

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- December 9, 1969

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

Present

S. P. Kinser, Chairman
C. L. Reeves
M. J. Anderson
Jack S. Crier
Roger Hanks
Jack Goodman

Absent

Bill Milstead
Alan Taniguchi
Fritz Becker

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of December 1 and 2, 1969.

Present

Alan Taniguchi
Jack Crier
*Fritz Becker
**Jack Goodman
C. L. Reeves

Also Present

Richard Lillie, Asst. Director
of Planning
Mike Wise, Associate Planner
Shirley Ralston, Administra-
tive Secretary

*Present only on December 1, 1969.
**Present only on December 2, 1969.

PUBLIC HEARINGS

C14-69-290 Jack Andrewartha: B to LR
1116-1126 Barton Hills Drive

STAFF REPORT: This is an application for "LR" Local Retail, First Height and Area zoning on a .83 acre tract of undeveloped land located along the north side of Barton Hills Drive. The stated purpose of the application is for a community center. The zoning in the area includes "B" Residence, First Height and Area to the north and east along the proposed thoroughfare; Interim "A" Residence to the south and "LR" Local Retail and "B" Residence zoning to the west. Land in the area is predominantly undeveloped with apartments under construction on property zoned "B" Residence to the west. A change in zoning to "B" Residence and "LR" Local Retail, First Height and Area zoning was

1017

C14-69-290 Jack Andrewartha--contd.

recently granted on property to the west and a special permit for an apartment dwelling group was also approved. The request for "B" Residence zoning is pending on property to the south. Barton Hills Drive is classified as a neighborhood collector street with an existing right-of-way of 70 feet. There is a proposed thoroughfare with 100 feet of right-of-way to the east of the site. The staff recommends the requested "LR" Local Retail zoning because of the adjacent area to the west which is already zoned "LR" Local Retail and the subject application covers the remaining level area of the tract. The topography then falls about 20 to 30 feet to Jasmine Lane. The remaining area zoned "B" Residence, is on the slope. If all of the land is retained by the present owner, he can adequately plan development. If sold, however, the remainder of the tract to Jasmine Lane is too narrow unless joined to City-owned land to the north. Unless the area requested for "LR" Local Retail and the narrow portion zoned "B" Residence to the north are planned to be developed as a single site, the application should be denied.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Oscar W. Holmes (representing applicant)

SUMMARY OF TESTIMONY

Mr. Oscar Holmes, representing the applicant, advised the Committee that the plans are to use the subject property in conjunction with the "LR" Local Retail zoning existing to the west. After planning for the project was under way, it was found that the existing "LR" Local Retail zoning should have originally extended to the east line of the subject property as it represents a bluff line. The subject property in the existing "LR" Local Retail area is flat and the concept is to develop all the flat land together as a community center.

Mr. Holmes stated that with regard to the remaining "B" Residence area, the applicant plans at a later date when the proposed thoroughfare is more definite to develop apartments and face the project onto Jasmine Lane. After the thoroughfare is developed, the City may want to sell a portion of the City owned property to the applicant in which case the applicant would want to eliminate Jasmine Lane so that there would be one continuous piece of ground.

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 to the west and because the land is under the same ownership.

C14-69-290 Jack Andrewartha--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1116-1126 Barton Hills Drive be GRANTED.

C14-69-291 R. C. Armstrong, et al: B to O
800 West Avenue

STAFF REPORT: The property under consideration contains 28,140 square feet of land and the purpose of the request as stated on the application is for resale of the site. The rear portion of the site, abutting Shoal Creek is zoned "B" Residence, First Height and Area and the front portion of the site fronting onto West Avenue is presently zoned "B" Residence, Second Height and Area. "B" Residence zoning is established in the area to the north, east and south; "O" Office zoning is to the east and south and "C" Commercial zoning exists to the south along West 6th Street and to the west across Shoal Creek. Land use in the area to the north, south and east includes apartments and several office developments. To the west across Shoal Creek is single-family and duplex development and to the south along both sides of West 6th Street there is a variety of commercial businesses. There have been a number of zoning requests for "O" Office and "C" Commercial zoning on property in the area within the past several years, all of which have been granted. West Avenue is classified as a minor collector street with an existing right-of-way of 80 feet. The right-of-way is adequate. The staff recommends that the request be granted as the character of the area is changing from single-family use to office, and apartment development.

TESTIMONY

WRITTEN COMMENT

Albina Pajestka: 807 West Avenue	AGAINST
T. W. Murray: 809 West Avenue	FOR
J. E. Magee, et al,: 2701 Addison	FOR
Roy Butler: 900 West 6th Street	FOR
Mrs. Bonnie M. Smith: 202 Hot Wells Boulevard	FOR

PERSONS APPEARING AT HEARING

R. C. Armstrong (applicant)

SUMMARY OF TESTIMONY

Mr. R. C. Armstrong was present on behalf of this request and advised the Committee that a change on the subject property would be logical because of the changing complexion of this particular area of town.

No one appeared in opposition to the request.

C14-69-291 R. C. Armstrong, et al--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of R. C. Armstrong, et al for a change of zoning from "B" Residence, First and Second Height and Area to "O" Office, First and Second Height and Area for property located at 800 West Avenue be GRANTED.

C14-69-292 John F. Carter: A, 1st to B, 2nd
307 West 45th Street
4413-4415 Avenue B

STAFF REPORT: This site covers 8,700 square feet of land which is located at the southeast intersection of West 45th Street and Avenue B. The stated purpose of the request is for apartments. Zoning in the area consists of predominantly "A" Residential to the north, east and south with "B" Residence, Second Height and Area zoning established on several lots to the south along Avenue C, Avenue B and Avenue A to the west. "O" Office zoning exists to the north of West 45th Street between Avenue A and Avenue B as well as to the south at the intersection of Avenue A and West 44th Street. "C" Commercial zoning is established in strip fashion to the west along Guadalupe Street. Predominant land use in the area consists of single-family development with several small apartments to the south along Avenue C and to the west along Avenue A. Offices are located on property west along 45th Street and Avenue A with various commercial businesses established along Guadalupe Street. There have been a number of recent zoning changes on property in the area to "B" Residence, Second Height and Area. Avenue B is a minor residential street with 80 feet of right-of-way. West 45th Street with an existing right-of-way of 60 feet is classified as a major arterial street to be widened to 80 feet. All of the increased right-of-way for the street is to come from the south side, therefore 20 feet is needed from the site. Zoning to the west was established before the adoption of the Expressway and Major Arterial Plan at which time no right-of-way was required.

Mr. Lillie explained to the Committee that the reason the proposal is for all the right-of-way to come from the south side of the street is that most of the lots that abut West 45th Street actually side to the street as opposed to fronting. As a result there are a number of lots that are only 50 feet wide. If it were decided to take 10 feet from either side to bring the street to 80 feet, it would require the acquisition of nearly all the property on both the north and south side of the street. By requiring all the necessary right-of-way from the south side, the north side has been relieved from the dedication of right-of-way. In the area south of 45th Street, the City Council has granted almost all the requests for "B" Residence, Second Height and Area zoning and for that reason the staff feels that this request is valid and recommends that it be granted, subject to 20 feet of right-of-way for 45th Street.

C14-69-292 John F. Carter--contd.

TESTIMONY

WRITTEN COMMENT

Mrs. Lillie Mokry: 4505 Avenue B	FOR
Mrs. Louella McConnachie: 4411 Avenue B	AGAINST
Charles B. Lindsey: 4409 Avenue B	AGAINST
Fred B. Sturdivant: 4412 Avenue B	AGAINST

PERSONS APPEARING AT HEARING

John F. Carter (applicant)

SUMMARY OF TESTIMONY

Mr. John F. Carter appeared on behalf of his request and explained that the house existing on the site was condemned by the City and then improved so that it could be occupied. The subject site is a very nice piece of property in a convenient location which should be developed into something which is productive. The zoning is requested so that apartment units can be built on the site. He said that the subject site only contains 8,700 square feet and if 20 feet of right-of-way is required, the area will be reduced to less than 7000 square feet which will make it extremely difficult to develop 12 units on the site and provide adequate off-street parking.

Mr. Reeves advised the applicant that if 20 feet of right-of-way is required from his site there would still be sufficient area for 10 apartment units. Mr. Carter stated that he presently has a ten unit project that he would like to move over to the site. The right-of-way would be opposed if there would not be sufficient area in the lot for the ten units and the required off-street parking. If there is sufficient room, there would not be as much objection.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to 20 feet of right-of-way for West 45th Street as the proper zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John F. Carter for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 307 West 45th Street and 4413-4415 Avenue B be GRANTED, subject to 20 feet of right-of-way for West 45th Street.

C14-69-293 Alex Dochen: A to C
Rear of 5414-5416 Burnet Road

STAFF REPORT: The subject property, consisting of 5,000 square feet is located at the rear of 5414-5416 Burnet Road. The stated purpose of the request is for storage facilities for Fred Erwin television sales which adjoins to the east fronting onto Burnet Road and is zoned "C" Commercial, First Height and Area. Most of the property fronting onto both sides of Burnet Road to the north and south is zoned "C" Commercial. To the west is predominantly "A" Residence zoning with "O" Office and "LR" Local Retail established south of Shoalmont Drive. To the south of Lawnmont Avenue a large area was rezoned "B" Residence in 1968. Land use in the area includes a variety of commercial uses to the east on both sides of Burnet Road, single-family development to the west along Montview and Shoalwood Avenue, and a restaurant and shopping center to the south of Lawnmont Avenue.

There have been recent requests in the area for "C" Commercial and "B" Residence zoning, all of which have been granted. A request for "C-2" Commercial zoning was made on the subject site and property adjoining immediately to the east and to the south fronting onto Burnet Road in 1968. It is the staff's understanding that the request is still pending because of right-of-way for Lawnmont Avenue. Burnet Road is classified as a major arterial street with an existing right-of-way of 60 feet and a car count of 17,850 cars per day. The staff has no strong objection to the request. The subject property is being used for the purpose as indicated and is fenced. It is presently a non-conforming use. The proposed zoning is an intrusion into a single-family neighborhood. High density use only exists to the east where intensive zoning exists. The deep lots do provide a buffer of open space between residences fronting onto Montview and commercial uses fronting onto Burnet Road. The existing zoning boundaries are the most appropriate.

