis that they are using as a serving bar. The bar has generally been screened both from access to the general public as well as from sight in order that the use would be permitted under the existing zoning but they would like to have the bar exposed as much as possible to public view as it is very attractive and highly decorative. There is no intent presently to use the bar to serve alcoholic beverages to patrons. The alcoholic beverages will be dispensed from the bar in the sense that the waitresses will pick them up and take them to tables and other serving areas but no customer will be permitted to go to the bar.

The subject site has been used in the past for the Federal Fish Hatchery operation and the structures on the northwest corner are those buildings which were used by the Federal Government staff in servicing the activities. There is now proposed on the site a clinic, housing for the elderly and similar uses, including an 8 and 15 story tower which is the reason for the Fourth Height and Area zoning. After checking with the Planning Department staff and the Building Inspector, it was felt that "C" Commercial zoning would provide that zoning which is most flexible to permit the uses that will be included in the actual facility itself. It may be that the uses in the proposed development could go in under "B" Residence, "LR" Local Retail or "GR" General Retail zoning but at the moment because the full details are not known, it was

C14-69-242      Austin Geriatrics Center, Inc.--contd.

suggested that the application be for "C" Commercial, Fourth Height and Area. The distance from Haskell Street to the nearest building on the site is approximately 380 feet; from Waller Street to the nearest building is approximately 435 feet; the distance from Festival Beach or the City of Austin's land from the south to the nearest building is approximately 110 feet; and there is a distance of approximately 108 feet from the single-family structures within the experimental housing development to the nearest building.

The primary orientation of the buildings will probably be toward Town Lake to the south. The primary orientation for access purposes is also to the south which presents a problem in that the road to the south which serves Festival Beach is an undedicated park road. There was considerable discussion with Parks and Recreation and the City Council with respect to dedication of the park road in the Major Arterial Plan and it was finally determined that the road which is at the top of the bluff would remain as a park road. There may be and will have to be primary access from either Waller or Haskell Streets as the alternate to the access to the road through Festival Beach. Haskell Street at the present time has 40 feet of right-of-way which will have to be widened to 60 feet. The entire 20 feet should come from the subject site. The tracts on the south side of Haskell Street are large and there is an offset at Lambe Street which would line up by increasing right-of-way from the south side of Haskell Street. Waller Street has an existing right-of-way of 57 feet and 3 feet of additional right-of-way would be requested from the subject site in order to bring the street to standard. Comal Street is 60 feet wide and additional widening would not be required. The staff feels that "C" Commercial zoning on the interior area or that portion of the area to be used for building sites should be granted as well as the "B" Residence, First Height and Area zoning which serves as an approximate 80 foot buffer confining the "C" Commercial to within the tract. It is estimated that the building coverage on the 26 acre tract is approximately 10 per cent or less of the area amounting to approximately two or three acres. The staff would recommend that more restrictive zoning be placed on the tract if it is determined that "C" Commercial is not needed. If the residential facilities are in separate structures, a special permit will be required.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

Richard Baker (representing applicants)  
 Pedro Perez: 1407 Holly Street  
 John Trevino  
 Mrs. Olga Schneider: 1500 Travis Heights

AGAINST  
 AGAINST  
 AGAINST

Cl4-69-242      Austin Geriatrics Center, Inc.--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Richard Baker, representing the applicants, explained that the Austin Geriatrics Center, Inc. is a non-profit corporation organized under the Laws of the State of Texas. The subject property was owned by the United States Government and was used for a fish hatchery for many years. When they abandoned the use as a fish hatchery, the proposed project was conceived. Sometime ago the land in question was given to the Austin Geriatrics Center for the purpose of creation of the facilities which are now proposed to be constructed thereon. The financing of this facility will be under the Federal Housing Administration under one of their specific loans and the estimated cost of the project is \$8½ million and the loan will be for that amount.

Mr. Baker explained that he is not fully familiar with the basis on which the grant was made from the United States Government to the applicant as his association with them has been relative to the zoning application. As far as the applicants are concerned there is no objection to the requested right-of-way which would be 20 feet on Haskell and 3 feet on Waller Street; however, it will, of course, have to go to the Board of Directors. The applicants are only authorized to do what the grant would authorize and it may be necessary to go through the Federal Government for authority to grant the right-of-way but whatever steps are necessary will be taken to comply with the right-of-way requirements. It is recognized that there is a problem with the roadway through Festival Beach and it is possible that there will have to be further consideration of the road as a result of the proposed project. From the design layout, the Festival Beach roadway is the proposed entrance to the center when it will be completed. This was done for a number of reasons, the primary reason being to try to keep the traffic out of the residential area where it will open into public land. It is not anticipated that there will be a large volume of traffic in and out of the facilities. It is possible that because of the problem of dedication with the road at Festival Beach that the road would have to be relocated. In view of the fact that the proposed structures are not fully connected, there will probably have to be an application for a special permit before construction commences at which time the entrance would have to be approved wherever it is located. If the road as proposed cannot be worked out, it is hoped that the entrance can be moved to Haskell Street in some form or other bringing it as close to the intersection of the subject property and Haskell as possible to avoid diverting anymore traffic than is absolutely necessary down this street. It is the intent to have only one entrance into the center, and everyone will come in and out of the same entrance save and except that small portion of the area where the existing buildings are and the entrance that now exists will remain for the utilization of those buildings.

