

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- October 14, 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 (arrived at 9:00 p.m.)  
M. J. Anderson  
Jack S. Crier  
Bill Milstead  
Roger Hanks  
Fritz Becker

Absent

Alan Taniguchi

Also Present

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

MINUTES

Minutes of the meetings of March 11, April 8, May 13, and June 10, 1969, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of October 6, and 7, 1969.

Present

Alan Taniguchi  
Jack Crier  
Fritz Becker  
\*Bill Milstead  
\*\*S. P. Kinser

Also Present

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

\*Present only on October 6, 1969.

\*\*Present only on October 7, 1969.

PUBLIC HEARINGS

C14-69-244      John O. Raney: B to C  
120-124 Alpine Road

STAFF REPORT: This application covers 25,875 square feet of land and the stated purpose of the request is for construction of a real estate office, storage and

C14-69-244 John O. Raney--contd.

mobile homes. Adjoining the site to the north is "LR" Local Retail, First Height and Area and "A" Residence zoning exists along Lightsey Road. Adjoining the site to the east along South Congress Avenue is "C" Commercial, Sixth Height and Area zoning and across South Congress Avenue is "D" Industrial, Sixth Height and Area zoning. To the south is "A" Residence, First Height and Area zoning and "C" and "C-2" Commercial, Sixth Height and Area zoning. Property adjoining the site immediately to the west is zoned "B" Residence, Third Height and Area. Land use in the area is single-family to the north, a mixture of commercial uses and residential development to the east, and a residential subdivision and large tracts predominantly undeveloped to the west of the site. It is anticipated that multi-family zoning will be requested for the large tracts on the south side of Alpine Road. Alpine Road with an existing right-of-way of 50 feet is classified as a commercial collector street. South Congress Avenue is a major arterial street with 140 feet of right-of-way. The staff recommends that the zoning as requested be denied as an intrusion into a residential area and that "B" Residence be retained or that the Committee consider "O" Office, Third Height and Area zoning for the tract, subject to 5 feet of right-of-way on Alpine Road.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

John O. Raney (applicant)

## SUMMARY OF TESTIMONY

Mr. John O. Raney was present on behalf of his request to explain that most of the property in the area is commercial. There is a motel to the north and various commercial uses are established to the east along South Congress Avenue. The property to the west is zoned for apartments but it is at present undeveloped. Mr. Raney advised the Committee that he wants to put his real estate construction office on the front portion of the property with eight or nine mobile home spaces in the rear. There is a house existing toward the middle of the property that will remain.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they recommended that "O" Office, Third Height and Area zoning be granted, subject to 5 feet of right-of-way for Alpine Road, as the appropriate zoning for the site.

C14-69-244 John O. Raney--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John O. Raney for a change of zoning from "B" Residence, Third Height and Area to "C" Commercial, Third Height and Area for property located 120-124 Alpine Road be DENIED but that "O" Office, Third Height and Area be GRANTED, subject to 5 feet of right-of-way for Alpine Road.

C14-69-245 Kirby W. Perry: B to O  
 206 West 38th Street  
 207 West 38½ Street

STAFF REPORT: The subject property contains an area of 10,962 square feet and the stated purpose of the application is for an architects office. It is presently developed with an old residence which has been remodeled. Zoning to the north includes "A" Residence, First Height and Area with "B" Residence, Second Height and Area zoning established at the intersection of West 39th Street and Avenue C and also at the intersection of West 39th and Avenue B. "B" Residence, Second Height and Area zoning also adjoins the subject site on both the east and west side. To the south is predominantly "A" Residential, First Height and Area with "LR" Local Retail zoning established on one parcel of land near Speedway. The zoning to the east along Speedway is predominantly "B" Residence, Second Height and Area. The area is in transition from low density to medium density residential use. There is a dance school at Speedway and West 38½ and nurses quarters are across 38th Street from the subject property. A request for "B" Residence, Second Height and Area zoning is pending on property at the corner of West 38th and Speedway Streets. West 38th Street is classified as a major arterial street with an existing right-of-way of 75 feet. No right-of-way is required from the subject property. The staff recommends that the zoning as requested be granted as an appropriate zoning for the site.

#### TESTIMONY

#### WRITTEN COMMENT

Josephine Casey: 305 West 38th Street	AGAINST
Mr. & Mrs. Frank R. Cook: 207B West 39th Street	FOR

#### PERSONS APPEARING AT HEARING

Conway Taylor (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Conway Taylor, representing the applicant, explained that there is a structure existing on the site and the applicant proposes to spend some \$4,000 to \$6,000 to remodel the structure and use it for his office. The building has permanent aluminum siding and a corrugated steel roof. The applicant is an architect and with his design it will be the proper use of the site. Adequate off-street parking will be provided.

C14-69-245 Kirby W. Perry--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 appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kirby W. Perry for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 206 West 38th Street and 207 West 38½ Street be GRANTED.

C14-69-246 Horace Thompson: A to B  
4105-4109 Avenue G

STAFF REPORT: The subject property contains an area of 16,250 square feet and the stated purpose of the request is for apartments. The zoning surrounding the property is "A" Residence, First Height and Area. To the west along Speedway and to the east along Duval Street there is "B" Residence zoning, established for many years. "C" Commercial, "GR" General Retail, "B" Residence and "LR" Local Retail zoning is established to the north at the intersection of East 43rd and Duval Streets. The land use surrounding the site is predominantly single-family with some duplexes. To the east along Duval Street there is predominantly single-family residences. There is a rest home to the south at the intersection of East 41st Street and Avenue H. Avenue G is classified as a minor collector street with an existing right-of-way of 80 feet. The staff recommends that the request be denied as an intrusion into a well-established residential area.

#### TESTIMONY

#### WRITTEN COMMENT

Dr. Georgia Legett, Jr.: 1707 Colorado	FOR
Dr. Carey Legett, Jr.: 1707 Colorado	FOR
Hardy M. Smith: North Pole, Alaska	FOR
Mrs. E. L. Walton: 4101½ Avenue F	AGAINST
Tim West: 4105 Avenue F	AGAINST
Mrs. A. H. Dunlap: 4108 Avenue G	AGAINST
Clark C. Gill: 3606 Grooms	FOR

#### PERSONS APPEARING AT HEARING

Horace Thompson (applicant)	
Miguel Gonzalez-Gerth: 4109 Avenue G	AGAINST

C14-69-246 Horace Thompson--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request and explained that at the present time he proposes to convert the two existing duplexes on the site into apartments. Because of the existing zoning, four apartments which were moved onto the property have been converted into duplexes and a change in zoning is requested so that the units can be converted back to apartments and two additional units can be added. The site is a level lot with adequate room for off-street parking. A total of eight units is proposed if the requested zoning is granted.

## Arguments Presented AGAINST:

One nearby property owner spoke in opposition to the request primarily because of traffic conditions in the area and inadequate off-street parking. He explained that there are several units on the site at the present time and to add additional units without adequate off-street parking would be detrimental because of the cars parked along the street.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the change requested and felt that "B" Residence, First Height and Area zoning is too intensive and should be denied; however, several of the members felt that "BB" Residence, First Height and Area zoning should be granted as the proper zoning for the site. A motion to deny "B" Residence, First Height and Area zoning but to grant "BB" Residence, First Height and Area zoning failed to carry by 2-2 vote and denial is recommended.

A majority of the Commission members concurred with the Committee recommendation to deny, and it was therefore

VOTED: To recommend that the request of Horace Thompson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4105-4109 Avenue G be DENIED.

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

C14-69-247 A. E. Rhodes: A to B  
3701 Tom Green Street

STAFF REPORT: This application covers 9,350 square feet of land which is developed with a single-family dwelling. There is "A" Residence zoning existing to the north, south and west. "B" Residence zoning is established on property to the west directly across from the site as well as to the north at

C14-69-247 A. E. Rhodes--contd.

the intersection of East 38th Street and Duval Street. The land use in the area is predominantly single-family and duplex; however, because of recently granted "B" and "BB" Residence zoning and apartment development, the area is in transition. A City of Austin Electrical Substation is located to the west on Grooms Street. A request for "B" Residence zoning is pending also on property to the west. Tom Green Street is classified as a minor residential street with an existing right-of-way of 60 feet. "B" Residence zoning as requested would permit the development of nine units on the site. The staff recommends that the request be granted as it is consistent with recently established zoning in the area.

## TESTIMONY

## WRITTEN COMMENT

Dr. Georgia Legett, Jr.: 1707 Colorado  
 Dr. Carey Legett, Jr.: 1707 Colorado

FOR  
 FOR

## PERSONS APPEARING AT HEARING

A. E. Rhodes (applicant)

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and advised the Committee that there is presently a duplex on the site and he wants to add to the structure in order to get the maximum use of the property. There is sufficient room to provide for adequate off-street parking.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is consistent with recently established zoning in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of A. E. Rhodes for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3701 Tom Green Street be GRANTED.

C14-69-248 B. V. Dickson: A to C  
 1201-1203 East 2nd Street  
 111-115 Waller Street

STAFF REPORT: The subject property contains an area of 13,110 square feet and the stated purpose of the request is for uses permitted by "C" Commercial zoning. The zoning along both sides of East 2nd Street is "A" Residence, and to

C14-69-248 B. V. Dickson--contd.

the north of that district is "D" Industrial zoning. "C" Commercial zoning is established to the south along East 1st Street. Land use includes predominantly single-family development with a few duplexes, a church and some apartments. Along East 1st Street is a mixture of commercial development with single-family residential development south of the commercial area. East 2nd Street is classified as a major arterial street and Waller Street is classified as a minor collector street. Both have a right-of-way of 60 feet. The site is located in the Model Neighborhood area where every effort will be made to repair residential structures and maintain the residential character of the neighborhood. There is planning underway to resolve land use - zoning conflicts evident in this area where a great deal of land is zoned for commercial and industrial use but used residentially. For these reasons the staff cannot support this application.

## TESTIMONY

## WRITTEN COMMENT

Pete Moya: 1102 East 1st Street

AGAINST

## PERSONS APPEARING AT HEARING

B. V. Dickson (applicant)

Ivan Williams: 3520 Highland View

FOR

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he is requesting a change in zoning as it will allow the highest and best use of the property. It has easy access to the downtown area and the University of Texas.

Mr. Ivan Williams, nearby property owner, appeared at the hearing and stated that he is in favor of the requested zoning.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information noting that the Expressway and Major Arterial Plan includes East 1st Street and East 2nd Street as one-way thoroughfares. They felt that in view of this, East 2nd Street will likely change to more intensive uses because of the greater traffic flow and recommended that the zoning as requested be granted subject to 5 feet of right-of-way on East 2nd Street.

At the Commission meeting, Mr. Hanks stated that he is opposed to the encroachment of commercial in this particular area primarily as he feels it is an area where there is a need to keep low income housing rather than having it go into commercial, apartments or similar type uses.

C14-69-248      B. V. Dickson--contd.

Mr. Kinser stated that 2nd Street is one way west and from Waller Street to Comal Street the area is a good residential neighborhood.

Mr. Lillie advised the members that the area does fall into the Model Neighborhood Program and every effort will be made to rehabilitate and maintain residential structures as opposed to commercial.

After further discussion, a motion to grant the request, subject to five feet of right-of-way for East 2nd Street, failed to carry by the following vote:

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

It was then

VOTED:     To recommend that the request of B. V. Dickson for a change of zoning from "A" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 1201-1203 East 2nd Street and 111-115 Waller Street be DENIED.

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

C14-69-249      Tennie Taylor: A to C  
1108 East 51st Street

STAFF REPORT: The property under consideration contains an area of 5,624 square feet and the stated purpose of the request is for commercial use. Adjoining the site to the north is "LR" Local Retail zoning and to the west along the Interregional Highway is "C" Commercial and "C-2" Commercial zoning; "A" and "BB" Residential zoning exists to the east. Land use in the area includes predominantly commercial development along the Interregional Highway and Cameron Road, apartments and single-family development to the east and north and the Municipal Airport to the south. "BB" Residence, First Height and Area zoning was granted in 1968, on two lots to the east of the site. East 51st Street, classified as a major arterial street has an existing right-of-way of 50 feet and a car count of 5,880 cars. A short form subdivision would be needed on the property before a building permit could be issued. The staff recommends that the zoning as requested be granted as a continuation of existing zoning and development, subject to right-of-way for East 51st Street to be determined by the Public Works and Planning Departments.

## TESTIMONY

## WRITTEN COMMENT

None



C14-69-249      Tennie Taylor--contd.

## PERSONS APPEARING AT HEARING

None

## SUMMARY OF TESTIMONY

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

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to the necessary right-of-way for the widening of East 51st Street, as a logical extension of existing zoning and development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Tennie Taylor for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 1108 East 51st Street be GRANTED, subject to the necessary right-of-way for the widening of East 51st Street.

C14-69-250      Leroy Bednar: A to O  
4111-4113 Marathon Boulevard

STAFF REPORT: The subject property contains 6600 square feet of land, and is presently developed with a single-family structure. The stated purpose of the request is for office development. To the north and west of the site is "A" Residence zoning which is predominantly developed with single-family dwellings. "O" Office, "LR" Local Retail, "C-2" and "C" Commercial zoning has been granted along Medical Parkway. "O" Office zoning adjoining the site directly to the south was granted in 1968. To the east of the site, along Lamar Boulevard there is strip "C" Commercial, Fifth Height and Area zoning. Land use includes predominantly single-family to the north and west and various commercial businesses located in the area zoned for that purpose. An office is established on property directly to the south. A request for "C" Commercial, First Height and Area zoning is pending on property to the south at the corner of Marathon Boulevard and West 40th Street and also on property to the west along Medical Parkway. Marathon Boulevard, classified as a minor collector street has an existing right-of-way of 80 feet. The neighborhood to the south of 42nd Street is in transition to office use influenced by the development of the Seton Hospital complex. The 100 foot right-of-way of Marathon Boulevard south of 42nd Street lends support to higher intensity of use. The interior area north of 42nd Street is still "A" Residence and property is being maintained by residents. The staff recommends that the zoning as requested be granted as a logical extension of the zoning to the south.

C14-69-250      Leroy Bednar--contd.