TESTIMONY

WRITTEN COMMENT

Fred P. Savage: P. O. Box 404	FOR
Emma Wendlandt Savage: P. O. Box 404	FOR

PERSONS APPEARING AT HEARING

Douglas Hearne (representing applicant)

SUMMARY OF TESTIMONY

Mr. Douglas Hearne advised the Committee that he represents the owner of the subject property and also Mr. Erwin. The property in question is owned by Mr. Dochen who also owns property fronting further to the south. From the time the applicant acquired the property several years ago, the commercial zoning ended at the subject property line and the subject property was maintained as residential. Mr. Erwin executed his lease with Mr. Dochen in 1968, occupied the subject site as well as the adjoining property fronting onto Burnet Road. There is a privacy fence across therear of the residential lot

C14-69-293 Alex Dochen--contd.

which is 8 feet in height. Mr. Erwin has been using the area under consideration for small warehousing facilities and would like to have the zoning changed so that the use would conform. There has been no objection to the request by any of the adjacent residential homeowners. The property is needed by Mr. Erwin and if the area is not changed, the site would not have any use or value in the future as no one would purchase an inside piece of property with no frontage on a street.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as the appropriate zoning for the site and because the subject tract is the rear portion of commercial property fronting onto Burnet Road.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Alex Dochen for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at the rear of 5414-5416 Burnet Road be GRANTED.

C14-69-294 Walter Yates: A to C
2204 Anderson Lane

STAFF REPORT: The subject site contains 5,000 square feet and is located along the north side of Anderson Lane just east of Burnet Road. The purpose of the request as stated on the application is for resale of the property. Zoning to the immediate north includes "A" Residential. To the east is "GR" General Retail on the north side of Anderson Lane with "O" Office adjoining the general retail district to the north. To the south of Anderson Lane is "GR" General Retail zoning with "C" Commercial zoning existing to the west along both sides of Burnet Road. Land use to the north is predominantly single-family; to the east is an appliance dealership; to the south is a shopping center and a variety of commercial uses exist along Burnet Road to the west. There have been three recent histories in the area. A request for "C-2" Commercial zoning was granted on property to the north along Burnet Road in 1968, and a 1969 request for "O" Office zoning is pending on property to the east, on Anderson Lane. A request for a special permit for a veterinary clinic was recently denied in the shopping center. Anderson Lane is classified as a major arterial street with an existing right-of-way of 70 feet and a car count of 6,730 per day. It is proposed to be widened requiring 15 feet of right-of-way from the subject site. The staff feels that the application as submitted should be denied but it is recommended that "O" Office, "LR" Local Retail, or "GR" General Retail, First Height and Area zoning be granted as it relates to the most recently established zoning and development and is most appropriate to the zoning granted for the major use in the area, which is the shopping center.

C14-69-294 Walter Yates--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 denied, but that "GR" General Retail zoning should be granted, subject to 15 feet of right-of-way for Anderson Lane, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Walter Yates for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2204 Anderson Lane be DENIED, but that "GR" General Retail, First Height and Area zoning be GRANTED, subject to 15 feet of right-of-way for Anderson Lane.

C14-69-295 Henry G. Sanders: A, LR and C to GR
1200-1206 Springdale Road
4122-4128 East 12th Street

STAFF REPORT: This application covers 44,540 square feet of land located at the northwest intersection of East 12th Street and Springdale Road. The stated purpose of the request is for beer for on-premise consumption in a barbeque restaurant. The zoning in the area is predominantly residential to the north, west and south; "LR" Local Retail and "C" Commercial zoning is established on the property under consideration. There are two cemeteries within the area, one located to the north and the other to the south both on property which is unzoned. There is single-family and apartment development existing in the area to the north and west, Simms Elementary School east of Springdale Road and north of 12th Street and several service stations on property south of East 12th Street. There are three pending zoning requests on property in this area. One is a request for "BB" Residence, First Height and Area zoning on property adjoining the site to the west and also on property south of East 12th Street. The third is a request for "C" Commercial, First Height and Area zoning on property located along the east side of Springdale Road. Springdale Road with an existing right-of-way of 60 feet and East 12th Street with an existing right-

C14-69-295 Henry G. Sanders--contd.

of-way of 70 feet, are both classified as major arterial streets in the Thoroughfare Plan.

The staff has no strong objection to the requested change, although it is felt that "LR" Local Retail is the proper zoning for the tract. It should be pointed out that the present zoning was established for the development of a small neighborhood shopping center. More intensive zoning would permit a greater range of uses on a limited site. A cafe, cafeteria or restaurant is permitted in the "LR" Local Retail district. It would be necessary to upgrade East 12th Street and Springdale Road if more intensive uses are permitted and the necessary right-of-way should be considered if rezoning is recommended. The Crosstown Expressway is proposed to go through to the north between the subject property and the cemetery. East 12th Street is proposed to continue east and eventually intersect with Ed Bluestein Boulevard so it is necessary to widen East 12th Street. Ten feet would be required from the subject tract.

TESTIMONY

WRITTEN COMMENT

Leora Jackson: 1208 Springdale Road	AGAINST
F. S. Pearson: Standard Mtg. Co.: P. O. Box 1987	FOR

PERSONS APPEARING AT HEARING

Ike Edwards (representing applicant)

SUMMARY OF TESTIMONY

Mr. Ike Edwards was present on behalf of this request and stated that he would like to have the zoning changed from "LR" Local Retail to "GR" General Retail as he has a barbeque restaurant on the site and would like to sell beer with food. Beer is sold at the drive-in adjoining the restaurant.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to 10 feet of right-of-way for East 12th Street, as the proper zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Henry G. Sanders for a change of zoning from "A" Residence, "LR" Local Retail and "C" Commercial, First Height and Area to "GR" General Retail, First Height and Area for property located at 1200-1206 Springdale Road and 4122-4128 East 12th Street be GRANTED, subject to 10 feet of right-of-way for East 12th Street.

C14-69-296 Edgar S. Daugherty: A to LR
4203 Marathon Boulevard

STAFF REPORT: The property under consideration contains an area of 6,500 square feet which is presently developed with a single-family structure. The zoning in the area consists of "A" Residence to the north and west along Marathon Boulevard and "C" Commercial, Fifth Height and Area to the east along Lamar Boulevard. Along Medical Parkway is "O" Office, and "LR" Local Retail and "C" Commercial zoning. Land use in the area is predominantly single-family to the north, west and south with vacant land to the east along Lamar Boulevard with several offices, and commercial businesses located to the south and extending westward over to Medical Parkway. A number of recent zoning requests on property in the area for "O" Office, "C" Commercial and "C-2" Commercial have been granted south and along Medical Parkway. Marathon Boulevard is classified as a minor residential street with an existing right-of-way of 50 feet in this particular block. The staff recommends that the request be denied as it would be an intrusion into a single-family residential area with streets inadequate for greater intensity of land use. It is felt that the existing "A" Residence zoning should be retained. The neighborhood is changing south of 42nd Street as there have been recent "O" Office zoning applications which have been recommended and granted; however, the area north of 42nd Street is still well-maintained as a single-family area.

TESTIMONY

WRITTEN COMMENT

Emelia W. Vickland: 4205 Marathon Boulevard FOR

PERSONS APPEARING AT HEARING

Maurice Angly, Jr. (representing applicant)
 Emelia W. Vickland: 4205 Marathon Boulevard FOR

SUMMARY OF TESTIMONY

Mr. Maurice Angly, Jr., advised the Committee that he represents Mr. Steinman who is buying the subject property under contract. As noted by the staff, the area to the south has changed which is represented by such rezoning requests, as "C" Commercial or "O" Office and three of which are pending. The property immediately to the east is vacant and is zoned "C" Commercial, Fifth Height and Area. It is realized that the subject site is within a residential neighborhood and the change would be an intrusion; however, it is worthwhile to note that this is an area where the majority of the homes are becoming rental.

Mr. Angly presented a map showing the distribution of property ownership in the area and the rental property. He also submitted four statements from nearby property owners in favor of the change and one wire from a property owner in favor of the change who is out of town. Mr. Angly further stated that he did not contact all the property owners but the ones he did talk to are in favor of a change as they realize that this is a changing neighborhood.

C14-69-296 Edgar S. Daugherty--contd.

The property owners feel that because of the changes in the last few years that it is in their best interest to support the requested zoning. It is brought to the Committee's attention that in a statement filed by Mr. Monetz, he requested the area be changed subject to a requirement that Mr. Steinman be required in any new construction to provide parking spaces which are entirely adequate to prevent on-street parking.

Mr. Angly advised the Committee that the use proposed on the site is a beauty shop. The building will essentially be a long narrow building with a Spanish type exterior that would be compatible with a residential use. Off street parking would be provided down one side of the site, across the rear on the alley and across the front on the premises so as to provide more than adequate parking spaces for what will be a four operator beauty shop. The proposal will not harm the residential value of the area. Looking to the future and the trend that has occurred to the south through progressive changes, it is logical that the development will move continually northward with one zoning change after another. He said that in his opinion the property values in the area would be enhanced by the proposed development on the site.

Mrs. Vickland was present at the hearing and asked if there would be a fence separating the subject site from her property. Mr. Angly stated that there would be a high privacy fence between the subject site and the adjoining property.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information, noting that all the property owners are in favor of the change, and in view of this they concluded that this request should be granted, as the compatible zoning for the site because of the close proximity to Lamar Boulevard.

At the Commission meeting, Mr. Osborne pointed out that the area from 42nd Street to 45th Street, essentially covering several blocks, is almost entirely zoned "A" Residence and developed with one and two-family dwellings. The staff is aware of the changes that have taken place in the area along Medical Parkway and all of the piecemeal zoning changes to the south of 42nd Street; however, the issue raised by the staff is what in the Commission's opinion should occur with respect to the balance of the area. The recommending of "LR" Local Retail zoning on the subject site is in itself a case of spot zoning and would encourage further applications. The granting of "LR" Local Retail zoning is questioned because of the intensity of development permitted, and the location of the site on an interior residential street.

Mr. Reeves stated that the applicant proposes a beauty shop on the site and submitted letters from all of the neighbors supporting the request. The Committee had reservations about setting a trend of "LR" Local Retail zoning in the area but was advised by the staff that a beauty shop requires such a district. The Committee felt that because of the support of the neighborhood that the minimum zoning required for a beauty shop should be recommended.

C14-69-296 Edgar S. Daugherty--contd.

Mr. Osborne advised the Commission that a beauty shop may locate in "O" Office zoning.

Mr. Goodman said that in his opinion "LR" Local Retail zoning on an interior lot located along a residential street would be poor zoning regardless of whether or not the neighborhood is in favor of the change. He asked if an area study has been made. Mr. Osborne explained that an area study was made several years ago, the result being that the area is subject to a series of pressures from 45th Street, Lamar Boulevard and Medical Parkway and there have been piecemeal changes south of 42nd Street. He said that in his opinion, the maximum suitable zoning in this area, considering the street situation and the existing development would be "O" Office zoning, which would permit a beauty shop as proposed by the applicant. This is a highly judgmental issue as there is a relatively high proportion of home ownership, in excess of 50 per cent in the area and it is generally well-maintained. One aspect of the study as a result of a request from the Lutheran Church on 45th Street dealt with the issue of their future congregation and the likelihood of the area retaining its residential characteristic over a reasonable period of time which would be a supporting element to their congregation. The advice to the church was that it would not retain its residential characteristics.