The "C" Commercial, Fourth Height and Area zoning was filed because there are time problems trying to get the exact locations of the buildings which may or may not have to be moved during the procedure. The proposal has been discussed with the staff of the Planning Department and Building Inspector's Office in order to come up with the zoning which is necessary for the construction



C14-69-242      Austin Geriatrics Center, Inc.--contd.

of the proposed facilities and with the least complications and they recommended that the application be filed for "C" Commercial, Fourth Height and Area. The reason the buffer was limited to 80 feet was because of the location of the buildings as they exist to the east and the fact that it is felt that "B" Residence zoning should not extend into what was to be a structure to be erected. There would not be any objection whatsoever to confining the "C" Commercial, Fourth Height and Area zoning to building location once it is known where the buildings are to be located, as it is not the applicant's intent to come back at a later date and add additional facilities.

Mr. Reeves asked if there would be any objection to granting the zoning by restricting the land coverage. Mr. Baker stated that there should not be a serious problem with restricting the land coverage if it is a concern of the Commission; however, the applicants have to file with the Federal Housing Authority a certification that the zoning is such that the buildings can be erected.

Mr. Baker presented a photograph of a model which has been built and the proposed layout showing the existing development on the site, the surrounding area and the development which is proposed on the site and advised the Committee that plans and specifications have been submitted to the F.H.A. He explained that the applicants intend to rework and landscape some of the existing fish ponds which will be utilized by the people who live on the site so that it will give them recreational facilities within their own tract. Mr. Baker pointed out the location of the existing structures on the northwest corner of the site, the one story single-family and multi-family structures for elderly people, the eight story apartment complex, consisting of 122 units, the 15 story apartment complex, consisting of 241 apartment units, the 168 bed nursing home and the community clinic which will be a complete facility for in and out-patient treatment, composed of three doctors, x-ray equipment, and laboratories. He explained that there is no hospital as such within the total facility but the out-patient clinic will be for treating the people in the living accommodations and the people in the nursing home. The area which starts between the two highrise structures going back toward Haskell Street is a common housing facility which includes the restaurant, lounge, chapel and administration facilities. The parking will be all within the immediate area of the facilities that will be constructed and will more than meet the requirements of the City. It is the intent of the applicant as this is a pilot project in part to try to do it not only architecturally well but to landscape it and leave a lot of open space and to provide a rare facility for this part of the country for elderly people. There will be a facility where anyone can live but they will have to meet certain low income requirements.

**Arguments Presented AGAINST:**

A number of people appeared in opposition to the request and indicated that the primary opposition is because people in the area have worked for ten years to get the subject site for the relocation of Palm School and requested that the application not be granted so as to give the people more time to continue their work toward the school site.

Cl4-69-242      Austin Geriatrics Center, Inc.--contd.

Mr. John Trevino, member of the Model Neighborhood Council Number 1 in this general area, appeared in opposition to the request. He explained that the residents of this area are alarmed at what has taken place and as mentioned, the transaction between the government and the private corporation is questionable and is something that is quite a surprise. The residents of this area have been complaining for many years about the deplorable conditions of Palm School and it was only after considerable citizen participation that the School Board conceded that a new school was needed. It is also known that the School Board visited the area and indicated that without question the subject site would be the best place for Palm School as it is within the boundaries of the area which the school will serve and it would be a place that would create no dislocation problems. Much to the surprise of the residents it is found that someone else is taking over the property. There is no question about the merits of such a structure and operation and it is commendable that a non-profit corporation would go into this type of venture, but it should not be in this neighborhood. It is possible to locate in another area. There is also a question on the priority of land use. The attorney for the applicant indicated that the Austin Geriatrics Center is a non-profit low income facility; however, members of the Model City's Commission were told that a very small percentage of the residents of the community would be subsidized by the government. It is felt that the proposal will take the land needed for the school site which will be developed with a project that would not benefit the people in the area. Last year before the City Council entered into the contract with HUD for the Model Cities Planning Grant, the people in the area had a series of neighborhood meetings to discuss the possibilities through Model Cities and one of the things that came from the discussion was the possibility of the subject site being developed with an educational park. The Head Start and Day Care Program are very important and the site is an ideal location for the establishment of an educational park for these facilities as well as Palm School, in that it would be located in an area which would serve the most people. An educational park would be something that the entire city could be proud of. It is understood that because of the land that has already been contracted to the applicant that the School Board has to look for an alternate site and it has been indicated that it would be right in the middle of the residential district which means that it will displace people, which has not been given enough consideration. This is one of the oldest communities in the City and a lot of people have a tendency to look at it as a low income area but the people have been there for so long that they have paid a lot of money in taxes. The residents have been faithful to the City Council and City Government and they should look at the residents of this area and the residents of this area should now be given the same consideration by the City Government.

Mr. Milstead stated that it is his understanding that the subject tract belongs to the Federal Government and asked if there has been a commitment by the government that the land would be used for a school. Mr. Trevino stated that there was not an actual commitment but the people were led to believe that the land could be used in this manner, and they have worked for it a long time.

C14-69-242      Austin Geriatrics Center, Inc.--contd.