## TESTIMONY

## WRITTEN COMMENT

Mrs. James L. Rice: 510 Shadyway Road, Wayzata,      FOR  
    Minnesota  
 J. Alton Bauerle: 4101 Medical Parkway #110      FOR

## PERSONS APPEARING AT HEARING

Leroy Bednar (applicant)

## SUMMARY OF TESTIMONY

Mr. Leroy Bednar appeared on behalf of the request and advised the Committee that he owns the property directly to the south which was zoned "O" Office a year or so ago. He said that he built an office on that property and if the zoning is granted an office will also be built on the subject site.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Leroy Bednar for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4111-4113 Marathon Boulevard be GRANTED.

C14-69-251      David L. Hearn: A, 1st to LR, 2nd  
    3717-3811 Manchaca Road

STAFF REPORT: This application covers a large tract of land containing 5.81 acres. The stated purpose of the request is for apartment and retail development. The zoning in the area is predominantly "A" Residential to the east, west and south. "O" Office zoning exists to the south on one lot along Manchaca Road. In 1967, "O" Office zoning was granted on property to the north on both sides of Manchaca Road. "LR" Local Retail zoning for the purpose of a mobile home park was granted in 1967, and adjoins "O" Office zoning on the west side of Manchaca Road. The land use in the area is predominantly single-family on large tracts of land. Manchaca Road is classified as a major arterial street and has an existing right-of-way of 80 feet. If the total tract were zoned as requested, approximately 200 apartment units would be permitted. The staff recommends that the request be denied as it is too intensive for the area; however, it is recommended that "O" Office, First Height and Area zoning be granted, as this would be consistent with the zoning granted by the City Council.

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they recommended that "O" Office, First Height and Area zoning be granted as it conforms to recent zoning changes in the area.

C14-69-251      David L. Hearn--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of David L. Hearn for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, Second Height and Area for property located at 3717-3811 Manchaca Road be DENIED but that "O" Office, First Height and Area be GRANTED.

C14-69-252      Nelson Puett: Int. A, Int. 1st to GR, 2nd  
 1629-1647 Rutland Drive  
 1722-1824 Peyton Gin Road

STAFF REPORT: This is a request for a change of zoning on approximately 36 acres of land from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, Second Height and Area for the stated purpose of commercial use. The subject tract as well as the tracts immediately to the west are undeveloped. The land to the east is developing into a single-family subdivision called Quail Creek West. Portions of the Quail Creek Subdivision area are located north of Peyton Gin Road to Rutland Drive. The subdivision between Peyton Gin Road and Rundberg Lane has been approved and the area between Rundberg Lane and Rutland Drive is in a preliminary stage. Residential development is occurring on that portion between Peyton Gin Road and Colony Creek Drive. The area to the south of Peyton Gin Road is presently undeveloped although zoned "GR" General Retail, First Height and Area. The area to the west of Research Boulevard is zoned "GR" General Retail and is developing with commercial and medium density residential uses. Within the past few months the area immediately to the west of the subject tract has been under consideration for a change in zoning to "GR" General Retail and "B" Residence, First Height and Area which was granted by the Council although the Ordinance is still pending. From the drainage easement south to Research Boulevard "GR" General Retail zoning has been granted. The area north of Colony Creek Drive and the drainage easements to the north property line have been zoned "B" Residence. The staff feels that there is a need for some sort of gradation in zoning between the intensive zoning for "GR" General Retail and "B" Residence to the west of the tract, and the single-family "A" Residence to the east of the subject tract. It is recommended that the area be zoned "BB" Residence, First Height and Area. This more restrictive zoning with conditions, is one that can take place next to a single-family developing neighborhood. It is further recommended that the granting be subject to the following conditions:

1. A 25 foot building setback from the east property line and a fence along the east property line. These requirements are consistent with the staff and Commission recommendations for medium intensity zoning where it abuts low intensity development and zoning.
2. Provision for the necessary widening of Peyton Gin Road which would require approximately 10 feet from the site. Peyton Gin Road presently has a right-of-way of 50 feet but is recommended for 70 feet of right-of-way with 44 feet of paving. The right-of-way has been obtained on the north side of Peyton Gin Road to the east of the subject tract.

C14-69-252 Nelson Puett--contd.

3. Subject to the approval of a subdivision showing the extension of Colony Creek Drive and Rundberg Lane as they effect the subject tract. The area to the west of the tract has a subdivision showing the extension of Colony Creek Drive within its development plan to the proposed north-south Northgate Boulevard. Rundberg Lane is being provided for from Interstate 35 to the industrial area to the west of the subject tract.

## TESTIMONY

## WRITTEN COMMENT

Wilson &amp; Thornton, Inc.: 912 Connecticut

AGAINST

## PERSONS APPEARING AT HEARING

Nelson Puett (applicant)

Mr. &amp; Mrs. Jack L. Ayres: 1706 Colony Creek

AGAINST

Mr. &amp; Mrs. Paul B. Rohne, Jr.: 1608 Colony Creek

AGAINST

R. W. Coil: 9006 Pointers Lane

AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Nelson Puett was present at the hearing and advised the Committee that he agrees with the 25 foot setback from the rear lot, the right-of-way on Peyton Gin Road and the extension of Rundberg Lane and Colony Creek Drive. He explained that he purchased his first piece of property in the area in 1949, and since that time acquired a total of 275 acres; however, the majority of the property, with the exception of the area under consideration, has been sold by metes and bounds. He stated that the City was opposed to his selling the property by metes and bounds and said that he would ruin the area but in fact this is now one of the most valuable areas in Austin. The staff has indicated that there should be a stepping down in zoning but it should be pointed out that this subject site adjoins property which is already zoned "GR" General Retail and there is "GR" General Retail zoning existing directly to the south of Peyton Gin Road and it would be unfair not to grant the same zoning on the property under consideration.

Mr. Puett explained that he paid \$60,000 for the water line to be extended from Anderson Lane to Research Boulevard and he paid jointly with another property owner and the City of Austin for bringing the sewer line into the area. There are shopping centers in the city surrounded by residential development on all sides and this has not been detrimental to anyone. There is not one single-family lot that fronts onto the subject property and if a setback and a fence is provided there will not be any harm to the adjoining area. In 1960, approximately 98 per cent of the dwellings built in Austin were single-family or duplex but the trend has changed and this year approximately 70 per cent of the structures have been multi-units. There is a need for industrial, commercial

C14-69-252 Nelson Puett--contd.

and apartment land in the city. There is not a need for residential land. He said that in his opinion Peyton Gin Road would be a very good commercial street.

In answer to objections, Mr. Puett stated that there are 32 residential lots adjoining the site that sold for approximately \$4,000 an acre which is the going price for residential land. The property adjoining the subject tract to the west sold for approximately \$14,000 an acre, and if the subject property has to be used for residential purposes, he will lose \$10,000 an acre.

#### Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and presented a petition. The reasons for the opposition as summarized in the petition are as follows:

1. Devaluation of residential property value, commencing immediately with the granting of such a change.
2. The already semi-congested traffic condition into the area generated by the several locally situated schools and by the fact that Peyton Gin Road is a sensible link between U. S. 183 and I. H. 35, would be multiplied many fold by property development possible after such zoning change. To leave the increased environmental pollution both as regards air and the school varieties brought about by development described above would provide a continual harassment to family life and increase the health hazards to the residents.
3. Development which exceeds normal single-family residence height limits and includes signs, (lighted, and otherwise) billboards, service station standards, parking lot lights, multi-level apartments, etc. constitutes the perpetual invasion of privacy for homeowners and their property.
4. The noise, littering and disruptive characters of such developments as restaurants and drive-ins (especially the all night drive-in varieties), service stations, parking lots, and general are totally inconsistent with the environment which people have chosen to rear their children and generally home life.

In summary, each of the homeowners in Quail Creek West and its adjacent residential areas has spent no little time, money and effort to precisely remove themselves and their families from close proximity to situations as indicated. It is felt that the creation of home and family and the enjoyment and development thereof is made totally non-achievable by the presence of any other developments made possible by the proposed zoning change.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was cognizant of the fact that the site adjoins single-family residential development to the east. In view of

C14-69-252 Nelson Puett--contd.

this, they recommended that the zoning as requested be denied but that "BB" Residence, First Height and Area zoning be granted, subject to the following conditions:

1. A 25 foot building setback line along the east property line.
2. A solid fence along the east property line.
3. Extension of Colony Creek Drive and Rundberg Lane.
4. The necessary right-of-way for the future widening of Peyton Gin Road.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Nelson Puett for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, Second Height and Area for property located at 1629-1647 Rutland Drive and 1722-1824 Peyton Gin Road be DENIED but that "BB" Residence, First Height and Area zoning be GRANTED, subject to a 25 foot building setback line along the east property line, a solid fence along the east property line, extension of Colony Creek Drive and Rundberg Lane, and the necessary right-of-way for the future widening of Peyton Gin Road.

C14-69-253 Marie Noack, E. J. Alff, Jr., Josephine Nendell: A to C  
 2000-2008 East 19th Street  
 1900-1910 Alamo Street  
 2001-2009 East 20th Street  
 1901-1911 Poquito

STAFF REPORT: This application covers one block of land totaling 82,680 square feet and the stated purpose of the request is for commercial use. The request to vacate the alley dividing the property has been submitted. The area to the north and east is zoned "A" Residence. To the south of the site across East 19th Street is "C" Commercial, First Height and Area zoning and "B" Residence, Second Height and Area zoning. To the west along Chicon Street is "C" and "C-2" Commercial zoning and "B" Residence zoning is established along Salina Street. The land use in the area consists of single-family to the north and east; apartments, drive-in grocery and dentist's office to the south and various commercial businesses to the west along Chicon Street. East 19th Street, classified as a major arterial street, has an existing right-of-way of 50 feet and a car count of 13,160 cars. Alamo Street with a right-of-way of 50 feet, East 20th Street, with a right-of-way of 50 feet and Poquito Street, with a right-of-way of 60 feet are all classified as minor residential streets. The staff feels that the zoning as requested should be denied; however, it is recommended that "C" Commercial, First Height and Area zoning be granted on the front one-half of the site fronting onto East 19th Street and that the zoning on the balance of the property fronting onto East 20th Street remain as "A" Residence, First Height and Area. If the requested change is granted, 5

C14-69-253 Marie Noack, E. J. Alff, Jr., Josephine Nendell--contd.

feet of right-of-way would be needed for East 20th Street, 7 feet of right-of-way for Alamo Street, 30 feet of right-of-way for East 19th Street and 7 feet of right-of-way for Poquito Street as the change would allow more intensive use.

#### TESTIMONY

#### WRITTEN COMMENT

Arthur A. Franzetti: 2610 Lansbury Drive  
Joe C. Franzetti: 812 West 5th Street

AGAINST  
AGAINST

#### 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 referred to the full Commission pending additional information on the land use in the area.

At the Commission meeting, Mr. Lillie explained that there was some confusion on the development of the tract but since the Zoning Meeting, the staff has field checked the area and there is a single-family home on the southwest corner and the remainder of the tract which is undeveloped. There is a drainage ditch that runs across the northeast corner of the site. An application has been submitted to vacate the alley running through the block. The land use to the west, north, and east is single-family development and the streets are for the most part unpaved. Land use to the south is apartments, drive-in grocery, and an office, all of which could be accomplished in "B" Residence, "LR" Local Retail or "O" Office zoning rather than the existing "C" Commercial; however, the "C" Commercial district has been established for a long time. There is a cluster of commercial development at the intersection of Chicon and East 19th Street. At the Zoning Meeting the staff felt that the request should be denied on the total tract but some consideration for non-residential zoning should be given for the southern one-half fronting onto East 19th Street and the remaining one-half be restricted to "A" Residence.

Mr. Reeves stated that the property is a large piece of ground with a drainage ditch across the corner. He said that he concurs with the staff on allowing commercial development along East 19th Street but feels the balance of the property should not be restricted to single-family or duplex development. If it is zoned "BB" Residence, it would offer a buffer between the commercial area to the south and the residential area to the north.



C14-69-253 Marie Noack, E. J. Alff, Jr., Josephine Nendell--contd.

Mr. Anderson commented that the area is gradually changing and there is no question that development will be more intensive in the future. Mr. Becker agreed with Mr. Anderson and said that in his opinion, if "BB" Residence zoning is not permitted on the property so that people can build apartments, there will not be anything developed as residences are too expensive. After further discussion, the Commission members agreed that "C" Commercial zoning would be too intensive for the property; however, they felt that "LR" Local Retail, First Height and Area zoning should be granted on the front one-half fronting onto East 19th Street and that "BB" Residence, First Height and Area should be granted on the remaining one-half, fronting onto East 20th Street, subject to five feet of right-of-way for East 20th Street, 30 feet of right-of-way for East 19th Street, 7 feet of right-of-way for Poquito Street and 7 feet of right-of-way for Alamo Street. Mr. Lillie stated that when the alley vacation request is before the Commission, if the south one-half of the property is to be commercial, consideration should be given to whether or not the alley should be developed or vacated. It was then unanimously

VOTED: To recommend that the request of Marie Noack, E. J. Alff, Jr. and Josephine Nendell for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2000-2008 East 19th Street, 1900-1910 Alamo Street, 2001-2009 East 20th Street and 1901-1911 Poquito Street be DENIED but that "LR" Local Retail, First Height and Area be GRANTED for the south one-half of the site, fronting onto East 19th Street, and "BB" Residence, First Height and Area for the north one-half of the site, fronting onto East 20th Street subject to 15 feet of right-of-way for East 19th Street, 5 feet of right-of-way for East 20th Street and 7 feet of right-of-way for Poquito Street and 7 feet of right-of-way for Alamo Street.

C14-69-254 W. H. Bullard: C to C-2  
2003 Airport Boulevard

STAFF REPORT: The property under consideration contains 3,750 square feet and the stated purpose of the request is for retail liquor sales. The area along the east side of Airport Boulevard is zoned "C-2" Commercial, "GR" General Retail and "LR" Local Retail. "A" Residence zoning is established to the west of Airport Boulevard as well as to the east adjoining the "C" Commercial district. "LR" Local Retail zoning is established at the intersection of East 19th and Harvey Streets. Land use to the north along the east side of Airport Boulevard is a mixture of commercial uses. A single-family development is established to the west of Airport Boulevard and to the east of the "C" Commercial district along Encino Circle and Tillery Street. Airport Boulevard, classified as a major arterial street, has an existing right-of-way of 120 feet which is adequate. The applicant has submitted field notes describing the exact location of the building which is to be zoned "C-2". The staff recommends the change as requested.

C14-69-254 W. H. Bullard--contd.