Mr. Reeves stated that in his opinion "LR" Local Retail zoning is too intensive and asked if the staff had any serious objections to "O" Office since the proposed beauty shop would be permitted in that district.

Mr. Osborne explained that the problem is with the housing situation. The area has been encircled by non-residential zoning, but it is still livable and it is not an area of substantial deterioration. He said that there are real estate pressures and asked the Commission if in their judgment they would encourage applications within the area by the granting of a zoning change on the site.

Mr. Reeves pointed out that the neighbors are in favor of a change in the area. After further discussion, the Commission members agreed that "LR" Local Retail zoning is too intensive for the site and recommended that the request be denied; however, they recommended that "O" Office, First Height and Area zoning be granted, subject to five feet of right-of-way for the widening of Marathon Boulevard. It was then unanimously

VOTED: To recommend that the request of Edgar S. Daugherty for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 4203 Marathon Boulevard be DENIED but that "O" Office, First Height and Area be GRANTED, subject to five feet of right-of-way for the future widening of Marathon Boulevard.

C14-69-297 Mr. and Mrs. Doyle Moore: A to LR
 Tract 1: 1812-1922 Dalton Lane
 1813-1923 Highway 183
 Tract 2: 1901-1921 Dalton Lane
 8100-8108 Riverside Drive
 Rear of 8108-8118 Riverside Drive
 8118-8140 Riverside Drive
 1900-1914 Highway 29

STAFF REPORT: The subject application covers two tracts of land with a total area of 4.13 acres. The zoning is requested so that the area can be developed with a mobile home park at a future date. Tract 1 is the most westerly tract fronting onto Dalton Lane and U. S. Highway 183. Tract 2 is located adjacent to the east side of Dalton Lane and also has frontage onto Riverside Drive and State Highway 29. The zoning in the area to the north and east is predominantly "A" Residential. To the south of Riverside Drive and west of Tract 1, the area is zoned Interim "A" Residence. "B" Residence zoning was granted on property adjoining Tract 1 to the north in 1967. "C" Commercial zoning exists to the north between Dalton Lane and State Highway 29. A request for "C" Commercial zoning is pending on a large tract to the north fronting onto State Highway 29 and Old Austin--Del Valle Road. Land in the area to the north, south and west is predominantly undeveloped with single-family homes existing on large tracts of land. To the east and south of Riverside Drive is Bergstrom Air Force Base. Dalton Lane has a varying right-of-way of 40 to 50 feet, State Highway 29 has a right-of-way of 100 feet and Riverside Drive has a right-of-way of 60 feet. All are classified as minor residential streets. U. S. Highway 183 is a major arterial street with 250 feet of right-of-way. The staff has no objection to the change as the property is surrounded by state highways and Bergstrom Air Force Base which limits the area for private development. Limited development is expected because of these influences. "LR" Local Retail zoning would permit apartment development, limited commercial use and a mobile home park with a special permit. Dalton Lane is inadequate and right-of-way should be required if greater land use intensity is recommended. Ten feet of right-of-way would be needed from each side of the street.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

C14-69-297 Mr. and Mrs. Doyle Moore--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to 10 feet of right-of-way on both the east and west sides of Dalton Lane, as the appropriate zoning for the tracts.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mr. & Mrs. Doyle Moore for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at (Tr. 1) 1812-1922 Dalton Lane and 1813-1923 Highway 183 and (Tr. 2) 1901-1921 Dalton Lane, 8100-8108 Riverside Drive, the rear of 8108-8118 Riverside Drive, 8118-8140 Riverside Drive and 1900-1914 State Highway 29 be GRANTED, subject to 10 feet of right-of-way on both the east and west sides of Dalton Lane.

C14-69-298 Howard Brunson: LR to GR
 5700-5708 Manor Road
 2708-2712 Rogge Lane

STAFF REPORT: The subject property covers 1.16 acres of land which is presently developed with a small shopping center consisting of a barber shop, cleaners, grocery, and restaurant all having frontage onto Manor Road. The stated purpose of the application is to permit the consumption of beer on the premises for the restaurant. There is a mixed zoning pattern in the area consisting of "LR" Local Retail and "C" Commercial along the west side of Manor Road to the north and "A" and "B" Residential along the east side of Manor Road. To the south of Rogge Lane on the west side of Manor Road is "O" Office, "C" Commercial, "GR" General Retail and "B" Residence zoning. "A" Residence zoning is established in the remainder of the area. The land use in the area is predominantly single-family residential. To the south of Rogge Lane directly across from the site is another small neighborhood shopping center developed with a service station, laundry, cleaners and similar type uses. The service station is also established on property to the north at the intersection of Sweeney Lane and Manor Road. An application for "GR" General Retail zoning has been filed on property east of Manor Road to the north which will also be considered by the Committee at this hearing. The large area of "B" Residence and "LR" Local Retail is still undeveloped. Manor Road is classified as a Major Arterial street with an existing right-of-way of 80 feet and a car count of 3,390 cars per day. Rogge Lane is classified as a collector street with 60 feet of right-of-way. The staff recommends that the zoning be denied as the existing zoning and use was established as a small neighborhood shopping center with the major tenant being a Minimax store. The intensity of development should be limited to those uses permitted in the "LR" Local Retail district to serve nearby residential property. A cafe, cafeteria or restaurant is permitted in the "LR" Local Retail district.

C14-69-298 Howard Brunson--contd.

TESTIMONY

WRITTEN COMMENT

Mrs. Helen K. Gonyea: 5700 Sandhurst Circle AGAINST

PERSONS APPEARING AT HEARING

Joe L. Penalozo (representing applicant)
John Selman FOR

SUMMARY OF TESTIMONY

Mr. Joe Penalozo appearing on behalf of this request stated that he is the co-owner of a pizza restaurant which is established in a shopping center. The zoning is requested so that the customers can order and be served beer with pizzas. There is a barbeque restaurant in close proximity which serves alcoholic beverages on the premises and the request is logical.

Mr. Lillie explained that on the corner of Sweeney Lane and Manor Road is a very old building established with a restaurant that does serve beer on premises which is permitted under the existing "C" Commercial zoning on that site. There is one small lot to the south included in a shopping center which is also permitted to sell beer because of the "C" Commercial zoning existing on the site.

Mr. John Selman stated that he is a resident of the neighborhood and he is familiar with the property under consideration. The pizza place is a very fine establishment with a very fine product. It is common knowledge that many people who eat pizza also like to drink beer with their pizza. There is no objection to the request as it will blend in with other zoning in the neighborhood and is needed at this location.

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 Howard Brunson for a change of zoning from "LR" Local Retail, First Height and Area to "GR" General Retail, First Height and Area for property located at 5700-5708 Manor Road and 2708-2712 Rogge Lane be GRANTED.

C14-69-299 Joe F. Gray, Tr. and Loop III, Inc.: Int. A, Int. 1st to GR, 1st
 Tract 1: 900-910 Ed Bluestein Boulevard
 Tract 2: 910-952 Ed Bluestein Boulevard

STAFF REPORT: This application covers two tracts of land containing an area of approximately 5.5 acres. The stated purpose of the request is for future commercial development. Tract 1 contains an area of 1.34 acres and Tract 2 contains 4.80 acres. "A" Residence with "D" Industrial zoning exists to the southwest, across Ed Bluestein Boulevard. The area adjoining the site to the west is zoned Interim "A" Residence and the area to the north and east is outside the City limits and is presently undeveloped. An insurance office has been constructed on land to the west. South of Ed Bluestein Boulevard is the St. Johns Addition. Ed Bluestein Boulevard is a Major Arterial street with an existing right-of-way of 200 feet. Carver Avenue adjoining the site to the east is a minor residential street with 60 feet of right-of-way. The street is not improved. The staff has no strong objection to "GR" General Retail zoning because of frontage along a major highway; however, three office uses are completed or are under construction to the west, and "O" Office may be more appropriate zoning. "O" Office zoning would permit office structures and apartment development. This is the first zoning application north of Ed Bluestein Boulevard and east of I. H. 35 and strip zoning for commercial use should be avoided.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, explained that this application is made so that a non-conforming use existing on one of the tracts can have the proper zoning and also to include other land under the same ownership. This particular area has changed very rapidly over the past few years. To the west Chevy Chase Park is completing a \$1,500,000 office building and new apartments. To the west at the northwest intersection of I. H. 35 and Ed Bluestein Boulevard is the Howard Johnson Motel and at the southeast intersection is a service station. The St. John's area is immediately to the south. The requested zoning is appropriate for the site as there is an insurance company already on the corner at I. H. 35. Immediately to the north is the Highway Department property and the large area northeast of that is developed with a drive-in theater with a double screen. Ed Bluestein Boulevard is a major arterial street and "GR" General Retail zoning along the street is appropriate and the proper zoning.

No one appeared in opposition to the request.

C14-69-299 Joe F. Gray, Tr. and Loop III, Inc.---contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joe F. Gray, Tr. & Loop III, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at (Tr. 1) 900-910 Ed Bluestein Boulevard and (Tr. 2) 910-952 Ed Bluestein Boulevard be GRANTED.

C14-69-300 Andrew L. Nobles: A to GR
5807-5811 Manor Road

STAFF REPORT: This site consists of 21,500 square feet of land which is at the present time undeveloped. The stated purpose of the request is for a restaurant as permitted by such zoning. There is a mixed zoning pattern in the area consisting of "LR" Local Retail, "C" Commercial along the west side of Manor Road; "A" Residential and "GR" General Retail to the north; "B" and "A" Residence to the east. The existing "B" Residence district adjoining the site to the east was granted in 1968. To the north of the site is a grocery store, service station and vacant land. The area to the east is undeveloped and to the south there are single-family residences and a small shopping center. To the west across Manor Road and west of the undeveloped "LR" district is single-family development. Manor Road is classified as a Major Arterial street with an existing right-of-way of 80 feet. The staff recommends that the zoning as requested be denied as the surrounding area is zoned for apartments and local retail use. Except for the barbeque restaurant at Sweeney and Manor Road and the neighborhood shopping centers at Rogge Lane the area is still developed with single-family uses. Commercial zoning already established has not been fully utilized. If rezoning is considered for the three lots along the east frontage of Manor Road, the staff recommendation would be rezoning to "B" Residence.

TESTIMONY

WRITTEN COMMENT

Togie Baylor, 5908 Manor Road

FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

C14-69-300 Andrew L. Nobles--contd.