Arguments In REBUTTAL:

Mr. Baker advised the Committee that he does not know how it came about that the tract was given to the applicants; however, it has been before various agencies of the government and was decided that the proposed project is the best development for the site. If the Committee and Commission denies the request on the basis of giving the people of the area another chance to get the land it may deprive the City of Austin and the Austin Geriatrics Center from ever becoming a reality. This matter has been through a series of Federal agencies and the government has given the land to the applicants and are well aware of the activities and what is proposed on the site. It is felt that the use is consistent and that it would be a project that would benefit not only the citizens of Austin but the entire State. It is requested that the application be granted and if for some reason after the request is granted the Federal Government should then decide and reverse its decision that this land should go to the Austin Geriatrics Center and the land should revert to the Federal Government there will be no damage; however, if the request is denied then the Austin Geriatrics Center failed as a result of a lack of zoning and the City will be deprived of an \$8½ million structure that would be an asset. The subject property is isolated enough so that the project does not create any problems or take away from the area and would in fact be a good addition to the City and is a logical change for this particular area.

Mr. Reeves stated that in his opinion the relocation of Palm School is a very serious problem and discussed with Mr. Baker and the architect for the proposed development the possibility of relocating the structures so that room can also be provided on the site for Palm School.

Mr. Baker stated that the proposal comes under a specific program and it does not include land for a school site. This would have to go through the government and it would take approximately 18 months or more before anything of this nature could be worked out if it is possible. The government intended for the entire tract to be used as indicated and it is requested that the application be granted.

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. Reeves advised the members that he has discussed with Mr. Baker, attorney for the applicants, and several people involved with the Austin Geriatrics Center, Inc. the possibility of relocating the proposed structures to the west with the possibility of using a portion of the site for Palm School. He said that he was advised that after the subject site becomes the ownership of the non-profit corporation that they would be willing to work with the people in the area in anyway they could to see how the proposed structures could be relocated and possibly part of the land designated as school property. In view of this, the Commission felt that the request should be

C14-69-242      Austin Geriatrics Center, Inc.--contd.

granted subject to 20 feet of right-of-way for Haskell Street and three feet of right-of-way for Waller Street, as the highest and best use of the land and unanimously

VOTED: To recommend that the request of Austin Geriatrics Center, Inc. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Fourth Height and Area (Tr. 1) and "B" Residence, First Height and Area (Tr. 2) for property located at 23-41 Waller Street, rear of 41 1/4-49 3/4 Waller Street, rear of 1201-1205 Haskell Street, 1207-1409 Haskell Street, rear of 1501-1511 Haskell Street, rear of 36-56 Comal Street and 22 1/2-34 1/2 Comal Street be GRANTED, subject to 20 feet of right-of-way for Haskell Street and three feet of right-of-way for Waller Street.

C14-69-243      Chris Crow: GR to C  
7740-7752 Ed Bluestein Boulevard

STAFF REPORT: The subject property consists of 36,000 square feet of land which is presently undeveloped. The stated purpose of the request is for uses consistent with the requested zoning. The land use in the area to the south and west is predominantly single-family residential. To the north and west is the intersection of U. S. Highway 290 and U. S. Highway 183. The zoning in the area consists of "GR" General Retail immediately to the east, south and west of the site including the subject site which was granted in 1969, and Interim "A" Residence, Interim First Height and Area further to the east. A request for "O" Office, First Height and Area zoning is pending on property to the east fronting onto U. S. Highway 183. U. S. Highway 290 and U. S. Highway 183 are both classified as major arterial streets and both have a car count in excess of 6000 cars per day. The staff feels that the requested zoning is appropriate and recommends that it be granted.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)  
 James Crow: 959 Reinli

FOR

## SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, stated that a few months ago this property went before the Commission for consideration of a change of zoning to "GR" General Retail which was granted. The owners of the property have contracted to sell the property for the purpose of erecting a small center. The primary tenant in the center is an electrical, retail-wholesale supply company. Mr. Baker advised the Committee that he has discussed this

C14-69-243      Chris Crow--contd.

matter at length with the Planning Department as to whether or not within the existing Ordinance the use proposed would be allowed under the "GR" General Retail classification. There is some question in reading the Ordinance as to whether the use would be permitted or not and the Planning Department referred the matter to the Building Inspector's office. The matter was discussed with Mr. Dick Jordan and Mr. Ed Stevens in order to get their interpretation on whether the use would be allowed because of the wholesale classification. There was disagreement between Mr. Jordan and Mr. Stevens about the classification under which the use would be permitted and because of the confusion which arises under the particular section of the "GR" General Retail district in the Ordinance, it was concluded by all parties that an application for "C" Commercial zoning should be filed on the exact tract of ground on which the building in question would be constructed so that no questions could be raised and no issues would have to be resolved as to whether or not a building permit should be issued and whether or not a certificate of occupancy could be issued for the use.

Mr. Baker presented an architectural rendering of the proposed center and explained that the structure on the property under consideration will be a free standing masonry building that will look like the rest of the center. The total enterprise will be conducted within the interior of the building and there will be no outside storage and no outside fencing. There will not be vehicles continually parked at the site. An individual can purchase from the supply company as well as a person in the electrical business which is one of the problems under the existing "GR" General Retail classification. He said that they have attempted to limit the "C" Commercial area as best they can at this point to the closest size of the building to allow leeway for actually putting it on the ground. There is "GR" General Retail zoning surrounding it on all sides so that the area is buffered within the overall tract.