## TESTIMONY

## WRITTEN COMMENT

Edward L. Fowler: 2954 Higgins

AGAINST

## PERSONS APPEARING AT HEARING

Edward L. Fowler: 2954 Higgins

AGAINST

Mrs. Helen E. Ruffin: 2951 Higgins

AGAINST

Mrs. F. W. Wilkins: 2946 Higgins

AGAINST

Rowena Kelley: 2950 Higgins

AGAINST

Lillian Dallas: 2948 Higgins

AGAINST

## SUMMARY OF TESTIMONY

No one appeared in favor of the request.

Five nearby property owners west of Airport Boulevard appeared in opposition to the request and explained that this is a residential area that should not be changed. The requested zoning should not be granted because there are many children in the area and the site is located only 2½ blocks from the church which would be detrimental. A change of zoning would raise taxes and would not benefit the area.

## 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 W. H. Bullard for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 2003 Airport Boulevard be GRANTED.

C14-69-255 Ross D. Terry Estate: A to C  
4507-4509 North Interregional Highway  
4506-4508 Elwood Road

STAFF REPORT: The property under consideration covers one acre of land fronting onto Interregional Highway and Elwood Road. The stated purpose of the request is for commercial use. The subject tract is part of the Delwood Subdivision and all lots except the subject property are deed restricted to single-family use. The restrictions on the subject property lapsed in January, 1969. To the north of the site along the east side of the Interregional Highway is "A" Residence, Fifth Height and Area zoning and to the north along Elwood Road and to the east is "A" Residence zoning. To the south of Fernwood Road is "C" Commercial, Fifth Height and Area zoning and "B" Residence, First Height and Area zoning. To the west across the Interregional Highway is "C" Commercial,

C14-69-255      Ross D. Terry Estate--contd.

Fifth Height and Area zoning. The land use in the area to the north and east is predominantly single-family; to the south is single-family and apartment development is established in a "B" Residence area. To the west of the Inter-regional Highway there is a service station and several motels. Because of the restrictions on all adjoining property the staff recommends that the zoning as requested be denied; however, it is recommended that "O" Office, Fifth Height and Area be granted on the front portion of the site fronting onto the Inter-regional Highway and that the balance of the property fronting onto Elwood Road remain as "A" Residence. If the change is granted on the entire site, 5 feet of right-of-way would be needed for Elwood Road since the existing right-of-way is only 50 feet.

## TESTIMONY

## WRITTEN COMMENT

Oliver G. Brown: 4500 Elwood Road	AGAINST
Mrs. Carl Levander: 1105 Bentwood Road	AGAINST
Calvin Radford Wallace: 4503 Elwood Road	AGAINST
Gilbert M. Baldazo: 4501 Elwood Road	AGAINST
David H. Killian: 4505 Elwood Road	AGAINST
Daniel Sparks McKay, Jr.: 4511 Elwood Road	AGAINST
Mrs. Wallace Lay: 4509 Elwood Road	AGAINST
A. J. Holloway: 4513 Elwood Road	AGAINST
Bob Lockett, Jr.: 4502 Elwood Road	AGAINST
Teddy Riggs: 1210 Fairwood	AGAINST
George H. Wern: 6217 Annapolis, Dallas, Texas	FOR

## PERSONS APPEARING AT HEARING

Robert McIntyre (representing applicant)	
Mr. & Mrs. Martin L. Anderson: 3215 East Avenue	FOR
Mrs. Carl Levander: 1105 Brentwood Road	AGAINST
Mr. & Mrs. D. S. McKay, Jr.: 4511 Elwood Road	AGAINST
Mr. & Mrs. L. L. Bailey: 4505 East Avenue	FOR
Howard V. Moore: 4331 Airport Boulevard	
Oliver G. Brown: 4500 Elwood Road	AGAINST
Daniel H. Killian: 4505 Elwood Road	AGAINST
Bob Lockett, Jr.: 4502 Elwood Road	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Robert McIntyre, representing the Austin National Bank, Trustee for the Terry Estate, explained that there are no immediate plans for development of the property; however, the land at this time is not being used for the highest and utmost development. The zoning is requested so that development of the property to the highest extent can be accomplished at a later date.

C14-69-255      Ross D. Terry Estate--contd.

Mr. Landrum Bailey, nearby property owner, explained that the Highway Department is requiring additional right-of-way on this street, and in his opinion "C" Commercial zoning would be the proper zoning of the area facing the Interregional Highway.

Mr. and Mrs. Mark Anderson spoke in favor of the request as they own property fronting onto Interregional Highway and the State is requiring a large amount of their front yard. They stated that in their opinion there is no reason why the property along the Interregional Highway should not be zoned for commercial development.

#### Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and advised the Committee and the staff that the property to the south is not zoned "C" Commercial as indicated by the staff. The people in this neighborhood are homeowners and they do not want the residential character of the area changed. If the change is granted, the flow of traffic will be distributed through the area and there will be traffic congestion. It should be pointed out that there are deed restrictions on the area and all of the property, with the exception of the property under consideration is restricted to residential development. The change of zoning on the site would be spot zoning which is contrary to law. One of the reasons for objecting is that a change would have a big impact on the value of the existing single-family homes and the residential property owners have a right to protect their investment. There is no through traffic and children play with relative safety which would change if the property is developed.

Mr. Lillie explained that the frontage road will be moved outward slightly so that there can be a widening from 6 to 8 lanes to extend from Airport Boulevard to 19th Street. The subject property will be effected by the widening of the right-of-way. It is realized that the frontage becomes less desirable as Interstate 35 carries a great deal of traffic; however, in the past the position of the Commission when confronted with deed restrictions was to protect the neighborhood as the granting of the change would burden the neighborhood with upholding the deed restrictions..

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they recommended that "O" Office, Fifth Height and Area zoning be granted on the front portion of the tract, fronting onto the Interregional Highway and that the existing "A" Residence zoning on the balance of the tract, fronting onto Elwood Road, be retained.

At the Commission meeting, Mr. Lillie reported that a resident of this area brought to the office a deed restriction on the subject tract written in 1945 and terminating in January, 1969, so the property is now free of restrictions.

C14-69-255 Ross D. Terry Estate--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request Ross D. Terry Estate for a change of zoning from "A" Residence, First and Fifth Height and Area to "C" Commercial, First and Fifth Height and Area for property located at 4507-4509 North Interregional Highway and 4506-4508 Elwood Road be DENIED but that "O" Office, Fifth Height and Area zoning be GRANTED on the front portion of the tract at 4507-4509 North Interregional Highway and that the existing "A" Residence, First Height and Area zoning on the balance of the tract at 4506-4508 Elwood Road be retained.

C14-69-256 Natividad Carmona: D to C-2  
 2500 East 6th Street  
 601-609 Pedernales Street

STAFF REPORT: The property under consideration contains an area of 6,630 square feet and is located at the northeast intersection of East 6th and Pedernales Streets. The stated purpose of the request is for a tavern. The area directly to the north, east and west is zoned "D" Industrial, Third Height and Area. To the south of East 6th Street is "E" Industrial, Third Height and Area and south of Santa Rosa Street is "B" Residence, Second Height and Area zoning. Even though the area to the north and east is zoned "D" Industrial, the development is predominantly single-family with a few scattered duplexes, several cafes and grocery stores located near the subject tract. The industrial land use within the "E" Industrial area consists of storage yards, manufacturing companies, warehouses and offices. The area to the south of East 5th Street is developed with single-family and two-family dwellings. Land use to the west consists of a plumbing company, lumberyard, warehouse and other uses of a similar nature. The area between 5th and 7th Streets is designated in the Master Plan as Industrial. East 6th and Pedernales Streets are classified as industrial collector streets and have 60 feet of right-of-way. The applicant has submitted field notes describing the exact location of the area on which the "C-2" zoning is needed. The staff does not object to the zoning as it relates to the existing zoning pattern of "D" and "E" Industrial but does question the zoning as it relates to the single-family neighborhood which abuts it.

## TESTIMONY

## WRITTEN COMMENT

Mrs. Ed D. Nicholson: 2506 East 6th Street  
 Harold M. Grist: 2501 East 5th Street  
 Standard Mortgage Company: P. O. Box 1987

AGAINST  
 AGAINST  
 FOR

## PERSONS APPEARING AT HEARING

Vernal Nicholson: 2506 East 6th Street

AGAINST

C14-69-256      Natividad Carmona--contd.

Martin Torres: 2502 East 6th Street  
 Frank Gevara: 2504 East 6th Street

AGAINST  
 AGAINST

## SUMMARY OF TESTIMONY

No one appeared in favor of the request.

Several nearby property owners appeared in opposition to the request stating that they do not want a tavern in the middle of the existing residential area. There is a tavern which has existed in the area for several years and the congestion and the noise created by the business ruins residential value of the surrounding residential property and is very disturbing. There are elderly people as well as many children in the area and a tavern is not conducive to family living. The proposal on the site would bring in additional traffic and cars would be parked along the street causing numerous accidents.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and several of the members felt that the request should be granted as this is a well-defined commercial area. A motion to grant the request failed to carry by 2-2 vote and denial was recommended.

A majority of the members were of the opinion that this request should be denied as an intrusion into an area which is predominantly single-family. It was then

VOTED: To recommend that the request of Natividad Carmona for a change of zoning from "D" Industrial, Third Height and Area to "C-2" Commercial, Third Height and Area for property located at 2500 East 6th Street be DENIED.

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

C14-69-257      Roy Hocker, Tom M. Davis: A, 1st to O, 2nd  
1311-1317 South Interregional Highway

STAFF REPORT: This is a request for a change of zoning from .77 acres for the stated purpose of an office building. Zoning directly to the north of Riverside Drive consists of "O" Office and "C-2" Commercial, Second Height and Area. "A" Residence, First Height and Area zoning is established to the north along Manlove and Edgecliff Streets and "B" Residence zoning adjoins the "A" district to the east. Property directly to the south and east of the subject site is zoned "A" Residence. "C" Commercial and "GR" General Retail zoning is located east of Summit Street along the south side of Riverside Drive. Adjoining the site to the west, along the Interregional Highway is "O" Office zoning with "LR" Local Retail zoning established further to the south. To the north of Riverside Drive along the Interregional Highway is a motel and parking and there are single-family residences established along Manlove and Edgecliff

C14-69-257 Roy Hocker, Tom M. Davis--contd.

Streets with apartment development adjoining to the east. East of Summit Street along the south side of Riverside Drive is a drive-in grocery and a service station. To the south is residential development. The most recent zoning history in the area is the "LR" Local Retail zoning to the south along the Interregional Highway which was granted in 1967, and the "C-2" Commercial, Second Height and Area zoning district which was granted on property to the north earlier this year. Interstate 35, with an existing right-of-way of 350 feet is classified as an expressway. Riverside Drive is classified as a future expressway with an existing right-of-way of 80 feet. The proposed interchange at the Riverside Drive Expressway and Interstate 35 will take between 90 and 100 per cent of the subject property. There is no timing for the expressway at this location and as in other cases the staff has checked with the Legal Department to see if something could be worked out on the acquisition of the property for right-of-way. The staff has not at this time had an answer from the Legal Department. There are some problems with access to Riverside Drive because of topography. To the east of the property by Summit Street, the City has entered into a contract with property owners to purchase by option permitting the owner to use the property until the City needs it for expressway purposes. The staff feels that the zoning as requested is appropriate and recommends the change be granted.

## TESTIMONY

## WRITTEN COMMENT

Stanley Smith: Box 1356

FOR

## PERSONS APPEARING AT HEARING

Tom Wiley (representing applicant)

Harley Clark: 214 Austin National Bank Building

FOR

Don L. Davis: 214 Austin National Bank Building

FOR

## SUMMARY OF TESTIMONY

Mr. Tom Wiley, agent for the applicants, advised the Committee that a group of attorneys plan to use the site for offices. There is a structure located approximately in the middle of the site which will be adapted for that purpose. Any contemplated additional construction will be to the west. According to the architect who has been consulted, the topography line is not as severe as indicated. There is a wall along the back line which is about 3 to 4 feet in height and the property does rise continuously to Manlove Street but it should not present a problem, with regard to the adaptation of the structure. There will be adequate room for off-street parking. There is no access at the present time to Manlove Street although there is an easement to the property.

No one appeared in opposition to the request.

C14-69-257 Roy Hocker, Tom M. Davis--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they recommended that "O" Office, First Height and Area zoning be granted as the appropriate zoning for the site. They recognized that the subject property is located in the area of the proposed interchange plans for Riverside Drive and the Interstate 35 and recommended that the City Council consider the acquisition of the necessary right-of-way at this time.

At the Commission meeting, Mr. Wiley presented building diagrams showing the topographic problems on the site and explained that the property has a mean slope between the street and the rear property line of approximately 26 feet. In discussing this with the Building Inspector's Office, there is a question as to where the mean measurement would be taken. The mean height of the structure at ground level at the south end is 12 feet whereas if the measurement is taken for the mean height of the structure in the middle of the property it is 33 feet and at the north end it is 55 feet. The question is where to measure the building to come under the 35 foot height limitation under "O" Office, First Height and Area. The only difference between "O" Office, First and Second Height and Area is the height inasmuch as the parking and coverage is the same. It is felt that "O" Office, Second Height and Area zoning is needed for the latitude between the 35 feet of the area in one end of the property and the mean height at the other end.

Mr. Lillie advised the Commission that "O" Office, Fifth Height and Area zoning would permit a height of 60 feet which is the same height permitted under Second Height and Area; however, Fifth Height and Area zoning requires a 25 foot building setback from the street.

Mr. Wiley stated that if Fifth Height and Area zoning permits a height of 60 feet this would be acceptable as the improvements are towards the rear of the property and the requirement of the 25 foot building setback line is no problem.

The Commission members discussed the zoning and felt that "O" Office, Fifth Height and Area zoning should be granted as the appropriate zoning for the site, with the condition that no wall extends over 60 feet in height from the foundation. The members also concurred with the Committee to recommend that the City Council consider acquisition at this time of the necessary right-of-way for the Interstate Highway 35 and Riverside Drive Expressway. After further discussion, the Commission unanimously

VOTED: To recommend that the request of Roy Hocker and Tom Davis for a change of zoning from "A" Residence, First Height and Area to "O" Office, Second Height and Area for property located at 1311-1317 South Interregional Highway be DENIED but that "O" Office, Fifth Height and Area zoning be GRANTED, with the condition that no wall of the structure extend over 60 feet in height from the foundation.