SUMMARY OF TESTIMONY

Mr. John Selman advised the Committee that he is representing the owner of the subject property who is the applicant. The applicant has this property under contract of sale subject to rezoning to the operator of the barbecue restaurant located across the street. The operator of the restaurant has tried to purchase the property he now leases and has not been able to come to terms and has requested the applicant to sell the subject site so that he can build his own restaurant. The request is in line for the reason that the site fronts onto Manor Road which is a major arterial street that will only increase with traffic and there are precedents set up and down the street. There is "GR" General Retail zoning existing to the north on a large undeveloped tract and immediately across the street is "LR" Local Retail zoning with "C" Commercial zoning established at the intersection of Sweeney Lane and Manor Road. There is "GR" General Retail, "C" Commercial and "O" Office zoning established at the south of Rogge Lane. Along any section of Manor Road there are commercial districts established and it is unfair for the staff to recommend that the zoning be denied and that "B" Residence zoning be granted just because the site is located on the east side of Manor Road. In addition, there are no single-family homes which will be effected. The applicant lives next door to the subject site, and to the east is "B" Residence zoning designed for a fourplex neighborhood. Under the gradation theory of zoning there is adequate protection on both sides for the single-family residences in the neighborhood.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Andrew L. Nobles for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 5807-5811 Manor Road be GRANTED.

C14-69-301 Austin Highlands Investments, Inc.: A to BB
409-411 Eberhart Lane
6401-6403 South Meadows Boulevard

STAFF REPORT: This application covers two undeveloped lots. The stated purpose of the request is for apartments. The area to the north of Eberhart Lane and east of Bill Hughes Road is outside the City limits, and is undeveloped. The area immediately adjoining the site to the east, south and west is zoned "A" Residence. West of South First Street is "BB" Residence and "LR" Local Retail zoning which was granted in 1968. A request for "BB" Residence zoning on three lots west of South Meadows Boulevard was denied earlier this year by the Council as premature. The land use in the area is predominantly undeveloped although

C14-69-301 Austin Highlands Investments, Inc.--contd.

there is single-family development on Eberhart Lane both to the east and west.

When the application for "BB" Residence zoning was considered on the three lots west of South Meadows Boulevard, the staff and the Commission recommended denial as the area is undeveloped and it was felt that a change in zoning was premature at that time. The subdivision of which these lots are a part is proposed for low-density residential development. It is recommended that the zoning be denied as it is too intensive and premature.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, explained that Mr. Bob Ogden owned three lots to the west of South Meadows Drive which was recently considered for a zoning change and denied. He has sold the three lots along with the entire tract, including the subject site, to Austin Highlands Investments, Inc. The applicants purchased the property realizing that the zoning was denied west of South Meadows Boulevard but it was turned down by a vote of five to two. When a case goes to the Council and it is not recommended by the Commission, it must receive six votes and this is the reason those three lots were not granted. He said that it is their opinion that Eberhart Lane is becoming a major arterial street and that this request on the frontage could certainly be utilized and would be beneficial under "BB" Residence zoning for fourplex development. When a year is up on the three lots, the applicants plan to refile for "BB" Residence zoning. It is anticipated that the area to the south will probably be built out in small FHA homes, with the frontage along Eberhart Lane developed with fourplexes. In this particular area there has been a considerable amount of zoning granted. "LR" Local Retail and "BB" Residence zoning was granted recently on property to the west of South First Street. A precedent has been set in that "BB" Residence zoning has been granted on property fronting onto a Major Arterial street. It is submitted that the requested zoning is adaptable and would be usable in this particular area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and several of the members felt that the request would allow the proper use for the site; however, a motion to grant the request failed to carry by a tie vote, therefore, denial is recommended.

C14-69-301 Austin Highlands Investments, Inc.--contd.

At the Commission meeting, Mr. Reeves stated that in the staff's opinion the requested change on the subject property is premature; however, the site is located only one block from the intersection of Eberhart Lane and South First Street and in his opinion the granting of the request would not be an infringement of any kind inasmuch as Eberhart Lane will be the east-west street for the area. Fourplex development is the proper use of the subject site and is in fact a proper use for the strip of ground from Bill Hughes Road to South First Street. The Commission members agreed with Mr. Reeves and unanimously

VOTED: To recommend that the request of Austin Highlands Investments, Inc. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 409-411 Eberhart Lane and 6401-6403 South Meadows Boulevard be GRANTED.

C14-69-302 The Cherrylawn Corporation: A and B to BB
 6109-6115 Walnut Hills Drive
 6121-6127 Cherrylawn Circle

STAFF REPORT: The subject property consists of 10,000 square feet of land located at the northeast intersection of Walnut Hills Drive and Cherrylawn Circle. The stated purpose of the request is for apartments as permitted by such zoning. Zoning adjoining the site to the north is "LR" Local Retail and "C" Commercial. "C" Commercial zoning is also established directly to the north of Manor Road and to the northwest. "B" Residence zoning, granted in 1968, is established on property adjoining the site to the east having frontage onto Manor Road as well as on property to the west along the south side of Manor Road. The area directly to the south of the property is zoned Interim "A" Residence and to the north of Manor Road is "A" Residential zoning. The land use in the area to the north, south and west is predominantly single-family. The area directly to the east along Manor Road is developed with apartments. Cherrylawn Circle and Walnut Hills Drive are both classified as minor residential streets with 50 feet of right-of-way.

The staff recommends that this request be denied as the north 20 feet of the subject tract is zoned "B" Residence and is used as a service driveway to the commercial building on the corner. There is a 10 to 15 foot drop in elevation from the service drive to the remainder of the subject tract resulting in a usable building area of only 8,000 square feet. Granting the request would be an intrusion on the existing single-family and duplex development across from this tract. Because of the relationship to existing development, the tract should be retained as "A" Residence which would permit single-family, duplex and townhouse development. There is no access to Cherrylawn Circle from the area zoned "B" Residence.

TESTIMONY

WRITTEN COMMENT

None

C14-69-302 Cherrylawn Corporation--contd.

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicants, advised the Committee that the drive-in grocery on the corner is no longer in operation and the application on the subject site was filed with the thought of tying the drive-in grocery and the remainder of this tract into one development. The large "B" Residence area to the east is developed with townhouses. Mr. Selman commented that his idea is to put possibly three or four townhouses and tie in a possible complex if the commercial building on the corner is not re-leased. The construction will blend in with the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to a short form subdivision and development of the subject property and the commercial property on the corner of Manor Road and Walnut Hills Drive as one site.

At the Commission meeting Mr. Reeves said that he has given considerable thought to the recommendation of the Committee and in his opinion would not object to either giving the applicant the option of short forming the property in with what is already zoned "B" Residence or the existing "C" Commercial area.

Mr. Lillie pointed out that the area zoned "B" Residential, fronting onto Manor Road, has no access to Cherrylawn Circle and the rear of the property is fenced. All of the townhouses built in that area are oriented toward a center parking lot with all of the access off Manor Road. If the subject property is joined with the existing "B" Residential area, there would be access off Walnut Hills Drive.

Mr. Reeves said that as a practical matter it would seem almost impossible to build in conjunction with that lot because of the grade. If the property is short formed with the corner lot, there would not be anything to prevent access through the area from Walnut Hills Drive into the apartment area.

Mr. Lillie pointed out that the area is fenced and the apartments extend back to the rear. The staff recommendation at the Zoning Committee hearing was that the request be denied; however, if the site was joined with the lot on the corner, it could be supported. The subject property is very small with area for only three or fourplex development. The land use adjoining to the south and east is single-family. If the lot is short formed with the corner property, there would be more lot area for proper development and the access would be more towards Walnut Hills Drive.

C14-69-302 Cherrylawn Corporation--contd.

Mr. Reeves stated that in his opinion the applicant should have the option of short forming with the corner lot or the property to the east. There is nothing wrong with allowing the applicant to develop the subject property in connection with the already existing "B" Residence or "C" Commercial property. After further discussion, a majority of the members concurred with the Committee recommendation and agreed that the subject property should be short formed with the commercial property located on the corner of Manor Road and Walnut Hills Drive. It was then

VOTED: To recommend that the request of the Cherrylawn Corporation for a change of zoning from "A" and "B" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 6109-6115 Walnut Hills Drive and 6121-6127 Cherrylawn Circle be GRANTED, subject to a short form subdivision and development of the subject property and the commercial property on the corner of Manor Road and Walnut Hills Drive as one site.

AYE: Messrs. Goodman, Anderson and Crier

NAY: Messrs. Kinser and Reeves

ABSENT: Messrs. Milstead, Becker and Taniguchi

ABSTAINED: Mr. Hanks

C14-69-303 W. L. Richards: Int. A, Int. 1st to C, 1st
8418-8440 Research Boulevard

STAFF REPORT: The property under consideration is a large tract of undeveloped land consisting of 5.12 acres. The stated purpose of the application is for commercial use. Zoning in the area includes Interim "A" Residence to the north, east and south with "C" Commercial zoning east of Research Boulevard and "B" Residence along Beech Drive, and also to the south of Lazy Lane. West of the subject property is "A" Residential zoning. There is single-family residential development to the west of the site and also to the south along Kromer Drive. To the east of Research Boulevard there is various commercial development consisting of a plumbing company, service station, mobile home sales and a tire service. Apartments are located to the east and the area is zoned for that development. Texas Instruments is located on property directly to the south and Astro Mechanics is located directly to the north along the west side of Research Boulevard. These two commercial businesses were developed before the land was annexed to the City and the uses as they now exist are presently non-conforming as the property was annexed as Interim "A" Residence. Research Boulevard is classified as a Major Arterial street with an existing right-of-way of 160 feet. Villanova Drive is classified as a minor residential street with 50 feet of right-of-way. This street dead-ends to the west property line of the subject tract. The staff does not object to "C" Commercial zoning on the front portion of the subject tract but some protection should be given to residences on Kromer Drive. It is recommended that there be a strip of "B" Residence or "O" Office zoning from 50 to 100 feet in width with a fence along the west property line. It is also recommended that Villanova Drive not be extended.

C14-69-303 W. L. Richards--contd.

When the Texas Instruments and Astro Mechanics property is rezoned, a similar type buffer should be established for that property also.

TESTIMONY

WRITTEN COMMENT

Norman K. & Frances A. Burke: 8401 Kromer Drive	AGAINST
George C. Embry, Jr.: 8500 Beech Drive	FOR
Teddy M. Sousares: 7205 Shoal Creek Boulevard	FOR

PERSONS APPEARING AT HEARING

Tom Curtis (representing applicant)	
Mrs. Jessie T. Cox: 8307 Kromer Drive	
Larry E. Dohru: 8402 Maine Drive	AGAINST

SUMMARY OF TESTIMONY

Mr. Tom Curtis, representing the applicant, stated that an office park with associated uses is being contemplated for the subject site. The applicant would be willing to meet the 50 foot building setback which would perhaps avoid the necessity of some other zoning for a buffer. The proposed development on the site is in conformance with the existing development in the area. In answer to a question, Mr. Curtis stated that there would be no objection to a privacy fence along the property line.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to a building setback of 50 feet at the rear property line and with a six foot fence along same property line, as the proper zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of W. L. Richards for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at 8418-8440 Research Boulevard be GRANTED, subject to a building setback of 50 feet at the rear property line and with a six foot fence along same property line.