Mr. Reeves asked if the applicant would object to the zoning reverting to "GR" General Retail in the event the site is not used for the uses stated. Mr. Baker stated that it is his understanding that there would be no objection to this as the zoning is requested for a specific purpose.

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 appropriate zoning for the site and recommended that it be granted subject to an agreement from all participating parties that the zoning will revert to the present "GR" General Retail classification if not used by the specific purchaser and for the specific purpose as stated.

Cl4-69-243 Chris Crow--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Chris Crow for a change of zoning from "GR" General Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 7740-7752 Ed Bluestein Boulevard be GRANTED, subject to an agreement from all participating parties that the zoning will revert to the present "GR" General Retail classification if not used by the specific purchaser and for the specific purpose as stated.

## SPECIAL PERMITS

CP14-69-033 Humble Pipe Line Co.: Microwave Relay Tower  
Rear of 1107B-1123B Springdale Road

STAFF REPORT: This application has been filed as required under Section 10-A, Subsection 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed on the site is one 120 foot, 6 inch microwave relay tower with three anchors which is to be located toward the rear of the tract. The subject site, contains approximately one acre of land and is zoned "D" Industrial, Sixth Height and Area. The site plan has been circulated to the various City departments and the comments are as follows:

Director of Public Works	- No objections.
Health	- No objections. Waste Water System to be available.
Fire Prevention	- No comment.
Advance Planning	- Okay, unless is in conflict with Airport Zoning Height Regulations.
Traffic Engineer	- Okay.
Fire Protection	- It is our belief that existing fire protection facilities will be adequate and this tower does not create any additional needs.
Storm Sewer	- Plat conforms with requirements.
Building Inspector	- Approval, except for building code approval. Additional structural detail provided 9-5-69, okay, Ed Stevens.
Tax Assessor	- Parcel No.: 2-0517-0102 1917 acres J. C. Tannehill League; Taxes paid through 1968.
Office Engineer	- Require Commercial Driveway plans and letter of request on Springdale Road.
Electric	- Electric esm'ts to be retained at a later date.

CP14-69-033 Humble Pipe Line Co.--contd.

Water and Sewer

- Water and Sanitary Sewer Service is available from the existing mains in the adjacent streets. No additional fire coverage will be required.

There are several reports still lacking from the departments and the staff recommends that the request be approved subject to completion and compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Charles R. Clark (applicant)

SUMMARY OF TESTIMONY

Mr. C. R. Clark, representing the Humble Pipe Line Company, advised the Committee that if additional structural detail is needed, they will be glad to furnish it. The subject property is located at Airport Boulevard and Springdale Road, in an area which is designated for industrial purposes. The tower is requested for improvement and better control of communications facilities used by the Humble Pipe Line operation.

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 completion and compliance with departmental reports.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Humble Pipe Line Company for a special permit to permit a microwave relay tower on property located at the rear of 1107B-1123B Springdale Road, pending completion and compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-034 Michael O'Donnell: Kindergarten  
2316-2318 Hartford Road

STAFF REPORT: This is a request for a special permit to permit a day nursery for 33 children. The paper work on this particular request is not complete as the applicant has not submitted a site plan which is required under the Ordinance and as a result, there has been no circulation to the various City departments for their comments. Therefore, the staff cannot recommend on the application. Notices were sent out in error advertizing a public hearing on the request and because of the number of people interested in this application the request should be heard. After hearing the testimony, the Committee can either recommend that the application be postponed until a site plan is submitted or recommend that the application be denied. It is the staff's understanding that the applicant is considering waiting a year before he makes a formal application.

#### TESTIMONY

#### WRITTEN COMMENT

Petition with 35 signatures

AGAINST

#### PERSONS APPEARING AT HEARING

Mr. & Mrs. John L. Triplett: 2322 Hartford	AGAINST
Mr. & Mrs. Billy J. Kaiser: 7711 Shelton	AGAINST
Mr. & Mrs. I. W. Davis: 2323 Hartford	AGAINST
Mr. & Mrs. Joe C. Franzetti: 2301 Hartford	AGAINST
Mr. & Mrs. Grover C. Kerton: 2313 Hartford	AGAINST
William Terry Bray (representing surrounding owners)	AGAINST
Evan Marquarat: 2326 Hartford	AGAINST
Mrs. J. W. Stancil: 2320 Hartford	AGAINST
Mrs. J. M. Harris: 2321 Hartford	AGAINST
Mary Copeland: 2315 Hartford	AGAINST
Susette Meyer: 2315 Hartford	AGAINST
G. R. Bode: 2312 Hartford	AGAINST
Isom H. Hale: 2507 Stratford	AGAINST
Jackson C. Mouton, Jr.: 2305 Hartford	AGAINST
O. H. Buaas: 2303 Hartford	AGAINST
Mrs. Neil Bergstrom: 2308 Hartford	AGAINST
A. H. Anderson: 2317 Newfield Lane	AGAINST
Mrs. Rosemary B. Hamilton: 2310 Hartford	AGAINST

#### SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

Mr. Terry Bray presented petitions in opposition to the request and advised the Committee that he represents generally the entire neighborhood in opposition to the application. He explained that the formal objections to the request are the lack of a site plan and the fact that the people in this area do not have any knowledge that a license from the appropriate State Agency has been obtained for the use and under the Zoning Ordinance such a license is required.