C14-69-258      Fred B. Werkenthin:    Int. A, Int. 1st to B, 1st  
    6101-6403 Bolm Road  
    Rear of 876-998 Ed Bluestein Boulevard  
    750-826 Ed Bluestein Boulevard  
    701-1015 Gardner Road

STAFF REPORT: This is an application for a change of zoning to "B" Residence, First Height and Area on property containing 39.41 acres. The stated purpose of the request is for public housing. The tract was recently annexed. The zoning to the north and west includes "B" Residence, First Height and Area zoning, granted in 1967, and "C" Commercial zoning adjacent to the "B" Residence. The staff presented a map of the area and explained that the property is bounded on the west by the State School for the Deaf; Bluestein Boulevard on the south, vacant property immediately to the north and east. Bolm Road extends from Airport Boulevard through to Ed Bluestein Boulevard. There is vacant acreage, some residential development, Govalle Park and Johnston High School immediately north of Bolm Road. The area south of Bolm Road, including the subject tract, is designated in the Master Plan for Manufacturing and Related Uses. A public hearing has been set before the Planning Commission and the City Council for consideration of a change in the Master Plan on the entire triangle bounded by Ed Bluestein Boulevard, Airport Boulevard and Bolm Road, to leave part of the area industrial and to change part of it to medium density residential. The staff recommendation with regard to the Master Plan consideration will be to change the subject tract to medium density residential as well as the tract on both sides. In the future Bolm Road, with an existing right-of-way of 30 feet, will need to be widened to a minimum of 60 feet. The right-of-way is 60 feet from Gardner Road west to Airport Boulevard but 30 feet of right-of-way will be needed from Gardner Road extending to Ed Bluestein Boulevard. It is also requested that the Commission consider the opening of Gardner Road from Bolm Road to Ed Bluestein Boulevard to a minimum of 60 feet of right-of-way. There will be approximately 300 units on the subject tract of land if the request is granted and it is felt that proper circulation in and out and around a tract of this size with the number of units proposed will require that Gardner Road will need to be opened. At the moment it is only open approximately one-third of the way south from Bolm Road and only to a width of 24 feet. The staff recommendation is that "B" Residence, First Height and Area zoning be granted, subject to the rights-of-way as indicated, and a change in the Master Plan to medium density residential, as the appropriate zoning for the site.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Senator Charles Herring (representing applicants)

C14-69-258 Fred B. Werkenthin--contd.

## SUMMARY OF TESTIMONY

Senator Charles Herring advised the Committee that he is with the law firm representing the Austin Housing Authority. He explained that they have been looking for a year and a half for a site large enough to provide for additional public housing in Austin and finally acquired the area now under consideration. The site was not in the City limits; however, the area was brought into the City limits by the City Council about the middle of September and has now been acquired by the Austin Housing Authority for the development of approximately 250 to 300 units. The number of units has not been finally determined. The requested zoning change is needed if the Housing Authority is to go ahead with the proposed development of the tract. Glissman Road goes into the tract at the present time and the City will be requested to abandon the road as it will serve no purpose since the entire acreage will be under one ownership. There will be no need for the road as other streets will be developed and built by the Housing Authority within the project that will serve any need for access in and out. The site has been approved by all the Federal authorities necessary for the financing of the project and the zoning is the only thing needed to permit the plans to proceed.

In answer to a question by the Committee, Senator Herring stated that he assumes that Gardner Road will have to be opened all the way down, in order to have proper access to the site along the west side. An attempt will probably be made to get the State to help with the paving as they do on all of the streets in Austin when they are paved along State owned property. Bolm Road should be widened if it will become any kind of a thoroughfare through the area; however, the matter of contribution of right-of-way has not been discussed with the applicants at this time. He said that it will be his recommendation to widen Bolm Road as it will serve the property.

Mr. Lillie advised the Committee that the architects have submitted the site plan and the staff is working with them on possible right-of-way requirements and the shifting of some of the building locations. Work is being done on the project even though the special permit has not been submitted.

Senator Herring indicated that there would be no problem as the Austin Housing Authority has the cooperation agreement with the City in which they work together on streets, sewer lines, traffic, and whatever goes along with a project of this size. The architects and engineers have all been working with the Planning Department to try to work out whatever is necessary.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was of the opinion that the zoning as requested is appropriate and should be granted, subject to the necessary right-of-way for the future widening of Bolm Road and widening and extension of Gardner Road and subject to a change in the Master Plan from Manufacturing and Related Uses to Medium Density Residential.

C14-69-258 Fred B. Werkenthin--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Fred B. Werkenthin 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 6101-6403 Bolm Road, Rear of 876-998 Ed Bluestein Boulevard, 750-826 Ed Bluestein Boulevard and 701-1015 Gardner Road be GRANTED, subject to the necessary right-of-way for the future widening of Bolm Road and widening and extension of Gardner Road and subject to a change in the Master Plan from Manufacturing and Related Uses to Medium Density Residential.

C14-69-259 Mike Arnn: A to B  
2213 Bluebonnet

STAFF REPORT: This request for "B" Residence, First Height and Area zoning on a 24,674 square foot lot is for the purpose of permitting residential apartments. The predominant zoning to the north and west is "A" Residence, although "B" Residence zoning, granted earlier this year, is established for a large tract to the north having frontage onto Bluebonnet Lane and Goodrich Avenue. "A" Residence zoning adjoins the subject site to the south and there is "C" Commercial zoning along both sides of South Lamar Boulevard with "O" Office and "B" Residence zoning established along Del Curto Road. "C" Commercial zoning is also established to the east having frontage onto Goodrich Avenue. Land use along Bluebonnet Lane includes single-family and two-family residences and a church. A special permit for a day care center was granted on property at the northeast corner of Frazier Avenue and Bluebonnet Lane in 1969. West of Bluebonnet Lane is predominantly single-family with scattered duplexes. To the east is a construction office and a motel at the intersection of Bluebonnet Lane and Goodrich Avenue and there is commercial use and apartments established east of Goodrich Avenue. To the south along both sides of South Lamar Boulevard is a mixture of commercial development. Bluebonnet Lane, classified as a neighborhood collector street, has an existing right-of-way of 60 feet. The immediate area is changing because of the large and unusually shaped tracts. It is felt the large tract already zoned "B" Residence should be the termination of zoning permitting more intensive use than those permitted in the "A" Residence District. The staff recommends that the request be granted as it conforms to zoning in the area.

#### TESTIMONY

#### WRITTEN COMMENT

Kenneth Wendler: P. O. Box 3566

FOR

#### PERSONS APPEARING AT HEARING

John Selman (representing applicant)

C14-69-259 Mike Arnn--contd.

## SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, explained that in this particular area there is a gradation of zoning with the existing commercial backing to the existing and proposed "B" Residence, which serves as a buffer for the residential area to the north along Bluebonnet Lane. With a precedent already being established by the "B" Residence zoning to the north and with the area on the east side of Bluebonnet Lane no longer being a single-family residential area, it is requested that the application be granted.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mike Arnn for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2213 Bluebonnet be GRANTED.

C14-69-260 Montopolis Community Center: Int. A, Int. 1st to LR, 1st (Tr. 1) and  
 Tract 1: 6202-6216 Fairway Street BB, 1st (Tr. 2)  
 1416-1508 Montopolis Drive  
 Tract 2: 6108-6200 Fairway Street  
 Rear of 6202-6216 Fairway Street  
 1406-1414 Montopolis Drive  
 Rear of 1416-1508 Montopolis Drive

STAFF REPORT: This application covers two tracts of undeveloped land. The stated purpose of the request is for a retail shopping center and apartment area. Tract 1, containing 3.67 acres of land is located at the corner of Fairway Street and Montopolis Drive and Tract 2, containing 8.14 acres, also with frontage onto Montopolis Drive and Fairway Street adjoins Tract 1 to the north and west. Zoning immediately to the north along Montopolis Drive is "A" Residence, First Height and Area. To the east across Montopolis Drive is "A" Residence zoning with "C" Commercial zoning established at the intersection of Santos Street and Montopolis Drive and "LR" Local Retail zoning granted in 1967, adjoining the "C" Commercial zoning to the south and fronting onto Montopolis Drive. To the south is predominantly "A" Residential zoning. "LR" Local Retail is established at the southwest intersection of Montopolis Drive and Fairway Street and there is a pending request on a portion of that property for "C-2" Commercial zoning. To the west is "A" and Interim "A" Residence zoning. Land use to the north along Montopolis Drive includes a proposed single-family subdivision and single-family development. To the east is predominantly single-family development. East of Montopolis Drive and the

C14-69-260 Montopolis Community Center--contd.

"LR" Local Retail district is a drive-in theater, recently annexed. To the south of Fairway Street is predominantly single-family development with a local retail shopping center, developed with a beauty shop, barber shop, grocery, restaurant and washateria, located at the southwest corner of Fairway and Montopolis Drive. The area to the west is vacant.

Montopolis Drive is classified as a neighborhood collector street and Fairway Street is classified as a minor collector street. Both have 50 feet of right-of-way. The staff recommends that the zoning as requested be granted, subject to 10 feet of right-of-way for both Fairway and Montopolis Streets, as the appropriate zoning for the site and subject to approval of the subdivision of the subject tract.

## TESTIMONY

## WRITTEN COMMENT

Bishop Louis J. Reicher: % Delores Parish  
1203 Montopolis Drive

FOR

## PERSONS APPEARING AT HEARING

Bob Rutland (representing applicants)

## SUMMARY OF TESTIMONY

Mr. Bob Rutland, Executive Director of the Montopolis Community Center which is creating the subdivision immediately to the north of the tract, explained that he is only familiar with Tract 1 as they are creating a subdivision on that tract. It is hoped that there can be an integrated subdivision of apartments, single-family dwellings and a small commercial area. There is no objection to widening the streets.

Mr. Lillie explained that the subdivision has been filed which includes the right-of-way and the Commission will also be considering a special permit on the same tract which also includes the right-of-way.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is appropriate and should be granted, subject to the necessary right-of-way for Fairway Street and Montopolis Drive and subject to an approved subdivision by the Planning Commission.

C14-69-260 Montopolis Community Center--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Montopolis Community Center for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area (Tr. 1) and "BB" Residence, First Height and Area (Tr. 2) for property located at 6202-6216 Fairway Street and 1416-1508 Montopolis Drive (Tr. 1) and 6108-6200 Fairway Street, Rear of 6202-6216 Fairway Street and 1406-1414 Montopolis Drive and the Rear of 1416-1508 Montopolis Drive be GRANTED, subject to the necessary right-of-way for Fairway Street and Montopolis Drive and subject to an approved subdivision by the Planning Commission.

C14-69-261 Wesley Pearson: A, 1st and C, 6th to DL, 3rd (Tr. 1) and B, 1st (Tr. 2)  
 Tract 1: 3800-3810 South Congress Avenue  
           101-123 Post Road Drive  
           100-124 Krebs Lane  
 Tract 2: 118-120 Post Road Drive

STAFF REPORT: This is an application for a change in zoning from "A" Residence, First Height and Area and "C" Commercial, Sixth Height and Area to "DL" Light Industrial, Third Height and Area on Tract 1 and "B" Residence, First Height and Area on Tract 2. Tract 1 contains 52,668 square feet of land and fronts onto South Congress Avenue, Post Road Drive and Krebs Lane. Tract 2 contains 16,500 square feet of land and fronts onto the north side of Post Road Drive. The stated purpose of the request is for manufacture of boat seats on Tract 1, and parking on Tract 2. To the east of South Congress Avenue there is "D" Industrial, Sixth Height and Area and directly south of the subject site is "C" Commercial, Sixth Height and Area. To the north is "C" and "C-2" Commercial, Sixth Height and Area zoning along Congress Avenue. The area directly to the west is zoned "A" Residence and developed predominantly with single-family dwellings and scattered duplexes. Land to the east of South Congress Avenue is vacant. To the north and south along South Congress Avenue is mixed commercial development and apartments. South Congress Avenue has 100 feet of right-of-way and is classified as a major arterial street. Post Road Drive is classified as a minor residential street and has a right-of-way of 50 feet. Krebs Lane, also classified as a minor residential street, has a right-of-way of 30 feet.

Mr. Lillie explained that the Master Plan designation for the particular area extending west and parallel to South Congress Avenue to approximately the depth of Wadford Street is industrial and streets serving industrial areas are normally required to have 80 feet of right-of-way. Because of the existing development on the subject tract and the location of the buildings to the property lines, it will be impossible to get 80 feet on Post Road Drive and Krebs Lane. In view of the fact that the two streets do not extend very far, the staff feels that a right-of-way of 60 feet would be adequate. Eighty feet of right-of-way is normally required in industrial areas because of the type of vehicles generated and turning movements backing in and out of loading zones. There is a problem of future industrial development south of the subject tract in that

C14-69-261 Wesley Pearson--contd.

Dunlap and Wadford Streets are designated industrial streets and are only 20 feet wide. The staff recommends that the zoning as requested be denied on Tracts 1 and 2 but that "DL" Light Industrial, Sixth Height and Area be granted on Tract 1, subject to 5 feet of right-of-way on Post Road Drive and 15 feet of right-of-way on Krebs Lane. It is felt that the "A" Residence zoning on Tract 2 should be retained because of the existing single-family development.