C14-69-304 The Signal Companies, Inc.: Int. A, Int. 1st to C, 1st (Tr. 1) and
 Tract 1: 8153-8213 Research Boulevard B, 1st (Tr. 2)
 Tract 2: Rear of 8153-8213 Research Boulevard

STAFF REPORT: This application covers two tracts of undeveloped land totaling approximately 12 acres. Tract 1, fronting onto Research Boulevard contains 5.52 acres and Tract 2, adjoining Tract 1 to the north contains 6.48 acres. The stated purpose of the request is for commercial and multi-family use. The zoning to the north, northwest and east is "A" Residential. "B" and "BB" Residence as well as "C" Commercial zoning was granted in 1968 on property to the west. West of Clearfield Drive along Beech Drive is "B" Residence zoning. "C" Commercial zoning is established at the intersection of Clearfield Drive and Research Boulevard as well as to the south of Research Boulevard. The land use in the area to the east, north, and northwest is single-family. The apartment zoning areas are undeveloped. A commercial business is established on property adjoining the site to the east having frontage onto Research Boulevard and a service station is located to the west at the intersection of Research Boulevard and Clearfield Drive. A liquor store is developed on a small triangular shaped tract adjoining the site to the west. Research Boulevard is classified as a Major Arterial street with an existing right-of-way of 160 feet.

The staff has no objection to the requested zoning on Tract 1. If the rezoning is recommended by the Committee on Tract 2 for more intensive use, the staff prefers the "BB" Residence district. Tract 2 does have adjacent single-family units, many of which are new. Building setbacks and fencing should also be considered. The critical problem is access to Tract 2. Jamestown Drive should be extended to Research Boulevard. If the street is not extended to Research Boulevard prior to development of this acreage, Tract 2 will only have access from Jamestown Drive at the dead-end. The staff would recommend the dedication and fiscal arrangements, through subdivision, of Jamestown Drive as it effects the subject tract and a north-south street with 60 feet of right-of-way connecting Jamestown Drive with Research Boulevard.

Mr. Lillie pointed out that the property line between Tracts 1 and 2 is supposed to be the south right-of-way line of Jamestown Drive. He stated that the triangular tract adjoining to the west was recently annexed to the City along with other property in the area and is presently developed with three existing businesses. These tracts were annexed as Interim "A" Residence. It is felt that a request for rezoning on the undeveloped site will be filed in the near future at which time the right-of-way needs will be made known to the property owner. The City may have to consider acquisition of the entire tract in order to extend Jamestown Drive to Research Boulevard.

TESTIMONY

WRITTEN COMMENT

None

C14-69-304 The Signal Companies, Inc.--contd.

PERSONS APPEARING AT HEARING

Tom Curtis (representing applicant)
Nearby property owner

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Tom Curtis, representing the applicants, explained that the field notes are intended to reflect a road and the reason for the uses is because of the road. It is hoped that the City would condemn, if necessary, the small triangular tract adjoining the site to the west as it is obvious that the road will take up most of the tract at such time as it goes through. The extension of the street has been discussed with the staff and the applicants are prepared to make their plans in connection with the street.

Mr. Curtis commented that it is possible that the applicants would purchase that site. He said that in his opinion the "BB" Residence zoning preference by the staff on Tract 2 can be accomplished with the "B" Residence request of the applicants by a 25 foot setback at all points where Tract 2 touches "A" Residential property. There are perhaps a dozen homes or prospective homes that surround the remainder of Tract 2 and at each point there would be a 25 foot building setback with a privacy fence. The proximity of the property to the street as indicated justifies the "B" Residence zoning.

Mr. Lillie presented a map of the area showing the relationship of the subject site to the existing streets in the area. He pointed out that Fairfield Drive is a major east-west neighborhood collector street and Jamestown Drive is proposed to be the major north-south collector street through the residential area, if connection with U. S. Highway 183 is proposed to fall at a crossover with a crossing of the median strip. There are no other connections which are proposed from the interior of the neighborhood to any of the major arterial streets to the east and south except Jamestown Drive and Fairfield Drive and it is felt that Jamestown Drive should be extended through to U. S. Highway 183 at some time because of this. Because of the small triangular piece of property adjacent to the subject site and until the problem can be worked out, it is quite important that some connection be made from Jamestown Drive to U. S. Highway 183 primarily through subdivision.

Mr. Curtis stated that he agrees with the staff. Traffic would be one-way if the street is put in and dead-ended; however, it is recognized that Tract 2 has to have access. The street through Tract 1 can be handled through timing as to when it is actually developed. The problem can be worked out as Tract 2 can not be used unless there is access through, off of Research Boulevard.

Arguments Presented AGAINST:

One nearby property owner appeared at the hearing and stated that he objects to the requested change as he would not like to see a large, tall apartment

C14-69-304 The Signal Companies, Inc.--contd.

complex developed on the subject property even though there may be fencing and a buffer area. There is no objection to commercial development along the highway but any sort of two story, multiple dwelling units would be objected to on the area adjacent to residential property.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "C" Commercial, First Height and Area zoning should be granted on Tract 1 as the appropriate zoning for the area fronting onto Research Boulevard; however, they recommended that "B" Residence, First Height and Area zoning on Tract 2 be denied as it is too intensive because of the existing residential area, but that "BB" Residence, First Height and Area zoning be granted, subject to a 25 foot building setback and privacy fence at all points where the subject property abuts "A" Residence, and the extension and fiscal arrangements, through subdivision, of Jamestown Drive and a north-south street to connect Jamestown Drive to Research Boulevard.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of The Signal Companies, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial First Height and Area (Tr. 1) and "B" Residence, First Height and Area (Tr. 2) for property located at 8153-8213 Research Boulevard (Tr. 1) and rear of 8153-8213 Research Boulevard be GRANTED on Tract 1 but DENIED on Tract 2; but that "BB" Residence, First Height and Area be GRANTED on Tract 2, subject to a 25 foot building setback and privacy fence at all points where the subject property abuts "A" Residence, and the extension and fiscal arrangements, through subdivision, of Jamestown Drive and a north-south street to connect Jamestown Drive to Research Boulevard.

C14-69-305 A. E. Rhodes, Jr.: BB to B
3206-3208 King Street

STAFF REPORT: This application covers 14,625 square feet of land and the stated purpose of the request is for apartment development. Zoning in the area includes "O" Office to the north along West 34th Street and "C" Commercial and "A" Residence to the north of West 33rd Street. To the east along Guadalupe Street is "C" Commercial zoning established in a strip fashion. "BB" Residence zoning is established directly across the street from the site to the east, south and west as well as the lots adjoining immediately to the north. "B" Residence zoning is established at the southeast corner of West Avenue and West 32nd Street. A request for "B" Residence, First Height and Area zoning was before the Commission last month on property to the south of West 31st Street and is still pending. A request for "O" Office, Second Height and Area zoning on property south of West 32nd Street is before the Committee for consideration at this hearing. The land use in the area is predominantly single-family. To the northwest along West 34th Street are several doctors offices and to the south of West 32nd Street at West Avenue

C14-69-305 A. E. Rhodes, Jr. - contd.

is a 76-unit apartment complex. Guadalupe Street to the east is developed with a mixture of commercial uses. King Street is classified as a minor residential street with an existing right-of-way of 60 feet.

The staff recommends that the zoning as requested be denied as the existing "BB" Residence zoning was established as the proper zoning by the Planning Commission and the City Council in an area study several years ago. Even though this area is relatively close in, the street pattern is such that more intensive zoning should not be granted. Only seven blocks out of 28 in the immediate area have streets 60 feet or more in right-of-way. Sixty feet of right-of-way is considered minimum for even "BB" Residence apartment districts. If the site is recommended for "B" Residence, there will be more applications for numerous other changes. "BB" Residence zoning should be retained as the appropriate zoning density.

TESTIMONY

WRITTEN COMMENT

Mrs. Dudley Miller: 608 West 32nd Street

FOR

PERSONS APPEARING AT HEARING

A. E. Rhodes, Jr. (applicant)

SUMMARY OF TESTIMONY

Mr. A. E. Rhodes, Jr. appeared on behalf of this request and stated that he thought the street was wide enough to take care of the traffic and the lot is large enough for plenty of off-street parking. While King Street is in front of the site, King Lane is in back so there is actually two different points of access to the site. The "B" Residence zoning is requested because there is a difference of seven units which would be permitted on the site. There is sufficient room in the area for one bedroom or efficiency units as well as 20 off-street parking spaces. There is a large apartment complex to the southwest at West Avenue and the request on the subject property is proper.

Mr. Lillie pointed out that under the existing zoning, the applicant would be permitted to have 12 one-bedroom units which would require 20 off-street parking spaces. Under the proposed "B" Residence zoning, 16 units would be permitted with 24 off-street parking spaces required.

One nearby property owner appeared in favor of the change and stated that West 33rd Street between King Street and Guadalupe Street is one of the worst slum areas of town. He said that when he first moved into the area the homes were modest but it was owner occupied and well kept; however, the area has now changed. There is a large apartment complex at West Avenue and a precedent has been set for the area. A change in zoning would improve the area and make the property more valuable.

C14-69-305 A. E. Rhodes, Jr.--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the request should be denied, as an intrusion into a residential area with inadequate streets.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of A. E. Rhodes, Jr. for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3206-3208 King Street be DENIED.

C14-69-306 Carey Legett, Jr. and Georgia F. Legett: BB, 1st to O, 2nd
703-705 West 32nd Street
 3110 King Street
 3111 King Lane

STAFF REPORT: The property under consideration contains 21,575 square feet with frontage onto West 32nd Street and King Street. The stated purpose of the request is for doctors offices and multi-family dwellings. The zoning in the area is predominantly "BB" Residence with "B" Residence, Second Height and Area zoning established in 1966, directly west of the site at the southeast corner of West Avenue and West 32nd Street. "C" Commercial zoning is established to the east along Guadalupe Street and "O" Office and "C" Commercial zoning exists to the north along West 34th Street. Land use in the area is predominantly single-family with a 76 unit apartment established on property directly to the west of the subject site. Duplexes are scattered throughout the area to the north. The request for "B" Residence, First Height and Area zoning on property to the north fronting onto King Street is also before the Committee for consideration at this time. Another request for "B" Residence zoning on property to the south of West 31st Street was considered by the Committee and the Commission last month and is at this time pending before the City Council. The staff recommends that this request be denied as "BB" Residence zoning for the area was established in an area study approved by the Planning Commission and the City Council. The location near the University and Master Plan designation as medium density residential were the primary factors established in this zoning. The street pattern presents the greatest obstacle to higher intensity of land use as only seven blocks out of 28 in the immediate area have 60 feet of right-of-way. The area should not be rezoned to higher density without an area-wide street widening and improvement program. Piecemeal dedications from isolated zoning requests will not be adequate.

TESTIMONY

WRITTEN COMMENT

Stella I. F. Farron: 2404 Scenic Drive
 Dolly M. Bryant: Box 5035 West Austin Station

FOR
 FOR

C14-69-306 Carey Legett, Jr. and Georgia F. Legett--contd.