CP14-69-034 Michael O'Donnell--contd.

The special permit procedure authorizes the Committee and Commission to authorize the proposed use in an "A" Residential area. The subject site is zoned "A" Residential as is the entire surrounding area. He pointed out the requirements that must be met in order to obtain a special permit for this use and the factors to be considered in granting the request.

Mr. Bray stated that the people in this area feel that there are many factors of extreme importance that should be considered in granting or denying this application. First and foremost is the traffic hazard that would be posed by any use of this sort. While the use will be restricted to 3½ hours a day it would only make logical sense that at least the beginning or the ending time of the 3½ hour period would coincide with the rush traffic in the morning or the rush traffic in the afternoon. The intersection of Hartford Road and Windsor Road is at present not totally adequate for the traffic which is using it and all indications are that Mo-Pac when constructed will do nothing more than add a considerable amount of traffic particularly to Hartford Road as it will be a feeder to the north bound lane which has an entrance just beyond Windsor Road. The subject site is located on the west side of Hartford Road, therefore, people coming from the south will either be faced with stopping and thus backing up traffic and permitting their children to walk across the street in the face of on-coming traffic, or will have to find some way to turn around. Similarly, anyone coming from the north will have to stop and block traffic also. The road does have four lanes of traffic at the intersection but it narrows down to only two lanes thus any stopping along the curb while there is any parking will certainly increase the traffic hazard, which would be detrimental to the application. As previously stated the present use of the entire surrounding area is single-family dwellings although there are some duplexes and a few other multi-family dwellings; however, there are no apartments or anything of this sort in the general vicinity. Most of the people living in the area have lived there for a long period of time and generally speaking are approaching retirement or over retirement age and are very anxious to keep their neighborhood as it is without increased traffic flowing along the streets. It is felt that the use proposed is totally inappropriate for the neighborhood as it exists and as it will continue to exist in the indefinite future. Another point which is important is the fact that there are deed restrictions on the lots in this subdivision along the west side of Hartford Road which includes the subject site, limiting the use to single-family residences and prohibiting any type of trade or profession being carried on. People who reside in this subdivision are given the right to enforce these restrictions and if the special permit is granted they will be faced with the situation of taking whatever legal course is open to them to try to prohibit the use. Mr. Bray advised the Committee that the property under consideration is not owned by the applicant but is under a contract of sale and pointed out that the owner is present at the hearing and is opposed to the change.

CP14-69-034 Michael O'Donnell--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee members were cognizant of the fact that the applicant has not submitted a site plan on this request and they recommended that the special permit be denied as an intrusion into an existing residential area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To DENY the request of Michael O'Donnell for a special permit for a kindergarten on property located at 2316-2318 Hartford Road.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of August 25, 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 spread the action of the Subdivision Committee of August 25, 1969, on the minutes of this meeting.

## PRELIMINARY PLANS

C8-69-81 Balcones Village, Section 5 and 6  
Balcones Club Drive and Jolly Hollow Drive

The staff reported that this preliminary subdivision was before the Subdivision Committee at the last meeting at which time it was approved subject to a legal opinion in regard to a landlocked piece of land in the southeast corner of the subdivision. The staff discussed the problem with Mr. Glenn Coretz, Assistant City Attorney, who stated that in his opinion approval could not be given leaving an isolated tract of land and that this tract would have to be tied to one of the other lots fronting onto a street. In view of the opinion by the legal department, the Commission unanimously

VOTED: To APPROVE the preliminary plan of BALCONES VILLAGE, SECTION 5 and 6 with the condition that the tract in the southeast corner of the Subdivision be tied to a lot with frontage on a through street so that there will be legal access.

## SUBDIVISION PLATS - FILED AND CONSIDERED

The staff reported that the following final plats have previously been before the Commission, were accepted for filing and disapproved pending technical items which were requirements of the Ordinance, and have been given approval by the staff through a new procedure recently adopted by the Commission whereby the Director of Planning, the Chairman of the Planning Commission and the Secretary of the Planning Commission can give approval when the technical requirements of the Ordinance have been met.

## SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

The Commission then

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

- C8-68-47 Northwest Hills, Section 13  
North Hills Drive and Allen Drive
- C8-69-31 Quail Creek West, Section 3  
Hunter's Trace and Rundberg Lane
- X C8-69-55 Quail Creek West, Phase 2, Section 1  
Rutland Drive and Mountain Quail
- C8-69-35 Shier Cliff - I  
Manchaca Road and William Cannon Drive
- C8-67-70 Highland Hills, Section 9, Phase 2  
Highland Hills Drive and Shadow Valley Drive
- C8-69-37 Battle Bend Springs, Section 2  
Battle Bend Boulevard
- C8-69-39 Flournoy's Sweetbriar, Section 5  
Bramble Drive and Woodbine Drive
- X C8-69-66 Castlewood Forest, Section 3  
Crownpoint and Queenswood Drive

C8-69-76 Wood Shadows, Section 1  
Ceberry Street

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of WOOD SHADOWS, Section 1, pending the items as indicated.