## TESTIMONY

## WRITTEN COMMENT

Paul Moore: 212 Post Road Drive  
C. A. Sears: Cedar Valley, Texas

AGAINST  
FOR

## PERSONS APPEARING AT HEARING

Wesley Pearson (applicant)  
Alfred Haffelder: Post Road Drive  
Morris Willis: Post Road Drive

AGAINST  
AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he has owned the subject property for 25 years and while he was on the City Council, Tract 1 was annexed to the City and zoned "C" Commercial, Sixth Height and Area. At that time the property was only used for a warehouse but later the seat manufacturing plant was moved to that location. The plant on the site manufactures car seat covers and boat seats. A change in zoning is now necessary on the site as the existing use is non-conforming. Mr. Pearson explained that there is a need to expand his facilities and improve the property. In order to do this the zoning should conform. It is hoped that other property can be acquired to provide additional parking and that a new improved building costing approximately \$25,000 can be put on the subject site, and an existing \$1,000 structure can be taken off. The house on the site is probably on the tax rolls for about \$500 because it will be condemned as soon as the tenant moves out. There is a lounge on the corner of Krebs Lane and South Congress Avenue that is shown as being part of the application; however, he was not intending to rezone that property as it is not under the same ownership. He said that he does have 100 plus feet of frontage facing South Congress Avenue with a reasonable setback. At Post Road Drive and South Congress Avenue there is a parking lot that will accommodate four transport trucks to load and unload which is in the process of being improved. Property across South Congress Avenue is being used for parking as well as property on the south side of Krebs Lane. The property south of Krebs Lane is for sale and there is a possibility that the parking area in that location will not be retained. Mr. Pearson described in detail the existing development of the site and future plans for expansion and improvement of the area. He indicated that the present plans are to use Tract 2 for parking if necessary but if it is not necessary, apartments

C14-69-261 Wesley Pearson--contd.

will probably be built there. There is a problem with the right-of-way as recommended by the staff, inasmuch as the building line is established and has been established for 25 years; however, he said that he would negotiate with the City and try to do anything that is sensible to provide the additional room. It should be pointed out Krebs Lane and Post Road Drive are both dead end streets.

Mr. Kinser asked if all of the traffic into the site enters from South Congress Avenue. Mr. Lillie explained that at the location of Post Road Drive there is a driveway and curb cuts so that trucks can back in and out. The loading and unloading is along the north building front.

Mr. Pearson stated that there are complete entrances from the front although the trucks can turn into Post Road and then back to South Congress Avenue. There is no local business at this location as everything which is produced is shipped out.

#### Arguments Presented AGAINST:

Mr. Alfred Haffelder, and Mr. Morris Willis, property owners along Post Road Drive stated that they oppose the change in zoning because of the parking in the street. They said that Post Road Drive is very narrow with cars parked along it and trucks load and unload onto the subject property extending so far into the street making it difficult, if not impossible, to get to South Congress Avenue. A residential property owner along Krebs Lane also appeared and objected to the change because of the narrowness of the street, difficult access in and out of the area and the fact that the business established on the site dumps trash out in the street.

#### Arguments Presented IN REBUTTAL:

Mr. Pearson stated that to his knowledge the streets are not blocked by cars parking along the street from his business, trucks loading and unloading, or trash being dumped in the street. He said that he realizes that the streets are narrow and he would be glad to provide what right-of-way is possible on the site if he does not have to tear down the buildings.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending additional information on the possible widening of Post Road Drive and Krebs Lane.

At the Commission meeting, Mr. Lillie reported that he spent several hours with the applicant reviewing the application and the subject site and advised him that the staff would be recommending that 5 feet of right-of-way be provided for Post Road Drive and 15 feet of right-of-way for Krebs Lane. A property map was presented showing the applicant's property as well as the vacant property in the area and the area which is developed commercially and residentially. A site plan map of the property was also submitted showing



C14-69-261 Wesley Pearson--contd.

the existing development on the site. Mr. Lillie explained that there are at present several structures on the site which have been connected under one roof. The applicant has had two or three building permit requests during the past three years, all of which have been granted. At the present time there is an industrial use on Tract 1 which is non-conforming as the site is zoned "C" Commercial. There is a non-conforming parking situation also in that Mr. Pearson's employees are now parking off-site on the east side of Congress Avenue, most of the parking is within the right-of-way of the street, and also on a vacant lot located on the south side of Krebs Lane. There are approximately 30 to 40 automobiles parking in those two areas. There is also some parking on Post Road Drive itself. Another point of consideration is the fact that there is an excessive coverage situation in that First Height and Area zoning permits a maximum building coverage of 55 per cent of the lot. As indicated on the site plan, the building coverage on Tract 1 is close to 80 per cent of the lot and is therefore non-conforming under the existing zoning. Another non-conforming situation is with respect to building setback. The building setback requirement on Post Road Drive and Krebs Lane is 10 feet and the existing setback of the structures on the site from Post Road Drive is 8 feet and from Krebs Lane the setback is only 3 feet. In the Master Plan, the area from Congress Avenue back to approximately Wadford Street is identified as "Light Industrial". In all industrial areas a minimum street right-of-way of 80 feet is required in order to provide the necessary turning movement for semi-trucks, vans and trailers which generally service industrial areas. There is a problem in this particular area in that the frontage on both sides of Post Road Drive and both sides of Krebs Lane is already zoned commercially. It would be very difficult therefore to acquire through dedication or acquisition additional right-of-way to widen these streets unless the areas were to be zoned for more permissive zoning, which would include "DL" or "E" Industrial districts as in the subject case. It is possible to require and get 5 feet of right-of-way from the subject tract on Post Road Drive as the existing structures are setback from the property line eight feet; however, it is not possible to get 15 feet for Krebs Lane. Because of the existing development on the subject tract and on the northwest corner tract of Krebs Lane and South Congress, the staff recommends that the entire 30 feet for the future widening of Krebs Lane come from the south side of the street. Generally it is felt that right-of-way requirements be divided where possible so that no one property owner has the disadvantage of providing it all. While it is realized that 80 feet of right-of-way is normally required for industrial purposes, the staff feels that because of the minimum length of the streets that a 60 foot right-of-way can be recommended rather than 80 feet. In any event, it is felt that a minimum of 60 feet is needed because of the expanding nature of the business.

The applicants industrial development is no longer a static industry and is expanding as indicated by the three building permits he has received during the past several years. On the Congress Avenue side of the property, he has constructed a second floor to the existing structure and plans to extend the second floor to increase the employment for the sewing function within the business. In discussing the application with Mr. Pearson, it was found that he is proposing a 5,000 square foot warehouse building on the first lot to the west of the existing building in addition to the other facilities. On the

C14-69-261 Wesley Pearson--contd.

second lot which is presently zoned "A" Residence, Mr. Pearson is using the garage facilities for warehousing for storing materials for his business.

The applicant is requesting "B" Residence zoning on Tract 2 for the purpose of providing off-street parking for his employees. If the request is granted, he will be required to go to the Board of Adjustment for a variance from off-street parking in that the Zoning Ordinance requires the parking to be on the same site as the development as opposed to off-site. Through a variance, off-street parking can be provided within 200 feet of the site but this would have to be approved by the Board of Adjustment. The applicant is also requesting "DL" Light Industrial, Third Height and Area zoning on Tract 1 as opposed to First Height and Area. The Third Height and Area will permit a waiver on the coverage provision under the Ordinance which means that he will no longer be required to have a maximum coverage of 55 per cent of the lot but will be permitted to have full coverage of the area. In view of the fact that the site is already non-conforming on coverage, the staff feels that the First Height and Area zoning is proper and that 55 per cent of the coverage is proper and should be required on the site. The two lots in the rear requested for "DL" Light Industrial can be used on an interim basis for the required on-site parking. The applicant has shown the staff an off-street parking plan for the first lot, the lot that he ultimately hopes to use for a 5,000 square foot warehouse, during the interim period prior to construction or application for a building permit for the warehouse. In that the applicant does not intend immediate construction of the warehouse, the staff feels that the two rear lots can be used for the required parking. It is recommended that "DL" Light Industrial, First Height and Area zoning be granted on Tract 1, subject to 5 feet of right-of-way on Post Road Drive and that "B" Residence, First Height and Area zoning be denied on Tract 2. One other point is that the lots in Tract 1 are through lots and if they are not joined together by short form subdivision, a 25 foot setback would be required from Krebs Lane and Post Road Drive for any future development. The applicant can submit a short form joining the three lots and the setback will then be only 10 feet from Krebs Lane and Post Road Drive.

The Commission members asked questions concerning the existing and proposed coverage of the property and the required number of off-street parking spaces. They noted that the use existing on Tract 1 is industrial and felt that the requested "DL" Light Industrial, Third Height and Area zoning should be granted as the appropriate zoning for Tract 1. They were also in favor of granting "B" Residence, First Height and Area zoning for Tract 2, as long as the area is used for parking only. In both instances, they felt that the granting of the requests should be subject to the necessary right-of-way for Post Road Drive.

C14-69-261 Wesley Pearson--contd.

After further consideration, the Commission then unanimously

VOTED: To recommend that the request of Wesley Pearson for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Sixth Height and Area to "DL" Light Industrial, Third Height and Area (Tr. 1) and "B" Residence, First Height and Area (Tr. 2) for property located at 3800-3810 South Congress Avenue, 101-123 Post Road Drive and 100-124 Krebs Lane (Tr. 1) and 118-120 Post Road Drive (Tr. 2) be GRANTED, subject to the necessary right-of-way for the widening of Post Road Drive and with the condition that if Tract 2 is not used for parking purposes only, the zoning would revert back to the existing "A" Residence, First Height and Area.

C14-69-262 Fannie V. Newgent: A to LR (as amended)  
 41 1/4-49 3/4 Waller Street  
 1201-1207 Haskell Street

STAFF REPORT: The property under consideration contains approximately 38,455 square feet of land. The stated purpose of the request is for commercial development to serve the geriatrics center and the neighborhood. To the north and west is "A" Residence zoning with "C" Commercial and "GR" General Retail zoning established along Interstate Highway 35. "B" Residence and "C" Commercial were recently approved by the City Council in the fish hatchery area for the purpose of constructing the Geriatrics Center. The land use in the area to the north and west is single-family; to the south is the fish hatchery which is proposed to be developed with the Geriatrics Center. Waller Street has an existing right-of-way of 58 feet and Haskell Street has an existing right-of-way of 40 feet, both classified as minor collector streets. Both streets are presently inadequate if more intensive zoning is granted. Although there is "C" Commercial and "GR" General Retail zoning within the immediate vicinity, the area is predominantly developed with single-family dwellings and the staff feels that the requested "C" Commercial, First Height and Area zoning on the site is too intensive and should be denied; however, it is recommended that "B" Residence, First Height and Area zoning be granted, subject to making Waller and Haskell Streets adequate.

## TESTIMONY

## WRITTEN COMMENT

Edmund J. Fleming, Jr., et al:	American National Bank Arcade	FOR
Mario L. Cantu, Sr.:	56 Waller Street	AGAINST
Standard Mortgage Company:	P. O. Box 1887	AGAINST

## PERSONS APPEARING AT HEARING

Charles Trenckmann (representing applicant)

C14-69-262 Fannie V. Newgent--contd.

#### SUMMARY OF TESTIMONY

Mr. Charles Trenckmann, representing the applicant, explained that the property under consideration is a corner cut out of the old fish hatchery tract which has been rezoned for the development of the Geriatrics Center. The proposal as submitted for the Geriatrics Center is for approximately 700 people living in the area. The applicant would like to put in some type of retail type facilities to give additional service to the occupants of that center and the neighborhood. It is realized that "C" Commercial zoning may be too dense and premature but it is admitted that "LR" Local Retail zoning would not be and is therefore requested that the application be amended to "LR" Local Retail, First Height and Area zoning rather than "C" Commercial. Waller and Haskell Streets are collector streets and there is a substantial volume of traffic. The applicant would like to begin planning a nice development to serve the neighborhood and the occupants of the center. Since essentially all of the block the subject property is in is occupied by the center, the applicant's small tract is an island bounded by the Geriatrics Center tract and Waller and Haskell Streets. It is such a small tract that it is no longer suited to residential or apartment use. At the present time there are single-family structures on several of the lots. The corner lot is vacant. The applicant is anxious to go ahead and put in a neighborhood grocery store on the corner lot with parking on the adjoining lot to the south which would be a fine contribution for that neighborhood and provide local services to the area as there is presently no grocery store within three or four blocks. It is requested that local retail zoning be granted for the entire tract; however, if the Commission feels that is is too intensive, it is requested that the zoning at least be granted on the corner lot.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "LR" Local Retail, First Height and Area. They reviewed the information presented and concluded that the zoning as amended should be denied as it is too intensive for the area; however, they recommended that "B" Residence, First Height and Area zoning be granted, subject to the necessary right-of-way for the future widening of Waller Street and Haskell Street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Fannie V. Newgent for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area (as amended) for property located at 41 1/4-49 3/4 Waller Street and 1201-1207 Haskell Street be DENIED, but that "B" Residence, First Height and Area be GRANTED, subject to the necessary right-of-way for the future widening of Waller Street and Haskell Street.

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C14-69-263 William Mark Day: GR to C-2  
 6313-6325 Cameron Road  
 6327-6417 State Highway 20  
 1335-1401 Wheless Lane

STAFF REPORT: This application covers 5,850 square feet of the area and the proposed use is for a tavern. The site is located within a large tract of land which is zoned "GR" General Retail with "C-2" Commercial zoning established within a shopping center for a liquor store. To the east and south is "A" Residence, First Height and Area zoning which is developed with single-family residences. To the west of Cameron Road is "GR" General Retail, "C-2" and "C" Commercial, First and Second Height and Area zoning. The Cameron Inn Lounge is located in this area. The major streets in the area include U. S. Highway 290 to the north; Cameron Road, a major arterial street with 60 feet of right-of-way and Wheless Lane, a minor collector street with 50 feet of right-of-way. The applicant has submitted field notes describing the exact location needed for the "C-2" Commercial zoning and the staff recommends that the request be granted as an extension of the shopping center. There is not an existing building in the shopping center for the proposed use, but the construction of the tavern will involve an extension of the shopping center.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

Jack Dempsey (representing applicant)	
Marion H. Glass: 1503 Asberry Drive	AGAINST
Earlee C. Hartfield: 6218 Brookside	AGAINST
Mrs. Dorothy Arbuckle: 1601 Asberry	AGAINST
Mrs. Marion H. Glass: 1503 Asberry	AGAINST
Mrs. R. B. Kincannon: 6300 Brookside Drive	AGAINST
Mrs. Thelma Heather: 1408 Glenwood	AGAINST
Mrs. Roy A. Parks: 1407 Glenwood	AGAINST
Paul J. Primm: 6214 Brookside	AGAINST
Royce L. Vernon: 1308 Glenwood	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Jack K. Dempsey, representing the applicant, explained that he is the architect and they are presently under construction with a 14,000 square foot addition to Reagan Square which is a neighborhood shopping center on the large "GR" General Retail tract. The existing center includes a Sinclair service station, washateria, grocery store, and similar type uses. The plans are to add three to four additional tenants and one of the proposed tenants requires a "C-2" Commercial zoning for the business proposed. The area

C14-69-263 William Mark Day--contd.

requested for "C-2" Commercial zoning is immediately behind the space where Shakey's Pizza Parlor is located. The grocery store existing in the center sells beer and wine to go and there is a package store to the west. No additional traffic changes are proposed in the area and there is totally adequate parking. The structures will be in the same type construction and appearance as the remainder of the shopping center. There is at this time an existing six foot privacy fence which borders the shopping center screening it from the residential use. There will be no opening to the building or additional parking added in the adjacent rear area.