A. W. Penn: 3114 West Avenue

AGAINST

PERSONS APPEARING AT HEARING

Charles Trenckmann (representing applicant)

Leon Donn: 617 West 32nd Street

NO OPINION

Mrs. Bernice K. Owen: 2103 Enfield Road

FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Charles Trenckmann, representing the applicants, explained that the Drs. Legett at this time have their office in the area between the Capitol and University which is a central location. Not only is it the location where they carry on their medical practice but they have their own personal residence there also. They are losing that location and are being forced to move as it is in the Capitol Expansion area and have recently been notified by the State that they want to go ahead with the construction of a State building. The zoning is requested on the subject tract in order to permit the applicants to relocate and carry on their medical practice at this location. They intend not only to develop this location in the area as the site for their offices and apartments but also intend to have their own personal residence. The plans to establish their residence at this location supplies some degree of assurance to the community that the type of use that will be put there will be very desirable. As they will be living there, they will not put anything that would be objectional or a distraction to the neighborhood. With respect to the staff report on the supposed policy of this area being "BB" Residence only, it should be pointed out that there is "B" Residence, Second Height and Area zoning existing immediately to the west of the subject site which is developed to maximum with an apartment project. The proposal by the applicants would actually be very minor in comparison with the intensity already existing to the west.

Mr. Trenckmann stated that "BB" Residence zoning cannot be maintained very long in this general area as it is close to the University and is centrally located with respect to a great deal of the city of Austin and the land cost is such that property cannot be purchased and developed with anything other than apartments. The land requires intensive development for it to be economical. With regard to the streets, West 32nd Street and West 34th Street are east-west streets from Guadalupe to Lamar Boulevard and with a little improvement, West 31st Street could also serve in that capacity. There are two good east-west streets serving the area and the north-south traffic patterns are already served by the major arteries of Guadalupe and Lamar Boulevard. The Second Height and Area zoning is requested in the hope of future flexibility in that the applicants want to add more apartments or go higher at a later date. No immediate use is intended of the Second Height and Area feature of the request. The applicants will comply with all of the off-street parking requirements. An application to change the zoning from "BB" Residence to "B" Residence on property south of West 31st Street is before the

C14-69-306 Carey Legett, Jr. and Georgia F. Legett--contd.

City Council for consideration at their next meeting which will be a test, as to whether or not the policy for this is to remain as a "BB" Residence area. The development proposed on the site will be an asset to the neighborhood and the request should be granted. Alternately, because of the significance on the zoning case to the south, rather than to deny this request on the basis of some nebulous policy it is requested that the application be passed to the full Commission until the Council has an opportunity to act on the other case.

Arguments Presented AGAINST:

Mr. Leon Donn, nearby property owner appeared at the hearing and asked various questions regarding the differences in zoning, height limitations and provisions for off-street parking. He said that he does not object strenuously but parking is a problem in that neighborhood and overcrowding should be avoided.

Mrs. Donn advised the Committee that she would be opposed to the requested zoning if it is more permissive than the existing zoning as it would set a precedent with similar type changes to occur and would make the area less desirable for residential purposes.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential neighborhood with inadequate streets.

At the Commission meeting, Mr. Lillie reported a letter requesting that this application be amended to First Height and Area on the entire tract and to "B" Residence on the front 45 feet from West 32nd Street, "O" Office on the next 55 feet and "B" Residence on the remainder of the tract.

A majority of the Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Carey Legett, Jr. and Georgia F. Legett for a change of zoning from "BB" Residence, First Height and Area to "O" Office, Second Height and Area for property located at 703-705 West 32nd Street, 3110 King Street and 3111 King Lane be DENIED.

AYE: Messrs. Kinser, Hanks, Anderson and Reeves

NAY: Mr. Goodman

ABSENT: Messrs. Milstead, Taniguchi and Becker

DISQUALIFIED: Mr. Crier

C14-69-307 Frances Stribling: B to O
810 West 11th Street

STAFF REPORT: This site consists of 6,679 square feet of land and the stated purpose of the request is for an office and residence. Zoning is mixed in the area with commercial zoning established along 12th Street. "O" Office zoning, granted earlier this year is established at the southwest corner of West 11th Street and West Avenue and also to the west at the southeast corner of Shoal Creek Boulevard and West 11th Street. North of the site along West 12th Street and west of Shoal Creek is a mixture of commercial development. East of Rio Grande Street is Pease School and north of 12th Street is Austin High School. Single-family development is predominant in the immediate area. West Avenue is classified as a minor collector street with an existing right-of-way of 80 feet. The staff recommends in favor of the zoning as requested. The area south of West 12th Street to 7th Street is changing in character from single-family residential to apartment and office use.

TESTIMONY

WRITTEN COMMENT

Mrs. Mary P. Hurst: 3913 Balcones Drive	FOR
Mrs. Mary E. Reed: 1106 West Avenue	FOR
General Office Equipment: 837 West 12th Street	FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as appropriate zoning for the tract because of the changing character of the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frances Stribling for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 810 West 11th Street be GRANTED.

C14-69-309 Carlton E. Buske: B to LR
Rear of 1303-1407 Kinney Avenue

STAFF REPORT: The property under consideration contains 2.83 acres which is presently undeveloped. The stated purpose of the request is for a mobile home park. Zoning west of Kinney Avenue is "A" Residential. In 1967, "B" Residence

C14-69-309 Carlton E. Buske--contd.

and "C" Commercial, Second Height and Area zoning was granted on property immediately to the east. "B" Residence zoning is also established on property to the north and also on two tracts of land to the south. This zoning was granted in 1967. A request for "GR" General Retail, Second Height and Area zoning is pending on property to the southeast. Land use in the area to the west and north of the site is single-family residential. To the east of the site in Lamar Square is apartment development with offices and other businesses established along South Lamar Boulevard. Kinney Avenue is classified as a neighborhood collector street with an existing right-of-way of 60 feet and a car count of 3,210.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. Eugene Horton: 1211 Kinney Avenue	AGAINST
Mrs. Effie Holt: 1700 Kinney Avenue	AGAINST
L. B. Council: 1210 Kinney Avenue	AGAINST

PERSONS APPEARING AT HEARING

Carlton E. Buske (applicant)	
P. H. Smith: 1500 Kinney Avenue	AGAINST
G. H. Walff: 1304 Kinney Avenue	AGAINST
Milton Fewell: 1306 Kinney Avenue	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of his request and stated that the site covers almost three acres of land and he proposes approximately 30 trailers. The average age of a person in a mobile home park is 55 or older and the population averages out to 2.4 people per trailer. Under the existing "B" Residence zoning, 90 to 100 apartments could be constructed and if developed in that manner, there would probably be two cars per unit. He said that he owns several houses between the subject site and Kinney Avenue and would do nothing to tear down the homes or the value of the property in that area. Austin has not been exposed to what is going on and in his opinion, the trend is towards mobile homes because of the low cost of housing. This is a slow area and the development of apartments would present a potential problem as opposed to mobile home development. The access to the site will be through the vacant lot adjoining to the west fronting onto Kinney Avenue. The 50 foot street proposed to the south on the 100 foot lot fronting onto Kinney Avenue will provide the ingress and egress to the site. The average trailer will be 55 by 12 feet wide. The trailers are not pulled by cars but are pulled by moving companies. The average movement is about once every five years. There will be no transit trailers allowed. As stated, thirty spaces are proposed and there will be an area for a swimming pool and recreation area.

C14-69-309 Carlton E. Buske--contd.

Arguments Presented AGAINST:

Mr. Paul H. Smith, nearby property owner opposing the change advised the Committee that any type of traffic going into and out of the site will create a hazard as there is on-street parking on both sides of Kinney Avenue at all hours of the day and night. When a house trailer is moved on a 30 foot street there is no place to turn it when there are cars parked on both sides.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Carlton E. Buske for a change of zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at the rear of 1303-1407 Kinney Avenue be GRANTED.

C14-69-310 Leonard Smith: A to GR
100-200 West Anderson Lane

STAFF REPORT: The property under consideration covers 1.4 acres of land which is presently undeveloped. The stated purpose of the request is for commercial development. Directly to the west and to the north along Wonsley Drive is "A" Residential. To the west of Cornell Drive and south of Anderson Lane is "C" Commercial zoning. To the east is "GR" General Retail zoning. A request for "B" Residence zoning has also been granted on property to the northeast fronting onto Wonsley Drive. Land use in the area includes a church and church school developed on the property directly to the north and a small shopping center and apartments located to the east. Most of the area directly to the south across Anderson Lane is undeveloped. There is a warehouse established at the southeast corner of Northcrest Drive and Anderson Lane. Anderson Lane is classified as a Major Arterial street with a right-of-way of 200 feet.

The frontage on both sides of the Major Arterial street have been zoned and are developed with apartment and general retail uses. In view of this, the staff feels that "GR" General Retail is the appropriate zoning for the tract and recommends that it be granted. Georgian Drive is proposed to be extended from Wonsley Drive on the north to Anderson Lane and right-of-way adjacent to the subject tract has been dedicated. A small triangle will be necessary from the subject property to align with the median crossing and Northcrest Drive to the south.

Mr. Reeves asked when Georgian Drive is proposed to be extended. Mr. Lillie explained that the City is waiting for the completion of the dedication to Georgian Drive and once the dedication is made, the improvement will follow.

C14-69-310 Leonard Smith--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Leonard Smith (applicant)

SUMMARY OF TESTIMONY

Mr. Leonard Smith was present on behalf of this request and advised the Committee that he represents the church who is the present owner of the property. He said that in order to provide for the right-of-way needed for Georgian Drive, they increased the area of the application by approximately 500 feet. The church is in the process of selling the subject property pending the necessary zoning.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to right-of-way for Georgian Drive, and approval of a short form subdivision, as the appropriate zoning for the tract.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Leonard Smith for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 100-200 West Anderson Lane be GRANTED, subject to right-of-way for Georgian Drive and approval of a short form subdivision.

C14-69-311 Woodward, Inc.: Int. A, Int. 1st to D, 1st
400-416 East Ben White Boulevard
4002-4030 Manufacturing Boulevard

STAFF REPORT: The property under consideration covers 2.06 acres of undeveloped land located along the north side of Ben White Boulevard west of I. H. 35. This area has recently been annexed into the City and is presently zoned Interim "A" Residence. The Master Plan designation for this area is Manufacturing and Related Uses. Land to the north and west is undeveloped. Trailer sales, various warehouses, used car dealer business and other similar type uses exist to the east. Land across Ben White Boulevard is undeveloped except for a real estate office and milk distributor plant. Ben White Boulevard is classified as an Expressway with an existing right-of-way of 200 feet. Manufacturing Boulevard is a dedicated right-of-way of 80 feet, the recommended width for an Industrial area. Improvement of the street will be the responsibility of the abutting property owners. No additional right-of-way is required on either the

C14-69-311 Woodward, Inc.---contd.

east or north side of the subject tract. The staff recommends in favor of the request as it is in conformance with the Master Plan.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as it is consistent with the Master Plan designation for this area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Woodward, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "D" Industrial, First Height and Area for property located at 400-416 East Ben White Boulevard and 4002-4030 Manufacturing Boulevard be GRANTED.