C8-69-52 Crockett Commercial Area, Section 2  
Manchaca Road and Stassney 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, and completion of departmental reports. The Commission then unanimously

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

## SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

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

VOTED: To ACCEPT for filing and DISAPPROVE the following final plats pending completion of departmental reports:

C8-69-84. Travis Landing, No. 2, Phase 2

McCormick Mountain Drive

+ C8-68-114 North Gate Terrace, Section 1

Research Boulevard and Northgate Boulevard

C8-69-10 Westover Hills, Section 5

Mesa Drive and Steck Avenue

+ C8-69-71 Lakeway, Section 16

Lakeway and Tallstar

C8-69-92 Colorado Hills Estates, Section 4

Riverside Drive and Royal Crest Drive

C8-69-93 Country Club Gardens, Section 5

Montopolis Drive and Fairway Drive

+ C8-69-59 Austin Mall

Airport Boulevard and Austin Mall

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 fiscal arrangements for the subdivision and for Jonathan Street. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of AUSTIN MALL, pending completion of departmental reports and fiscal arrangements for the subdivision and for Jonathan Street.

C8-69-94 Rosewood Village, Section 3  
Rosewood Avenue and Walnut Avenue

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 tax letter. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of ROSEWOOD VILLAGE, Section 3, pending completion of departmental reports and the required tax letter.

C8-69-95 Rosewood Village, Section 4  
Pleasant Valley Road and New York Avenue

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 tax letter.

C8-69-95      Rosewood Village, Section 4--contd.

The Commission then

VOTED:      To ACCEPT for filing and disapprove the final plat of ROSEWOOD VILLAGE, Section 4, pending completion of departmental reports and the required tax certificates.

## SHORT FORM PLATS - FILED AND CONSIDERED

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

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

C8s-69-145 Manchaca Estates, Resub.  
                  Miles Avenue and Cannonleague Drive  
C8s-69-146 Capital View Estates, Resub.  
                  Capital View Drive  
C8s-69-147 Capital View Estates, Resub.  
                  Capital View Drive  
 \* C8s-69-140 Jerry D. Frazee Subdivision  
                  Taylor - Draper Lane

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

VOTED:      To ACCEPT for filing and DISAPPROVE the following short from plats pending completion of departmental reports:

C8s-69-141 Buckingham Place Commercial Area  
                  Eberhart Lane and South 1st Street  
C8s-69-143 Olander Subdivision  
                  U. S. 290 and Berkman Drive  
C8s-69-144 Hardey Development Company Subdivision  
                  Airport Boulevard  
C8s-69-149 Pasadena Addition, No. 2  
                  Pasadena Drive  
C8s-69-150 Edwin Brown Subdivision  
                  Airport Boulevard and Huntland Drive  
C8s-69-151 Quail Creek, Section 4, 1st Resub.  
                  Quail Park Drive and Quail Cove  
C8s-69-152 W. E. Powell Subdivision  
                  Manchaca Road  
C8s-69-153 Lane-Balke Subdivision  
                  Ann Arbor Avenue

C8s-69-142      Fitzgerald Estate  
Spicewood Springs Road

The staff reported that the subject property is located on Spicewood Springs Road west of Balcones West, Section 2 and involves a variance on the signature of the adjoining owners. This was a tract originally owned by the applicant and he sold a lot facing onto Spicewood Springs Road to Spicewood Films and sold the balance of the tract, with the exception of the area where the applicants' home is located, to Mr. Wallace Mayfield. No subdivision was submitted in connection with either of the sales therefore a technical variance is required on the signature requirements of Mr. Mayfield and Spicewood Films. There is a slight problem in that at the north end of the tract there is Wood Shadows, Section 2 which has been approved with an 80 foot street dedicated to the north property line. The Westover Hills Master Plan of Mr. Mayfield's proposes this street to be brought through the subject property to Spicewood Springs Road. The problem is how to extend the street through the property if the Commission grants the variance requiring Mr. Mayfield to sign the plat. The applicant is required by law to subdivide the property which he has done in effect by selling. The staff talked to Mr. Fitzgerald approximately five years ago and he was aware at that time of the subdivision requirements. When the preliminary plan of Balcones West was submitted, he appeared in objection as he wanted Baywood Drive closer to his property. If the variance is granted, it will not preclude Mr. Mayfield from submitting his subdivision on his land but the problem is that Spicewood Films owns the other tract. The staff recommends that the Commission disapprove the short form subdivision and require Mr. Fitzgerald, the original owner and seller of the two tracts to file a preliminary subdivision plan jointly with Mr. Mayfield and Spicewood Films showing the proposed street and showing this as a lot on the plat. After approval of the preliminary plan he can final out the lot in question. The Westover Hills Master Plan proposes to connect the street between Spicewood Springs Road and Steck Avenue and give access to the apartment area.

The Commission members discussed the need for the street and were of the opinion that a variance should not be granted from requiring the signature of the adjoining owners and recommended that the short form plat be disapproved. It was then

VOTED:      To DISAPPROVE the short form plat of FITZGERALD ESTATES.