**Arguments Presented AGAINST:**

A number of nearby property owners appeared and presented a petition in opposition to the request. They pointed out that the area adjoining to the east and south is developed with single-family residences and to the north is U. S. Highway 290 and Reagan High School. There are many teenagers and young children in the residential area and the development proposed on the site will bring in undesirable people which will have a bad influence on the teenagers. The noise and disturbance created by the proposal would be detrimental and obnoxious to neighboring property owners and lower the value of the residential homes.

**Arguments in REBUTTAL:**

Mr. Dempsey explained that the shopping center existing in the "GR" General Retail district is well constructed and has been kept extremely clean. He stated that the people who propose a lounge on the site have an existing lounge in another area which he has checked and there are no disturbances created for adjoining property owners. The lounge will be for older couples as they do not cater to teenagers. There will be no pool tables, or go-go girls and the operation will not harm the adjoining neighborhood.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information and a majority concluded that the zoning as requested should be granted as this is a well-defined and well-developer commercial area.

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

**VOTED:** To recommend that the request of William Mark Day for a change of zoning from "GR" General Retail, First Height and Area to "C-2" Commercial, First Height and Area for property located at 6313-6325 Cameron Road, 6327-6417 State Highway 20 and 1335-1401 Wheless Lane be GRANTED.

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

## SPECIAL PERMITS

CP14-69-035 Jackie Fellers: Day Care Center  
4405 Lareina Drive

STAFF REPORT: This application has been filed as required under Section 4, subsection 8 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 a day care center allowing 17 children. The subject property containing 9,360 square feet is zoned "A" Residence, First Height and Area and the use proposed on the site is permitted in this Zoning District under the special permit procedure. The immediate surrounding area is also zoned "A" Residence, First Height and Area. A request for "C" Commercial, First Height and Area zoning on a large tract to the west fronting onto St. Elmo Road was recently denied. The site plan has been circulated to the various City departments and the comments are as follows:

Traffic Engineer  
 Electric  
 Water and Sewer

Storm Sewer  
 Building Inspector

Advance Planning  
 Director of Public Works  
 Office Engineer  
 Tax Assessor

Health

Fire Prevention

Fire Protection

- No objections
- O.K.
- Water and Sanitary Sewer Service is available from the existing mains in Lareina Drive. Additional fire protection will not be required.
- Plan complies with requirements.
- (1) Lot area permits up to 17 children on the site as per requirements of the Zoning Ordinance.
- (2) Loading and unloading facilities for the children would probably have to be from the street R.O.W.
- (3) The facility and site shall be approved by the Texas Department of Public Welfare.
- Acceptable.
- No objections.
- Comm. driveway request required.
- 4-120600216 Taxes are paid through 1968.
- No objections. Waste Water System to be available.
- Provide 1-5lb. CO2 or Dry Chemical fire extinguisher.
- Existing water mains and fire hydrants are believed to be adequate.

## TESTIMONY

## WRITTEN COMMENT

None

CP14-69-035 Jackie Fellers--contd.

## PERSONS APPEARING AT HEARING

Jackie Fellers (applicant)

G. L. Anderson: 3004 Cedarview Drive

AGAINST

## SUMMARY OF TESTIMONY

## Arguments presented FOR:

The applicant was present on behalf of this request and stated that 90 percent of the families that live along Lareina Drive are working people and they need a day care center for their children. The hours are approximately 8 to 5 which is the same time the people will be working.

## Arguments presented AGAINST:

Mr. G. L. Anderson, owner of the adjacent property advised the Committee that he is not in favor of the proposed use on the site as it is not in the best interest of the neighborhood. He said that he has been able to get good tenants in his rental house because of the desirable location but if the applicant has 17 children next door it will disrupt that situation.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Jackie Fellers for a special permit to allow a day care center on property located at 4405 Lareina Drive, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-036 Montopolis Community Center: Apartment Dwelling Group  
(by Bryant-Curington, Inc.)  
6108-6216 Fairway Street  
1406-1508 Montopolis Drive

STAFF REPORT: This application has been filed as required under Section 4-A, subsection 6, Paragraph F and according to procedures specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an



CPI4-69-036 Montopolis Community Center--contd.

apartment dwelling group with 18 structures; 128 units in 17 structures; 1 management unit in one (1) structure; 288 off-street parking spaces. The subject property contains an area of 355,200 square feet which is presently zoned Interim "A" Residence, Interim First Height and Area; however, a request for "LR" Local Retail, First Height and Area Zoning on Tract 1 and "BB" Residence, First Height and Area Zoning on Tract 2 is before the Planning Commission for consideration. The site plan has been circulated to the various City Departments and the comments are as follows:

## Advance Planning

## Office Engineer

## Water and Sewer

- Suggest that parking spaces at entry drives be removed and located as indicated on map.
- Area to be subdivided - request required for commercial driveways.
- Sanitary Sewer is available from the existing mains in Montopolis Drive and Fairway Drive. Water Service is available from the existing water mains in Montopolis Drive and Fairway Drive. Four (4) additional fire hydrants will be required to give adequate fire protection. One fire hydrant will be located on the southwest corner of the intersection of Montopolis Drive and Tulip Circle. The second fire hydrant will be located on the Northwest corner of the intersection of the Drive running northerly off Tulip Circle. The third fire hydrant will be located on the island northwesterly of Unit No. 7. The fourth fire hydrant will be located on the corner adjacent to Unit No. 3. This will require a six (6) inch water main with valves to be run from Montopolis Drive down Tulip Circle, turning northerly in the proposed drive north of Unit No. 9, and turning southerly down the proposed drive west of Unit No. 7 and tying to the existing main in Fairway Drive. Fire demand meters will be required if a combined fire and domestic service system is used.
- No objections. Waste Water System to be available.

## Health

CPI4-69-036 Montopolis Community Center--contd.

Building Inspector

- (1) The property shows to be "A" Residential Zoned and is not subdivided as shown on the site plan.
- (2) Lot area is adequate on the basis that "B" Zoning would be obtained.
- (3) Parking meets requirements of the Zoning Ordinance providing Tulip Circle as shown on the site plan is a private drive.
- (4) Does not include building code approval.

Tax Assessor

- 3-0715-0101 Taxes are paid through 1968.

Fire Prevention

- Follow recommendations of Fire Department. Install required Fire Extinguishers as buildings are completed.

Director of Public Works

- Need request for and approval of driveways, before construction begins. Recommend minimum of 5' radius on all curb returns for driveways.

Fire Protection

- Existing fire protection facilities are indicated in blue. Recommended additions are indicated in red.

Traffic Engineer

- (1) 32 additional parking spaces must be provided or the number of units must be reduced. Curb parking on Tulip Circle is not practical.
- (2) Head-in parking not permitted on collector city street, namely Fairway Drive.
- (3) 25' is required to back out of a 90 degree parking space.

Electric

- Electric easements to be retained at a later date.

Storm Sewer

- (1) Drainage facilities required.
- (2) Additional drainage easements may be required.

The staff recommends that the request be approved subject to the necessary zoning, 10 feet of right-of-way for Fairway Street and Montopolis Drive and compliance with departmental reports.

CP14-69-036 Montopolis Community Center--contd.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

None

## SUMMARY OF TESTIMONY

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

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved, subject to the necessary zoning, approval of the subdivision plan by the Planning Commission and compliance with departmental reports.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Montopolis Community Center for a Special Permit for the erection of an apartment dwelling group on property located at 6108-6216 Fairway Street, and 1406-1508 Montopolis Drive subject to compliance with departmental reports, the necessary zoning, and 10 feet of right-of-way for Fairway Street and Montopolis Drive, 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.

CP14-69-037 Omega Investment Company: Trailer Park  
8801-8811 North Lamar Boulevard

STAFF REPORT: This application has been filed as required under Section 5-B, subsection 22 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a trailer park allowing 24 off-street parking spaces; 1 laundry and 20 concrete patios. "LR" Local Retail zoning has been granted on the site but the ordinance is pending and the use proposed is permitted in this zoning District under special permit procedure. The site plan has been circulated to the various City Departments and the comments are as follows:

CP14-69-037      Omega Investment Company--contd.

- |                          |   |
|--------------------------|---|
| Advance Planning         | - Proposed layout appears too crowded; at least four units should be deleted.   |
| Office Engineer          | - Require request for commercial driveway.  |
| Building Inspector       | - (1) The property has not been subdivided as shown on site plan.<br>(2) Zoning at the present time is "A" Residential ("LR" is proposed).<br>(3) At least 20 paved off-street parking spaces are required with 20 feet paved aisle as access to the parking spaces. Min. 5' side-yard setback required from north property line.<br>(4) Any Acc. Building shall require building permit.<br>(5) Where any parking area is adjacent to property developed for residential use there shall be provided for the length of the common boundary a wall or fence not less than 4 feet in height measured from the finished grade of such parking area. |
| Storm Sewer              | - Plan complies with requirements.  |
| Tax Assessor             | - 2-3815-0205    Taxes are paid through 1968<br>2-3815-0211    Taxes are paid through 1968<br>2-3815-0212    Taxes are paid through 1968  |
| Fire Prevention          | - Provide fire protection as specified in the Fire Code, Chapter 38, article 14, section 38-104, number 17-Trailer Camp.  |
| Director of Public Works | - Need request for and approval of driveways before construction begins. Also, recommend minimum radius of 10' on all driveway returns.   |
| Fire Protection          | - Existing fire protection facilities are believed to be adequate.  |
| Health                   | - No objections. Waste Water System to be available.  |
| Electric                 | - Electric easement to be determined at a later date.   |

CP14-69-037 Omega Investment Company--contd.

Traffic Engineer

- Driveways and off-street parking are satisfactory.

Water and Sewer

- Water and Sanitary Sewer service is available from existing mains in Deen Avenue. No additional fire protection is required.

Mr. Lillie advised the Committee that generally a mobile home park is developed with no more than 10 to 12 units per acre which is about 4,000 square feet per unit. The subject property contains less than an acre of land and the proposal is for 20 units which is almost twice what the staff feels the density should be. The driveways and the patio areas are at a 90 degree angle and would be almost impossible to turn a mobile home into the narrow drive. By deleting four spaces on the north end, and turning the remaining 16 about 45 or 60 degrees to the drive, the backing of trailers onto slabs becomes possible. Even by deleting 4 spaces the density would be greater than what FHA has determined to be a reasonable density for mobile home parks.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

Ronald Zent (appearing for applicant)

FOR

## SUMMARY OF TESTIMONY

Mr. Ronald Zent, representing the applicant, stated the trailers are actually 12'x 48' and the spaces are not going to be rented. He explained that their plans are to buy the trailers and rent them out. The reason the spaces appear so crowded is that the building inspector has said that there has to be a 25 foot setback off North Lamar Boulevard and also Deen Avenue. He indicated there would be no objection to reducing the number of spaces to 16 if the Committee feels that it is necessary. With regard to the right-of-way, the City sent their surveyor out and the right-of-way needed for Deen Street varies.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved subject to compliance with departmental requirements, the final passing of the proper zoning and with the condition that only 16 spaces be provided.

CP14-69-037      Omega Investment Company--contd.

At the Commission meeting Mr. Reeves advised the members that this particular area is in progressive transition. The entire area purchased is going to be housing and new commercial development and a trailer court on the site fronting into the residential area would be a poor use of the property.

After further discussion a majority of the members concurred with the Committee recommendation and

VOTED: To APPROVE the request of Omega Investment Company for a special permit for a trailer park on property located at 8801-8811 North Lamar Boulevard subject to compliance with departmental reports, the final passing of the proper zoning and with the condition that only 16 spaces be provided, and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Kinser, Hanks, Anderson, Crier and Becker

NAY: Messrs. Reeves and Milstead

ABSENT: Mr. Taniguchi

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

CP14-69-038      Mrs. R. W. Irwin: Day Care Center  
1405 East 37th Street

STAFF REPORT: This application has been filed as required under Section 4, subsection 8, paragraph B 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 a day care nursery allowing 13 children. The subject property, containing approximately 7,988 square feet is zoned "A" Residence, First Height and Area and the use proposed on the site is permitted in this zoning District under special permit procedures. The site plan has been circulated to the various City departments and comments are as follows:

Advance Planning	- Acceptable if unloading of children is considered safe by Building Inspector.
Office Engineer	- O.K.
Water and Sewer	- Water and Sanitary Sewer Service is available from the existing mains in East 37th Street. Additional fire protection will not be required.
Storm Sewer	- Plan complies with requirements.
Tax Assessor	- 2-1411-0407 Taxes are paid through 1968.
Director of Public Works	- No objections.
Fire Prevention	- Install 1 2½ gallon Water Pump Can Fire Extinguisher.

CP14-69-038 Mrs. R. W. Irwin--contd.

Building Inspector

- (1) Site plan does not indicate number of children to be kept; however, 13 children would be permitted under requirements of the Zoning Ordinance.
- (2) Does not appear to have off-street loading and unloading facilities.
- (3) The facility and site shall be approved by the Texas Department of Public Welfare.

Health

- No objections. Waste Water System to be available.

Fire Protection

- Existing fire protection facilities are believed to be adequate.

Electric

- Electric to retain 5' easement along rear property line.

Traffic Engineer

- No objections.