C14-69-312 Paul G. Lundgren and Jack Balagia: B to O
801 West Avenue
706-708 West 8th Street

STAFF REPORT: This application covers a small lot containing 5,504 square feet. The stated purpose of the request is for the construction of an office building. "B" Residence and "O" Office zoning is established in the immediate area. South of West 7th Street is "GR" General Retail and "C" and "C-2" Commercial zoning. Land use in the area along West Avenue and to the east includes single-family, two-family and apartments. Apartment and office development exists with various commercial businesses along West 6th Street. A request for "O" Office, First and Second Height and Area zoning is pending on a large tract across West Avenue. West Avenue and West 8th Street are classified as minor collector streets and both have a right-of-way of 80 feet which is adequate for the proposed use. The staff recommends that the request be granted as it conforms to the changing pattern of development in this area.

C14-69-312 Paul G. Lundgren and Jack Balagia--contd.

TESTIMONY

WRITTEN COMMENT

T. W. Murray: 809 West Avenue
 J. E. Magee; et al.: P. O. Box 1825
 Albina Pajestka: 807 West Avenue

FOR
 FOR
 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 granted, as the appropriate zoning for the tract because of the changing character of the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Paul G. Lundgren and Jack Balagia for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 801 West Avenue and 706-708 West 8th Street be GRANTED.

C14-69-313 William Joe Gage, Jr.: A to GR
 1414-1416 Fort View Road

STAFF REPORT: The subject property contains an area of 21,750 square feet and the stated purpose is for a mobile home park. The zoning in the area includes "A" Residential along Morgan Lane and along Clawson Road. "C" Commercial zoning is established on property adjoining the site and also on a tract of land south of Fort View Road. "GR" General Retail zoning is already established in the area. "O" Office zoning exists at the southeast intersection of Fort View Road and Clawson Road. Land use in the area includes predominantly single-family along Morgan Lane and along Fort View Road. Adjoining the site to the east is a lumber and hardware company and a grocery store. Commercial uses have located along Ben White Boulevard. A service station is located at the intersection of Ben White Boulevard and Fort View Road. Fort View Road is classified as a minor collector street with 60 feet of right-of-way.

Since the opening of Ben White Boulevard and the development of Ford Village and Southwood centers property in close proximity has been requested for rezoning and in nearly all instances granted. The request on the subject

C14-69-313 William Joe Gage, Jr.--contd.

property is in conformance with past zoning along Fort View Road and the street right-of-way at this location is adequate. In view of this, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

William Joe Gage, Jr. (applicant)	
Fred W. Adams: 3207 Perry Lane	FOR
Mr. & Mrs. Wiley N. Wheeler: 1504 Fort View Road	FOR
Charles Wendlandt: P. O. Box 404	FOR
Phil S. Crawford: 1407 Eva	FOR
John L. Adams: 1503 Morgan Lane	FOR
Truman H. Montandon: 2412 North Interregional Hwy.	FOR
Buford Stewart:	FOR

PERSONS APPEARING AT HEARING

William Joe Gage, Jr. (applicant)

SUMMARY OF TESTIMONY

Mr. Bill Gage, Jr. was present on behalf of this request and stated that the subject property is 250 feet long and approximately 90 feet wide. The plans which have been submitted to the City are for five trailer units on the site. There will be adequate off-street parking and a privacy fence is proposed around the west side and back of the site so that the use will not bother the neighborhood. He said that they will own the trailers and will rent them.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as the appropriate zoning for the tract because of the changing character of the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of William Joe Gage, Jr. for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1414-1416 Fort View Road be GRANTED.

C14-69-314 Karl Wagner: Int. A, Int. 1st to C, 5th
 Tract 1: 8222-8320 North Interregional Highway
 Tract 2: 8322-8404 North Interregional Highway

STAFF REPORT: This application covers two tracts of land fronting onto the Interregional Highway. Tract 1 covers 10 acres and Tract 2 covers five acres. The subject property is partially developed with the applicant's office and offices of the Texas Real Estate Association and Texas Butane Association. The stated purpose of the request is for uses consistent with the requested zoning. The zoning to the north, south and west is Interim "A" Residence. Land across Interregional Highway is outside the City. To the west, separated from the site by a large tract is "BB" Residence, First Height and Area zoning which was granted in 1968. At the southwest intersection of East Powell Lane and Interregional Highway is "C" Commercial. A request for "GR" General Retail, Fifth Height and Area zoning is pending on property to the northeast of the Interregional Highway. Land in the area is predominantly undeveloped. To the south of the site is an electric company with a service station on property at the northwest intersection of Interregional Highway and East Powell Lane and a rest home to the south of the service station. The Interregional Highway is classified as an Expressway with an existing right-of-way of 300 feet.

This area was recently annexed by the City and the existing uses on the subject tract and on adjoining tracts were developed while outside the City limits. The staff has no strong objections to the request for "C" Commercial zoning as it does provide the owner with some flexibility; however, the "GR" General Retail district would be preferred as this zoning district does eliminate the possibility of a very permissive usage which can be developed in the "C" Commercial district.

TESTIMONY

WRITTEN COMMENT

Bill W. Davidson: 8500-8900 N. Interregional Hwy. FOR

PERSONS APPEARING AT HEARING

Karl Wagner (applicant)
 Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, stated that Mr. Wagner used to be in the construction business and he is now virtually retired. He uses the subject property only for his office site. The purpose of rezoning is the fact that the property was annexed to the City under one of the recent "hole in the doughnut" proposals where the City picked up all of the excess land that was not annexed within the more or less consistent boundaries of the City. Mr. Wagner has requested "C" Commercial zoning for the purposes of utilization of the land in the future, feeling that this would provide for the highest and best use of the land at some future date. At the present time he does not have any specific use for the land but felt that in being consistent

C14-69-314 Karl Wagner--contd.

with the policies of the Commission that once it is brought into the City before an intensive development commences in the area that it should be zoned in accordance with the intended use of the land along the expressway. It is most likely that the total tract is its ultimate development will not be used to the highest extent provided by "C" Commercial; however, it is felt that portions of the land can be so utilized consistent with development along the expressway. The applicant does not intend to sell the land at this time but intends to try to develop it as a unit possibly subdividing if necessary to be consistent with development that would come in the future.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate zoning for property fronting onto the Interregional Highway.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Karl Wagner for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, Fifth Height and Area for property located at (Tr. 1) 8222-8320 North Interregional Highway and (Tr. 2) 8322-8404 North Interregional Highway be GRANTED.

C14-69-315 Maufrais Brothers: Int. A, Int. 1st to GR, 1st
 Tract 1: 1400-1416 Stassney Lane
 5516-5530 Vinson Road
 Tract 2: 5506-5514 Vinson Road
 Tract 3: 1500-1616 Stassney Lane

STAFF REPORT: This application covers three tracts of land totaling 5.7 acres located north of Stassney Lane east of Crockett High School. The stated purpose is for uses consistent with said zoning. "BB" Residence zoning has been granted to the north between the railroad track and the north-south County road. "B" Residential zoning has been granted directly east of the subject tracts for 500 feet along Stassney Lane and "GR" General Retail zoning continuing from that point. Across Stassney Lane and to the west across the railroad track is "A" Residential zoning. Land in the area to the north and east is undeveloped. South of Stassney Lane is the Brown School and single-family development. West is Crockett High School and some single-family development. Stassney Lane is classified as a Major Arterial Street with an existing right-of-way of 60 feet. Vinson Drive (County Road) is a minor collector street with only 30 feet of right-of-way.

In the establishment of the zoning pattern to the east along Stassney Lane and to the north, in the Emerald Forest Subdivision, the Planning Commission and City Council voted not to extend the "GR" General Retail district which would

C14-69-315 Maufrais Brothers--contd.

result in a strip commercial development of frontage along Stassney Lane. The "B" Residence district was established as appropriate zoning on this major arterial street. The subject tracts are presently not in active use. Tract 3 has three sheds and some old machinery on it. All three tracts are heavily wooded as is most of the frontage in this area of Stassney Lane. The adjoining tracts to the east, zoned "B" Residence are presently being cleared of underbrush.

Consistent with Commission and City Council action, the staff recommends that the request as submitted be denied but that the three tracts be recommended for "B" Residence, First Height and Area zoning. Both Stassney Lane and the County Road if they are to be improved, should be widened to adequately provide for increased intensity of land use.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicants, stated that in relation to the zoning which was passed on Stassney Lane to the west on up to South First Street, the original application as filed by that applicant was for "GR" General Retail from the end of their property down along Stassney Lane to Vinson Drive. At the request of the Planning Department and without any insistance on the part of the Commission or the City Council, the application was amended to put a 500 foot strip of "B" Residence zoning in there as the people who own the subject tract ended up with some 750 to 1000 feet of "GR" General Retail and did not object to the additional 500 feet whether it was "B" Residence or "GR" General Retail. The zoning which lies to the west of Vinson Drive is significant in relation to this application in that there is a strip of "GR" General Retail approximately 300 feet in depth which runs from South First Street to within 500 feet of Vinson Road which is within 500 feet of the subject property. While there is a 500 foot strip of "B" Residence zoning which has been established, it would appear that to deny the request of the applicants to go from Interim "A" Residence to "GR" General Retail and to limit them to "B" Residence would be somewhat discriminatory by the action of stopping the zoning 500 feet from the subject property. Due consideration should be given to the fact that the subject property abuts upon a railroad track, is 300 feet in depth, consists of approximately five acres total and that continuing in a westerly direction to Manchaca on the corner is "GR" General Retail, First Height and Area zoning. While this may be classified as strip zoning it is consistent with the other zoning that presently exists on Stassney Lane. The Planning Department put this 500 feet of "B" Residence on property east of

C14-69-315 Maufrais Brothers--contd.

Vinson Road for the purpose of trying to utilize it as a buffer and an argument that the "GR" General Retail should not be extended.

Mr. Baker further stated that it is his understanding that the City will be bringing the right-of-way of Stassney Lane to 100 feet and also that an effort is being made to abandon the County Road as it exists on the staff report map and that a new road will be constructed along the existing right-of-way of County Road. Dedication of such additional right-of-way as is necessary to provide for that particular street to go into and connect with Vinson Drive which will be either a 60 or a 90 foot collector street which runs from Stassney Lane and goes on up to the property to the north. He said that he does not know if all the details for that connection have been worked out or not. Other reasons for this being necessary is the fact that they are trying to limit the number of creek crossings. County Road now crosses the creek and unless there has been an extensive repair done on it, it is in such condition that it is unsafe to travel.