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

C8s-69-148      C. R. John's Subdivision, Resub.  
East 16th Street

The staff reported that this is the first appearance of this short form plat before the Commission and reports are still lacking. There are three variances involved in the request, one of which is the signature of the adjoining owner. This is a one lot short form located on East 16th Street between Salina and Chicon Streets owned by Mr. David Barrow and is a lot which was sold by metes and bounds originally. There is a variance involved on the width of the lot

C8s-69-148      C. R. John's Subdivision, Resub.--contd.

in that it is only 44 feet wide and the Subdivision Ordinance requires a minimum lot width of 50 feet. The third variance involves lot area in that the lot is only 44 by 105 feet. An application was submitted to the Board of Adjustment for a variance in relation to the lot area which was granted subject to the property being subdivided and approved as a legal lot by the Planning Commission. The staff recommends that the three variances be granted and that this short form plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of C. R. JOHN'S SUBDIVISION, Resub., pending completion of departmental reports, granting a variance on the signature requirements of the adjoining owners, lot area, and lot width requirements.

C8s-69-93      Odis Fowler Addition  
Braker Lane

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

VOTED: To APPROVE the short form plat of ODIS FOWLER ADDITION.

## ADMINISTRATIVE APPROVAL

The staff reported that one short form plat has received administrative approval under the Commission's rules. The Commission then

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

C8s-69-137      Bowling Green, 2nd Resub.  
Burnet Road

## OTHER BUSINESS

R1410      ZONING ORDINANCE: Text Amendments

Consideration of proposed amendment to the Zoning Ordinance to annex property under "AA" Residence

Mr. Osborne explained that last month he reported to the Commission and submitted a draft of the request by the City Council. This is a request to consider and recommend a change in the Zoning Ordinance to require that newly annexed land be classified "AA" Residence zoning, rather than under the present "A" Residential classification. He presented the proposed amendment and explained that the proposal recommends that land be annexed under the "AA" Residential classification and that in turn the Commission and the City Council could approve "A" Residence uses by special consideration. He said that an attempt has been made by the staff to draft a fairly reasonable "escape valve" that has some legal basis and that would not be a discretionary matter of consideration

R1410

ZONING ORDINANCE: Text Amendments--contd.

by the Planning Commission and the City Council. This proposal could follow along with planning of subdivisions. The Subdivision Ordinance requires that anything other than a single-family use be identified on the preliminary plan.

Mr. David Barrow was present at the hearing and stated that his first objection to the proposal by the staff is based on procedure, in that sufficient notice was not given to the people who are most concerned. He said that this is a very important change in the Zoning Ordinance and it is a practice of the Commission to give adequate notice to people who will be effected so that they can have an opportunity to study and comment. He further stated that the matter of the Suburban Subdivision Zoning District and Townhouse provisions was only before the Commission and the Council approximately one year ago. If there is a new request by the Council at this time it is only because there are new members on the Council. The matter of annexing property "AA" Residence came up when the Commission considered these previous Ordinance amendments and it was agreed that the change would not be made. The people who are effected are put at a disadvantage by having something one way one year and then have another Council say that it should be another way the next year. Mr. Barrow stated that it is his understanding after reading the proposal by the staff that the procedure would take a long time because of the fact that a subdivision plan would have to be filed and submitted to the Planning Department and Building Inspector's Office. These departments look the plan over and no one knows how long it will take before it is then submitted to the Planning Commission for review and then submitted to the City Council. This will involve an undue amount of time. He said that in his opinion land should continue to be annexed under the "A" Residence classification. The trend is no longer towards only one type of development in a subdivision, but is towards a mixture of development. One of the duties of the Planning Commission is to keep ahead of the trend and to plan things ahead of time.

Mr. Tom Bradfield was present at the hearing and asked that the proposed amendment be postponed so that there could be an opportunity for review and study by the people who are most effected. He said that as he views the proposal, it is more a tentative restriction on the development of the land than anything else. In his opinion it is strictly a method of having owners in the future thoroughly aware of what zoning or planning will be done in a neighborhood already developing. Mr. Osborne explained that the Council has expressed concern not just in a single area but in various areas. He said that in his opinion the Council's intent initially is to see if there is a way in which you can wind up with annexation in accordance with a plan in which the plan in effect establishes the zoning.

Mr. Reeves was of the opinion that the number of people appearing in opposition to certain zoning requests does not represent the majority of the people in an area but is in effect only a small per cent.

The Commission members discussed the large amount of opposition to zoning in certain residential areas and felt that this was one of the reasons the Council has become concerned with annexing property under a different classification. They briefly discussed the proposal by the staff and felt that inasmuch as the



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ZONING ORDINANCE: Text Amendments--contd.

amendment would have an effect on so many people that the proposal should be postponed until such time as adequate notice is given to the people who are going to be directly and immediately involved in the repercussions.

Mr. Reeves stated that in his opinion after recommendation is made to the Council, the Planning Commission members should meet with the Council members to appraise them of the reasons for their recommendation.

After further discussion, the Commission unanimously

VOTED: To POSTPONE the proposed amendment to the Zoning Ordinance regarding zoning designation in newly annexed territory until the regular meeting of the Commission in November and instructed the staff to give proper notification of the proposal and the time of the hearing by the Commission.

Mr. Milstead stated that many problems occur when items are placed on the Commission's agenda for consideration and the people who are most directly involved have not been notified. He said that in his opinion it is the Commission's responsibility to see that when there is a hearing that those people who should be aware of the consideration should know about it. He suggested that the Chairman of the Commission confer with the staff to see what procedures should be followed before the items are put on the agenda for consideration that would involve people who should be heard and that the Chairman approve or have knowledge of and determine that proper notices have been sent before the items are placed on the agenda.