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

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Mrs. R. W. Irwin (applicant)

FOR

#### SUMMARY OF TESTIMONY

Mrs. R. W. Irwin appeared at the hearing and explained that she has had 13 children in a day care nursery at this location for a long time and there has been no objection. The existing facilities are not large enough to accommodate the neighborhood. There is a lot of space and the use will not be detrimental to any of the adjoining property.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

CP14-69-038 Mrs. R. W. Irwin--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Mrs. R. W. Irwin for a day care center for property located at 1405 East 37th Street subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

CP14-69-039 Tarrytown Methodist Church: Day Care Center  
2601-2611 Exposition Boulevard

STAFF REPORT: This application has been filed as required under Section 4, subsection 8, paragraph B and according to the procedures specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care center. Although the applicant would be allowed approximately 275 children according to the square footage of the site, the proposal is for only 45 to 60 children. The site plan has been circulated to the various City Departments and the comments are as follows:

Advance Planning  
 Office Engineer

Water and Sewer

Building Inspector

Tax Assessor

- Play yard should be fenced.
- Require request for commercial driveway.
- Water and Sanitary Sewer Service is available from the existing mains in the adjacent streets. Additional fire protection will not be required.
- (1) Site plan does not indicate number of children to be kept, however 274 children would be permitted under requirements of the Zoning Ordinance. Recommend the Planning Commission establish an exact number of children permitted under this proposal, if less than 274.
- (2) The facility and site shall be approved by the Texas State Department of Public Welfare.
- (3) Building Code requirements:
  - a) one exit is not marked properly (directional arrow should be removed)
  - b) door locks should be changed so that doors may be opened at any time from the inside.
- 1-1804-0801 Exempt from taxation
- 1-1804-0802 Exempt from taxation



CP14-69-039 Tarrytown Methodist Church--contd.

Health	- No objections. Waste Water System to be available.
Director of Public Works	- Need request for, and approval of driveways for off-street parking before construction begins on them.
Fire Prevention	- Provide clearance between store and cabinet in kitchen.
Fire Protection	- Existing water mains and fire hydrants are believed to be adequate for fire protection.
Electric	- O.K.
Traffic Engineer	- Approved
Storm Sewer	- Plat complies.

The staff recommends approval subject to compliance with departmental reports.

## TESTIMONY

## WRITTEN COMMENT

Reginal King: Tarrytown Baptist Church	FOR
Thomas M. Runge, M.D.: 18 Medical Arts Square	FOR
Sister Mary Gemma: 2630 Exposition Boulevard	FOR
Petition with 14 signatures	AGAINST

## PERSONS APPEARING AT HEARING

Robert Duke: 3501 Hillbrook Circle	FOR
David L. Stitt: 2529 Springs Lane	FOR
Clifford Zirkell, Jr.: 2502 Galewood	FOR
Jim Forbis:	AGAINST

## SUMMARY OF TESTIMONY

## Arguments presented FOR:

Mr. Robert Duke advised the Committee that the day care center is operated under the jurisdiction of the Human Opportunities Corp., a division of the office of Economic Opportunity. A copy of the departmental reports were received from the Planning Department and all the requirements have been complied with. The Human Opportunity Corp. plan calls for a maximum of 45 children in a center of this type which would be 3 classes with 2 special teachers and 2 volunteers. The center is staffed at this time although there are not very many children in the facility. The day care center is presently operating under a temporary permit and has been since September. First indication that the church had that it might be possible to serve the community in this way came about 8 or 9 months ago and since that time the church has an opportunity to be funded by the Human Opportunities Corp. and to devote the facilities to that purpose. The administrative board of the church has looked

CP14-69-039 Tarrytown Methodist Church--contd.

into this matter and has come to the conclusion that this is one of the best ways that a facility of this type can be used for more than just a Sunday morning meeting. There is a history of day care centers in the area although there are no present or pending applications. The Tarrytown Baptist Church operates a day care center and the Presbyterian Church on Exposition operates a center for mentally retarded children. It is felt that the day care center under the concepts of the Human Opportunities Corp. is an asset to the City and one which should be carried out. This center is unique in that the children are brought to the center by bus about 9:00 o'clock in the morning and are taken back to the other centers about 4:00 o'clock where they are picked up by their parents. The average age of the children is 5 years and more learning is done rather than just playing. This is a program that began before head-start in the first grade. The play area is an enclosed area of the church and the children do not play outside on the grounds. It is felt that the day care center will offer cultural experience that some of the children will not get any other place. The strong feeling is that the church with the investment in their property does not utilize its property well unless it is utilized all the time and the day care center is a worthwhile project and is in keeping with the church faith.

Mrs. Ruth Parker, Medical Coordinator for the day care center program for the Human Opportunities Corp. explained that she is a registered nurse. She stated that for the last two years she worked in the Psychiatric Ward of the Holy Cross Hospital and the student health center of the University of Texas and was very pleased to have the opportunity for the position with the Human Opportunities Corp. She said that in her opinion the seeds of unrest, unhappiness and violence are sowed early in the childhood years of the individuals and what is invested now in the way of care, concern and love for the individuals gives them a positive start in life rather than what they might not have experienced.

Rev. Zirkel was present at the hearing and stated that the church is pleased to have the privilege of carrying on this kind of ministry. He explained that in addition to the notices sent out by the City to the property owners within 300 feet of the subject site, the church also sent a letter from the officers of the church inviting the property owners to look at the facilities to see what was going on first hand, to get the sight and the sounds, the smell and the feel of what is taking place. Rev. Zirkel read the letter mailed to the property owners explained the program and the facilities and also portions of letters received from nearby property owners supporting the special permit. He explained the church is faced with the opportunity for a program of ministering to some 40 or 50 children with no place to go. It was felt that to bring the program of the needs of the children together for the responsibility and obligation and privilege it is requested that the temporary occupancy permit which has been granted be extended.

Mr. David Stitt, a nearby property owner, also appeared in support of the request to state that in his opinion the church facility should be used for a day care center as there is a need for a program of this type.

CP14-69-039 Tarrytown Methodist Church--contd.

## Arguments presented AGAINST:

Mr. Jim Forbis, a nearby property owner appeared in opposition to the request and presented a petition with the signatures of people owning property around the church who are opposed to the day care center. He said that the people of the area take care of their children and the citizens of Austin recently voted 5 to 1 to increase the school facilities. He said that he is one of the tax payers that will help pay for additional facilities and is opposed to converting a church into a school. There are schools in this area as well as in other areas that should be used for schooling while the churches should be used for church facilities. If the request is granted, 275 children would be permitted which could possibly be detrimental to the value of the property in the area. On all sides of the church are nice residential homes and the people are opposed to having all the young children brought into the neighborhood when they should be in their own neighborhood and their own people should take care of them.

## Arguments in REBUTTAL:

Rev Zirkel stated that there is no intention of having 275 children in the day care center but it is felt that the center can minister to the number of children suggested. It is anticipated that the facilities will be limited to 40 to 50 children. The program is a day care center and not a school.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Tarrytown Methodist Church for a special permit to allow a day care center for property located at 2601-2611 Exposition Boulevard, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

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

## SUBDIVISIONS

R146      SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of September 22, 1969, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. The Commission then unanimously

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of September 22, 1969, on the minutes of this meeting.

## SUBDIVISION PLATS - FILED AND CONSIDERED

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

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

<u>C8-68-91</u>	<u>Phillips Mobile Home Estates</u>
	Doss Road
<u>C8-69-56</u>	<u>Northwest Hills Ranch Lot J-7</u>
	B-K Ranch Road
<u>C8-68-46</u>	<u>Northwest Hills, Northwest Oaks 1</u>
	Greystone Drive and Hart Lane

<u>C8-69-40</u>	<u>Travis Vista</u>
	R. M. 620 and Travis View

The staff reported that this final plat has complied with all departmental requirements and met all but two of the requirements of the Ordinance. There is a variance involved on the widths of Lots 10-A through 17 and on the area of Lots 13 and 14. There are 8 lots which do not have 60 feet of width at the building line as required by the Subdivision Ordinance of the City. The applicants have put a setback line on the specific lots at a point where the lots will be 60 feet wide. Lots 13 and 14 which are shy of the area requirements back to the water's edge and the platted portion of the lot only goes to the 715 contour line. There is a note on the plat that all of the lot lines of all lots that abut lake frontage extends to the bank of the Old Colorado River; however, they cannot get to the bank to survey it so they have to use the 715 contour elevation which means that the lots actually do

C8-69-40 Travis Vista--contd.

have additional area down to the water's edge behind what is shown on the plat to meet the requirements of the Ordinance. The staff recommends that a variance be granted on the width of Lots 10-A through 17 and on the area of Lots 13 and 14 and that the plat be approved. The Commission then

VOTED: To APPROVE the final plat of TRAVIS VISTA, granting a variance on the width of Lots 10-A through 17 and on the area of Lots 13 and 14.

C8-69-24 St. Edwards Heights, Section 4  
Parker Lane North of Woodward

The staff reported that this final plat has been before the Commission once before and was disapproved pending completion of departmental reports and provision for a street adjoining the subject site on the north side of the tract in question. This is a church site which was brought before the Commission two or three months ago where the preliminary was approved with the condition that a street be placed on the north or the south side. On the south side of the site is the sanitary or garbage fill and because of this, the staff recommended that the street be on the north side of the tract. At a subsequent meeting, the Planning Commission concurred with the staff that the street should be on the north side and made it a condition of the final plat. Mr. Osborne talked to Mr. David Barrow, developer of the property and has reached an agreement concerning the dedication and development of the street. The developer does not want to dedicate and develop a street at this time as they are only planning a site for a church. The agreement is that Mr. Barrow will provide the dedication and development of the street connecting Parker Lane with San Marino Drive out to Interstate 35 in connection with the development of any remaining portion of the land other than the church site. In other words, any further development of the surrounding property will require the dedication and development of the street.

Mr. Hanks asked if the agreement has been filed with the Planning Department. Mr. Osborne advised the members that he has discussed this with Mr. Barrow and his agreement is that he will provide the street when further development of any portion of the land is effected by it. After further discussion, the Commission unanimously

VOTED: To DISAPPROVE the final plat of ST. EDWARDS HEIGHTS, Section 4, pending completion of departmental reports, fiscal agreements and receipt of an agreement to develop the street in question when any further development of the land occurs.

C8-68-124      Gramercy Park  
Burnet Road and Rockwood 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 completion of departmental reports. The Commission then

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

C8-69-29      Cherry Meadows  
Matthews Lane and Cherry Meadows Drive

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of CHERRY MEADOWS, pending completion of departmental reports and the required tax certificates.

C8-69-77      Monsanto Addition  
Thrasher Lane and Montopolis Drive

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of MONSANTO ADDITION, pending completion of departmental reports and the required tax certificates.

C8-69-85      Highland Oaks, Section 2  
U. S. Highway 183

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of HIGHLAND OAKS, Section 2, pending completion of departmental reports.

## SHORT FORM PLATS - FILED AND CONSIDERED

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

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

<u>C8s-69-165</u>	<u>Lunsford Addition</u> Research Boulevard
<u>C8s-69-166</u>	<u>Northwest Hills Resub. Lots 10 &amp; 11, Block D Sec. 1</u> Lookout Mountain Drive and Small Drive
<u>C8s-69-169</u>	<u>Richardson Street Addition</u> Richardson Street
<u>C8s-69-170</u>	<u>Yager Lane Addition</u> Yager Lane and U. S. Highway 81
<u>C8s-69-174</u>	<u>Hughes and Zidell Subdivision, Resub. Lots 1 &amp; 2</u> Stafford Street and Manor Road
<u>C8s-69-175</u>	<u>Herman Brown Addition No. 2, Section 5, Resub. Lots 3,</u> Hillview Drive and Pleasant Run <u>4, 5, 6 Blk. B</u>
<u>C8s-69-178</u>	<u>Northwest Hills Mesa Oaks Resub. Lots 33 &amp; 34, Blk. R,</u> Bamford Drive <u>Phase 5-A</u>
<u>C8s-69-179</u>	<u>First Resub. of Parkwood in University Hills, Section 3</u> Loyola Lane and Willamette Drive
<u>C8s-69-180</u>	<u>Broz Addition</u> Dungan Lane
<u>C8s-69-181</u>	<u>Garden Oaks, Section 6</u> Center Street and Garden Villa Lane

C8s-69-182      Kaleh Subdivision  
Slaughter Lane

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

VOTED: To ACCEPT for filing and APPROVE the short form plat of KALEH SUBDIVISION.

C8s-69-176      1969 Replat of Church Addition  
Cameron Road

The staff reported that this is the first appearance of this short form plat before the Commission and there are no departmental reports. A variance is involved on the signature requirements of the adjoining owners and a letter has been received requesting that the variance be granted. In view of the

C8s-69-176      1969 Replat of Church Addition--contd.

letter, the staff recommends that the variance be granted and that the plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of 1969 REPLAT OF CHURCH ADDITION pending completion of departmental reports, granting a variance on the signature requirements of the adjoining owners.

C8s-69-167      E. E. Cameron Subdivision  
Davis Lane

The staff reported that this short form plat has complied with all departmental requirements; however, there is a variance required on street width in that the street has an existing right-of-way of only 35 feet. The developer is dedicating 7.5 feet in order to provide for his portion of the right-of-way necessary for the street and in view of this, the staff recommends that the plat be approved and the variances be granted. The Commission then

VOTED: To APPROVE the short form plat of E. E. CAMERON SUBDIVISION, granting a variance on the width of the County Road.

C8s-69-142      Fitzgerald Estate  
Spicewood Springs Road

Mr. Foxworth reported that the Commission previously considered this one lot short form subdivision on Spicewood Springs Road where the balance of the tract had been sold to Mr. Wallace Mayfield. The staff previously recommended and the Commission concurred that the short form plat be disapproved and that a long form subdivision be submitted on behalf of Mr. Mayfield and Mr. Fitzgerald showing provision for the 80 foot continuation of Timber Valley Drive through the subject property to the south to Spicewood Springs Road. Following that action, the staff discussed this with Mr. Mayfield and he gave the staff a letter agreeing to submit a long form preliminary plan. Subsequently, the preliminary plan has actually been filed and will be considered at the next meeting of the Subdivision Committee showing provision for the 80 foot street and as it does not effect this particular subject lot, the staff recommends that the previous action of the Commission be rescinded so as to delete the requirement of the long form subdivision. At this point it is recommended that the short form plat be disapproved pending only completion of departmental reports.

Mr. Kinser asked what would happen to the street if the Commission approved the short form and the preliminary plan is withdrawn.

Mr. Foxworth explained that the Planning Department and the Subdivision Committee could recommend that the preliminary plan not be withdrawn and it could be acted on. He said that in his opinion the preliminary plan will



C8s-69-142      Fitzgerald Estate--contd.

not be withdrawn as Mr. Mayfield is committed to getting the street in as soon as he can, and get the engineering work done. The street goes through the Mayfield property and does not go through the property retained by Mr. Fitzgerald. After further discussion the Commission unanimously

VOTED:      To RESCIND the previous action on the short form plat of FITZGERALD ESTATE and DISAPPROVE pending completion of departmental reports only.