Mr. Reeves stated that in his opinion notification to the homebuilders, apartment association and real estate people will effect approximately 90 per cent of the people and an additional notice could be given in the newspaper. He recommended that instead of mailing a large number of notices to adjoining property owners that certified letters be sent to the Homebuilders Association, Apartment House Association and Austin Real Estate Board as this would assure that the people most directly effected receive notice.

Mr. Kinser stated that in his opinion the agenda should be prepared in advance and sent to the Planning Commission members two or three days before the meeting. After further discussion, the Commission unanimously agreed that the Planning Commission Chairman should confer with the Planning Department staff before items are placed on the agenda and determine that proper notices were sent out to the people most directly effected by the consideration.

C10-69-1(w)STREET VACATION: Glen Oaks Area

Portions of Nile Street, East 8th Street, Midway Street, East 11th Street, Walter Street, Border Street and Vaden Street

The staff reported that this request to vacate the above described streets in the Glen Oaks Urban Renewal Area is made by the Urban Renewal Agency, sole owner of the adjoining properties. Vacation of the streets is in conformance

C10-69-1(w) STREET VACATION: Glen Oaks Area--contd.

with the approved Urban Renewal Plan for the area and the staff recommends that the request be granted, subject to the retention of the sanitary sewer, water department, storm sewer, electric department, telephone company and gas company easements. The Commission then

VOTED: To recommend that portions of Nile Street, East 8th Street, Midway Street, East 11th Street, Walter Street, Border Street and Vaden Street be VACATED, subject to the retention of the necessary easements as indicated.

C10-69-1(x) STREET VACATION

Old East 51st Street from Old Manor Road west approximately 620 feet

The staff reported that this is a request to vacate Old East 51st Street from Old Manor Road west approximately 620 feet. The portion of the area to the west will continue to be used by the Texas National Guard as primary access to their new facilities. The staff recommends that the vacation be granted subject to the retention of the necessary sanitary sewer, and telephone company easements. The Commission then unanimously

VOTED: To recommend that Old East 51st Street from Old Manor Road west approximately 620 feet be VACATED, subject to the retention of the necessary easements as indicated.

C10-69-1(y) STREET VACATION

Old Fredericksburg Road from Lee Barton Drive to Barton Springs Road

The staff reported that this request to vacate a portion of Old Fredericksburg Road from Lee Barton Drive to Barton Springs Road is made by M. H. Crockett, Jr. The request has been circulated to the various City departments and all recommend in favor, with the exception of the Water Department, subject to retention of the necessary easements. The Water Department recommends that the street not be vacated. The following letter has been received from Mr. Dewey Nicholson, Assistant Director of Water and Waste Water Department:

It is recommended that this request for vacating Lee Barton Drive not be granted unless it is economically feasible for the gaining land owners to relocate the existing 24-inch water line. A preliminary estimate of the cost of relocating this line is \$12,000.00 and will cause considerable inconvenience to the traffic in the intersection of Barton Springs Road and South Lamar Boulevard.

An alternate solution would be to grant the vacation but retain a restriction on the property prohibiting any building development within the vacated right-of-way area. This would limit the future land use to parking or such similar use.

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

This line normally carries approximately 100 p.s.i. and is located in eluvial soil which would cause considerable washing and flooding action in the event of a failure.

In the event that it is feasible to relocate the water line there is an existing 8-inch sewer line that also should be relocated. This line could be relocated for \$4,000.00 or less.

The staff recommends in favor of the request subject to the favorable working out of the relocation of existing water and sewer lines.

Mr. Crockett advised the Commission that he had discussed the problems with Mr. Nicholson after he wrote the letter and they are not in disagreement on the water line and the sewer line. The water and sewer lines are in the Old Fredricksburg Road which is requested for vacation. Mr. Nicholson indicated that as long as the request was not made in the summer when the water was being used and if he had 90 days or so to get the job done that he would not mind relocating the line. His idea was to move the lines to the center line of the present Lee Barton Drive. There is another line through there and they would have to come up the center line of the road which would not present a problem. Mr. Crockett pointed out the City owned land and explained that he is requesting the vacation in this particular area; providing that he, as the only property owner other than the City of Austin in the particular block of land be allowed to purchase at fair market value all of the property owned by the City of Austin within this block of land after the requested vacation is final. It would cost approximately \$16,000 to move the lines down the street. Mr. Nicholson has indicated that the request is acceptable as long as there is no construction over the lines. The relocation problems will be worked out with Mr. Nicholson.

The Commission discussed the request and concluded that it should be granted subject to the working out of proper agreement on the relocation of the lines between Mr. Crockett and the City and subject to the retention of the necessary easements. The Commission then

VOTED: To recommend that Old Fredricksburg Road from Lee Barton Drive to Barton Springs Road be VACATED, subject to the working out of an agreement between Mr. Crockett and the City on the relocation of the water and sewer lines and subject to the retention of the necessary sanitary sewer and storm sewer easements.

ADJOURNMENT: The meeting was adjourned at 11:15 p.m.

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Hoyle M. Osborne  
Executive Secretary