C8s-69-87      Bar S Ranch Subdivision No. 2  
Bar S Ranch Road

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

VOTED:      To APPROVE the short form plat of BAR S RANCH SUBDIVISION No. 2.

## ADMINISTRATIVE APPROVAL

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

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

C8s-69-168	Virgil R. Gage Subdivision
	Neal Street
C8s-69-171	Scenic Brook West Sec. 1, First Resub. of Blk. G
	Dawn Hill Circle and Grove Crest
C8s-69-172	Oak Park Subdivision, Sec. 4
	Oakclaire Drive and U. S. 290
C8s-69-173	Quail Creek West, Section 1 and 2, Resub.
	Briardale Drive and Colony Creek Drive
C8s-69-177	Point West, Westover Hills, Section 2, Resub.
	Split Oak Circle <u>Lots 6 &amp; 7, Blk. H</u>

## OTHER BUSINESS

C2-69-1(j)      AUSTIN DEVELOPMENT PLAN AMENDMENT  
143.5 acres bounded on the north by Bolm Road, on the west  
by Airport Boulevard and on the east by Bluestein Boulevard

Mr. Golden, Planning Coordinator, advised the Commission that the Austin Housing Authority through their attorney, Mr. Fred Werkenthin, had requested a change in the Development (Master) Plan of the City of Austin, on an area of approximately 39 acres, from Manufacturing and Related Uses (Industrial) to Medium Density Residential. An additional 104.5 acres was added by the Department of Planning to the area under consideration.

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

This change, as requested, required the study of the existing uses in the surrounding areas. Mr. Golden pointed out the existing residential uses along Bolm Road and Airport Boulevard. It was pointed out that Boggy Creek was the beginning of the commercial and industrial uses along Airport Boulevard, including a fire station, moving and storage company and a concrete pipe manufacturer. The predominant use along Bluestein Boulevard at this time is the Texas School for the Deaf (East Campus). Johnston High School, Govalle Park and Allan Junior High School were also noted. Therefore, in general, the existing uses supported the request and the problem to be resolved is determining boundaries.

Mr. Osborne reviewed the land use in the surrounding area, the high volume of traffic in the area and the need for widening Bolm Road that would be discussed in relation to the zoning case. He noted a portion of the area is outside the City limits and the land indicated as the Gene Howard tract at Ed Bluestein and Bolm Road would probably fall in the Commercial Service and Semi-Industrial classification. He further indicated the manufacturing uses more or less ended with the Centex Concrete Pipe Company. The Housing Authority plans to construct 300 units on their site.

Mr. Anderson indicated there would be a need for some commercial areas particularly when the housing is constructed.

Mr. Osborne recommended the area adjacent to Ed Bluestein Boulevard and bounded on the west by the Housing Authority property be designated Commercial Service and Semi-Industrial. He further recommended the area between the Centex Concrete Pipe Company and the Gene Howard tract be designated Medium Density Residential. The balance of the triangle shaped area of consideration would be left as manufacturing and related uses.

Mr. Milstead asked if the change is made as recommended by Mr. Osborne would Centex be able to expand into all the property shown on the map. The staff indicated that it could.

The Commission discussed the area proposed for change and were of the opinion that it should be changed as outlined by the staff. It was then unanimously

VOTED: To recommend that the land use designation for approximately 10 acres south of Bolm and west of Bluestein Boulevard (Gene Howard tract) be changed from Manufacturing and Related Uses to Commercial Service and Semi-Industrial, and that the adjacent approximate 90 acre area located along both sides of Gardner Road and south of Bolm Road be changed from Manufacturing and Related Uses to Medium Density Residential.

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

Approximately 50 acres located along both sides of Shoal Creek Boulevard between Anderson Lane and Steck Avenue

Mr. Golden advised that Austin-Northwest Development Company requested that the designation of approximately 20 acres of land located west of Shoal Creek be changed from Manufacturing and Related Uses to Medium Density Residential. An additional area of approximately 30 acres, was added for the Planning Commission's consideration since the area between the creek and Shoal Creek Boulevard is presently designated for Manufacturing and Related Uses. The Company represented by Mr. Jim Crozier will probably use the area for General Retail and Office use. However, they desire to have the flexibility to use the land for apartments.

It was noted that there have been a number of changes requested in this area and the area to the north. The changes requested were from Industrial to Residential then back to Industrial. Since the area has been annexed recently and the original zoning for the area will be considered, this request needs careful consideration.

Mr. Golden was advised that the area east of Shoal Creek was actually zoned "O" Office and "D" Industrial at this time. He indicated since Mr. Crozier will be filing an application for zoning change shortly, he might want to comment on this situation.

Mr. Osborne noted the changes that had taken place; he felt that he could recommend as follows:

1. The area between Mo-Pac Railroad and Shoal Creek Boulevard (i.e. the Steck plant area) should remain designated as Manufacturing and Related Uses.
2. The balance of the area under study be designated Medium Density Residential.

He questioned whether it was proper utilization of land to surround the plant with apartments and other types of development.

Mr. Crozier, representing Austin Northwest Development Company, explained the reasons for the various changes that had been requested in the past. He indicated the company had only recently acquired the area next to the Steck Plant. He questioned that the area east of Shoal Creek Boulevard is zoned "D" Industrial. He said he remembered the zoning case well and the feeling of the owners that back up to the creek. He stated that a portion of the area is "O" Office and the balance is zoned "GR" General Retail.

Mr. Crozier stated the reason for the request is that his firm could not guarantee the Commission that any of the land would not be used for apartments, that is why he needs the change in the Master Plan that he has requested. Eventually he indicated they would ask for "GR" General Retail zoning.

Mr. Kinser asked if they propose apartments on the east side of Shoal Creek Boulevard, would it be desirable to have a buffer zone on the west side.

C2-69-1(k) AUSTIN DEVELOPMENT PLAN--contd.

Mr. Osborne stated that the land to the east of Shoal Creek Boulevard has sufficient area so that a buffer could be provided on the property. He also checked the zoning file and found that zoning of the area between Anderson Lane and Steck Avenue and east of Shoal Creek Boulevard is zoned "GR" General Retail on the south portion and "O" Office on the north portion.

Mr. Kinser asked what Mr. Crozier's thinking was about the Planning Department's recommendation. Mr. Crozier indicated he was interested in more flexibility in the area adjacent to the Steck Plant.

Mr. Osborne pointed out that what the question boils down to is whether or not to change the plan to permit apartments to be built west of Shoal Creek Boulevard. Within the eastern portion of this area we are apparently in agreement. He further indicated that a portion of the area immediately south of the Steck Plant would be used for extension of Great Northern Boulevard and the grade separation for Mo-Pac Boulevard.

Several Planning Commission members commented on the use of this land and reviewed the various related problems, such as possible conflicts between the Master Plan and the Zoning Plan. During the discussion it was clarified that the plant was presently zoned Interim "A" Residence and that zoning takes precedence over the Master Plan. In addition that single-family housing could not be built in industrial areas under the Master Plan and that "DL" Light Industrial zoning was the only Industrial zoning prohibiting residential development was also noted.

Mr. Milstead indicated he felt the area adjacent to the Steck Plant between Shoal Creek Boulevard and the Railroad should remain an industrial classification. The balance of the area should be designated Medium Density Residential.

After considerable discussion the Commission then

VOTED: To recommend that all the area east of Shoal Creek Boulevard between Anderson Lane and Steck Avenue be changed from Manufacturing and Related Uses to Medium Density Residential and that the area south of the Steck property on the west side of Shoal Creek Boulevard (approximately 10 acres) be changed from Manufacturing and Related Uses to Medium Density Residential.

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

215 acres bounded on the east by Southern Pacific Railroad, on the north by Old Manor Road and on the west by Ceders Lane.

Mr. Wayne Golden, Planning Coordinator, advised the Commission that Mr. H. H. Coffield is requesting a change in the Austin Development Plan from Suburban Residential to Manufacturing and Related Uses on approximately 215 acres of land bounded on the east by the Southern Pacific Railroad, on the north by Old Manor Road and U. S. Highway 290, on the west by Ceders Lane and on the south by a center line of the South Branch of Decker Creek. To the east of the

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

subject site is a rest home which is located on a private drive extending southward from U. S. Highway 290 and north of U. S. Highway 290 is a service station. To the east along U. S. Highway 290 is the Eastern Heights residential subdivision which was submitted to the Planning Department sometime ago. The City has been working on obtaining Daffin Gin Road to Decker Lane as a major arterial street. Generally speaking, the land is relatively flat. Although there is some spotted residential development, this is predominantly a farm or rural area.

Mr. Osborne explained that there are primarily two issues involved, the first of which is that the land in this area is essentially undeveloped and has a number of potential directions it can go. Second is the availability of utilities. Most of the land insofar as that proposed for industrial is relatively flat and technically falls within the Decker Creek drainage area, draining back to Decker Lake. One of the considerations is in setting a pattern for this particular area. There are arterial streets proposed, i.e. Ceder Lane and Daffin Gin Road, which have not been developed as yet. Mr. Osborne said that in his opinion the use of the subject property for industrial is marginal, except for the presence of the railroad, because of its length and relationship to existing arterial streets. If the property is redesignated for industrial purposes it should be one of the conditions that this have public utility service particularly public sewer.

Mr. Doren Eskew, representing Mr. Coffield, presented a copy of a preliminary plan of the property showing the accessibility of team tracts to the various sites. He explained that the applicant plans a very high quality industrial park. Mr. Eskew said that he is not at liberty at this time to disclose the identity of the first client who is negotiating for several of the tracts but it is one of the ten largest businesses in the world. They are interested in a high quality industrial park and are not interested in something that would detract from the area. As indicated by the Master Plan limits, the prospective user of the site could have gone a few hundred yards in either direction and avoided the necessity of running the risk of being controlled by the City of Austin but they are interested in being controlled by the City and of having the proper kind of development. There are several things that interest them in this particular location. The first is the ready accessibility to a great source of electric power which is now going in at Decker Lake. He pointed out that the power plant at Decker Lake is in itself a very substantial industry which is on the Lake. There is one other industrial use in the area and there are several residential homes. The subject property is as flat and as desirable for industrial property as any land in Travis County. There is a bluff to the east of Walnut Creek and because of this, the entire area is quite readily available to be drained as far as gravity flow sewer services are concerned into the Walnut Creek area. Mr. Eskew stated that the Walnut Creek Treatment Plan was designed to take everything in the Little and Big Walnut Creek and the Buttermilk Creek water sheds so it is not anticipated that there will be any problem with respect to the sanitary sewer. There are other industries in Austin which add to the areas in which they are located.

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

Mr. Eskew indicated that there will be a set of restrictions on the type of uses that can be developed on the site. When a subdivision plat is filed there will be controls by the City with regard to width and types of streets for industrial purposes and also setbacks. It is felt that the location of the subject property is ideal for high-quality restricted industrial park type development which will not detract from the recreational, commercial or residential development around the Lake.

Mr. Milstead asked about the accessibility of sanitary sewer service to the subject site. Mr. Eskew explained that there is no sewer service on the land at the present time nor is there any available on any of the uses presently made. There have been several plans worked out by the engineers for ways to solve the problems but as yet, a final determination has not been arrived at for a system of taking care of the problems. In any event, the property by gravity flow is quite easily drained into the Walnut Creek Water Shed.

Mr. Osborne explained that the entire tract drains naturally toward Decker Lake. The property apparently is so level and essentially is at the ridge that it can be drained back into Walnut Creek. Sewer is not a major problem but the particular area should have public sewer service available and should not operate from septic tanks.

The Commission members discussed the existing and proposed development in relation to the topography of the land and the sanitary sewer problems. They were of the opinion that the request to change the area is appropriate and recommended that it be granted. It was then unanimously

VOTED: To recommend that the request to change the land use designation from Suburban Residential to Manufacturing and Related Uses on approximately 215 acres of land bounded on the east by the Southern Pacific Railroad, on the north by Old Manor Road and U. S. Highway 290, the west by Ceders Road and the south by the center line of the south branch of Decker Creek be GRANTED.

C10-69-1(z) ALLEY VACATION

Alley located between Poquito and Alamo Streets  
and East 19th and 20th Streets

This is a request to vacate the alley between Poquito and Alamo Streets and East 19th and 20th Streets. The subject alley is located within a block of land on which zoning for non-residential use is presently being considered.

The request has been circulated to the various City departments and vacation is recommended subject to the retention of easements between Lots 4 and 5 (65' x 20'). The staff recommends that the request be granted subject to the retention of the easements as noted.

Mr. Milstead asked if the staff recommendation is still to vacate the alley in view of the fact that the Planning Commission recommended that the zoning as requested be denied but that "LR" Local Retail zoning be granted on the area

C10-69-1(z) ALLEY VACATION--contd.

fronting onto 19th Street and "BB" Residence, First Height and Area zoning on the area fronting onto 20th Street.

Mr. Osborne explained that the alley is dedicated but is not open on the ground and any commercial development occurring on the site will front onto commercial development and the residential type development will front towards the area zoned residentially.

After further discussion the Commission unanimously

VOTED: To recommend that the alley located between Poquito and Alamo Streets and East 19th and 20th Streets be VACATED, subject to the retention of the storm sewer easements.

C10-69-1(aa) STREET VACATION

A small portion of Dexmoor Drive north of Belmoor Drive

The staff reported that this is a request to vacate a small portion of the cul-de-sac at the intersection of Dexmoor and Belmoor Drives. The request has been circulated to the various City departments and there is no need for retention of any easements. In view of this, the Planning Department recommends that the request be granted. The Commission then unanimously

VOTED: To recommend that a small portion of Dexmoor Drive north of Belmoor Drive be VACATED.

C10-69-1(ab) STREET VACATION

Gonzales Street extending west from Pleasant Valley Road approximately 390 feet

The staff reported that this is a request to vacate Gonzales Street extending west from Pleasant Valley Road approximately 390 feet. The request has been circulated to the various City departments and vacation is recommended subject to the retention of easements.

Mr. Osborne explained that the City is in the process in negotiating with Mr. Johnson for a substantial amount of right-of-way from the abutting property for Pleasant Valley Road. A minimum of 30 feet will be needed. After further discussion the Commission unanimously

VOTED: To recommend that Gonzales Street extending westward from Pleasant Valley Road approximately 390 feet be VACATED, subject to the retention of the necessary easements as indicated.

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

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Hoyle M. Osborne  
Executive Secretary