It is submitted that the granting of "GR" General Retail on the subject property is consistent with the zoning that does exist on Stassney Lane and if in fact it is classified as strip zoning the strip zoning has been already adopted in the fact that the distance which it runs is lengthy. Mr. Baker further pointed out that the construction of Brown School on property immediately across Stassney Lane was undertaken prior to the time the property was brought into the City. That tract and the subject property was also brought into the City under the City's policy of picking up all of the existing tracts within the area of the consistent City limits which had not been annexed and the subject application was filed immediately thereafter for the requested zoning. The development of the property to the south could not exist in Interim "A", "A" or "B" Residence zoning but the minimum zoning they could probably utilize would be "O" Office zoning and then they may need a special permit for that particular use. With the use of the property across the street, it is felt that a more desirable use of the subject property would be a retail use rather than a residential use. This is also further supported by the fact a senior high school is located to the southwest generating a great deal of traffic in the immediate vicinity and a use to a general retail classification of the subject property would be more desirable from a traffic standpoint. The applicants have used one of the tracts for the storing of their equipment and other uses which would require a minimum designation of "C" Commercial zoning. There are drainage problems on the property which can be readily resolved in a retail use. The subject property is approximately 290 feet in depth which more or less meets the minimum requirements that have been set by the Commission for a retail use along a thoroughfare and it is requested that the change 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 denied, as it is too intensive; however, they recommended that "LR" Local

C14-69-315 Maufrais Brothers--contd.

Retail, First Height and Area be granted, subject to 30 feet of right-of-way for Stassney Lane, as the appropriate zoning for the site.

At the Commission meeting, Mr. Foxworth advised the Commission that a preliminary plan has been approved on the adjoining property to the east which proposes to leave Vinson Road open. Because of this, right-of-way would be required from both sides of the street to widen it to 60 feet inasmuch as it is only 30 feet wide at the present time.

The Commission concurred with the Committee recommendation that this request is too intensive; however, they recommended that "LR" Local Retail, First Height and Area zoning be granted, subject to 30 feet of right-of-way for Stassney Lane and 15 feet of right-of-way for Vinson Drive. It was then unanimously

VOTED: To recommend that the request of Maufrais Brothers for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at (Tr. 1) 1400-1416 Stassney Lane, 5516-5530 Vinson Road, (Tr. 2) 5506-5514 Vinson Road and (Tr. 3) 1500-1616 Stassney Lane be DENIED, but that "LR" Local Retail, First Height and Area be GRANTED, subject to 30 feet of right-of-way for Stassney Lane and 15 feet of right-of-way for Vinson Road.

SPECIAL PERMITS

CP14-69-046 Leon Stone: Mobile Home Park
Rear of 2707-2905 Del Curto Road

STAFF REPORT: This application has been filed as required under Section 5-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 mobile home park containing 180 units, and a club house.

The property under consideration is located in South Austin, south of Oltorf Street and west of the Mo-Pac railroad. The proposed extension of Lightsey Road, a future major arterial street, is to the south of the subject property. Land use in the area includes several small subdivisions developed over the past few years and also single-family units developed on large lots or tracts in some instances along Del Curto Road. There is non-residential zoning and development primarily along South Lamar Boulevard. There is a mobile home park established on the east side of the railroad track with access primarily from West Oltorf Street and a proposed major arterial street east of MoPac railroad, which will extend north-south. There are large areas of land undeveloped as the area of the City was by-passed when Ben White Boulevard opened. These tracts are now becoming more desirable because of their location to the central part of the City. The subject property is just to the north of two small single-family subdivisions on Lightsey Road.

CP14-69-046 Leon Stone--contd.

The street pattern for circulation in the area is very poor. Several streets are designated collector or arterial streets but not yet developed to the paving or right-of-way width necessary. Minor residential streets serve the subdivision and then dead-end at property lines. As a result, there is very limited circulation in and through the immediate area. Thornton Road extends from Oltorf Street to the north to within about 400 feet of the subject property and stops at a drainage ditch or creek that extends east-west through the area and across the northwest corner of the subject tract. As this area develops in the future, these streets which are not dead-end will be required to be extended into these tracts which are presently undeveloped.

This special permit was before the Zoning Committee and Planning Commission last month at which time it was the decision of the Commission to postpone the application for one month pending redesign of the mobile home park. This work has been completed by the applicant. The zoning is still "A" Residence, but a request for a change will be considered by the City Council this Thursday. The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Electric Department 2. Building Inspector | <ul style="list-style-type: none"> - 5' Easement on rear property line - 1) The property is presently zoned "A" Residence. "LR" or "GR" zoning is required when requesting a special permit for a trailer park. A trailer park without a special permit requires "C" or less restrictive zoning and even then may not be located in a community center (less than 900' of "C" zoning measured at its greatest dimension.) Recommend disapproval pending proper zoning of the site. 2) Construction or move on of any accessory buildings including recreation building shown on site plan, require building permits. 3) A minimum setback of 5 feet is required for all buildings and trailers from any side or rear property line of the entire tract. All trailers must be a minimum distance of 6 feet apart. 4) Site plan shows a wood fence around the entire property. (A 4' high solid fence is required where any parking area is adjacent to property developed for a residential use.) |
|---|---|

CP14-69-046 Leon Stone--contd.

- Building Inspection (contd.)
- 3. Director of Public Works
 - 5) The lot area requirements of the Zoning Ordinance would permit many more trailers on the property than shown on the site plan.
 - 6) The site plan does not note that the aisle and parking space for each trailer is paved. (These must be paved with either concrete or asphalt.)
 - 7) If the extensions of Thornton Road and Kinney Avenue, as shown on the site plan, are to be dedicated, setbacks for such corner lots must meet minimums of the Zoning Ordinance.
 - 4. Tax Assessor
 - In order to improve traffic movement in this area and to provide for better police and fire protection, a 60' street needs to be dedicated connecting Kinney Avenue with Thornton Road.
 - 5. Fire Protection
 - Taxes are paid through 1968. 1969 taxes are not paid.
 - Fire hydrants as shown on the map are believed to be adequate.
 - 6. Traffic Engineer
 - (recommendations indicated on site plan)
 - 7. Fire Prevention
 - Okay
 - 8. Health
 - No objections. Waste Water System to be available.
 - 9. Office Engineer
 - Recommend dedication of through street and then a request for commercial driveway.
 - 10. Water and Sewer
 - Sanitary sewer service for the western portion of the property is available from the main in this area. Also, concerning this main, if the Club house and recreation building cannot be repositioned, the main will have to be relocated at the owner's expense. In order to serve the central and eastern portion of the property, an eight (8) inch approach main will be required to be run from the N.E. corner of the property parallel to the railroad property \pm 480' northerly to the existing 12" main crossing the railroad property. This will require an off-site easement. Water service is available from the mains in Kinney Avenue and Burning Oak Drive. Note that it will be required

CP14-69-046 Leon Stone--contd.

- Water and Sewer (contd.) - to run a six (6) inch main down Burning Oak Drive to the existing six (6) inch main as shown on the plat. Fire protection will be adequate using the scheme proposed on the plat noting the additional valves that will be required in addition to the ones the engineer has proposed. Note also that it will not be required to extend the six (6) inch main northerly in Thornton Road due to a pressure break. Fire demand meters may be required.

The access to the tract for the use proposed is most critical. Traffic estimates by the Traffic Department include 1,000 vehicle trips per day generated by the 180 mobile homes that would be developed on the subject tract. Assuming that both Thornton Road and Kinney Avenue are to be the only access streets, it was estimated that two-thirds of the traffic or around 650 vehicle trips per day would be using Thornton Road and about 350 trips per day would be using Kinney Avenue. In addition, three departments, including Traffic and Transportation, Public Works and Planning as well as the City Urban Arterial Committee requires that regardless of the zoning or use of the subject tract, Thornton Road should be extended and connected with Kinney Avenue. Thornton Road while dedicated to the north property line of the subject tract is developed only to within 400 feet of the tract. This means that until the street is extended and developed, all access would be from Kinney Avenue, a street with 45 feet to 50 feet of right-of-way and only 30 feet of paving. The site as originally proposed suggested that both Kinney Avenue and Thornton Road be extended to the tract boundaries and then a private street connect the two. In the amended site plan the applicant proposes to bring Thornton Road and Kinney Avenue to the site but dead-ends the two public streets. There will be private streets in the mobile home park but they are not intended to carry on through. This plan is not acceptable and it does not show adequate access for vehicular circulation to and through the tract including emergency or service vehicles. This connection is not the only alternative. Another might be the extension of Thornton Road to the west and south intersecting with either Lightsey Road or Del Curto with cul-de-sacs at Kinney Avenue and Burning Oak Drive. This access, while preferable would require agreements between the adjacent land owners for subsequent extension or development and would be preferable if the zoning is granted. This alternative would have the least effect on adjoining single-family development. It may also be acceptable to extend Thornton Road and swing west through the subject tract to connect in some way with Clawson Road as it extends southward. If the zoning is approved by the City Council, the staff would recommend that Kinney Avenue and Thornton Road be connected, but until the zoning is approved and a revised site plan submitted, the staff recommends that the existing subdivision and special permit for this use be denied.

CP14-69-046 Leon Stone--contd.

Mr. Lillie advised the Commission that the staff has discussed the alternatives with Mr. Stansell. He presented a map that the staff went over with him showing the extension of Thornton Road westerly paralleling with the creek and then extending southward tying in with Lightsey Road. There is a great deal of tree coverage in the center portion of the subject tract and the creek extends east-west through the site. Sewer facilities are available in the creek. The plan originally submitted did not take into account contour or elevation. The staff did put together a few alternatives with respect to how the special permit might be considered in relation to the extension of Thornton Road to Kinney Avenue, as a 60 foot right-of-way and the extension of Thornton Road across the tract in a westerly direction.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (attorney for the applicant)	
J. L. Stansell (rep. applicant)	
S. A. Garza (engineer for applicant)	
Don Eaton: P. O. Box 685	FOR
Mrs. Frank Vasquez, Jr.: 3007 Kinney Avenue	AGAINST
Alva Prewitt: 2707 Del Curto Road	AGAINST
David K. Laeker: Rt. Box 3, Buda, Texas	AGAINST
Oland D. Barnes: 3002 Kinney Avenue	AGAINST
Esther J. Riefkogel: 3005 Kinney Avenue	AGAINST
Mr. & Mrs. John W. Shelton: 3003 Kinney Avenue	AGAINST
Mr. & Mrs. Arthur B. Smith: 2811 Del Curto	AGAINST
Mr. & Mrs. Tommy L. Martin: 2909 Burning Oak Dr.	AGAINST
Mr. & Mrs. John W. Zion: 2908 Burning Oak	AGAINST
Lee R. Ballard: 3007 Leaning Oak Circle	AGAINST
Mr. & Mrs. A. M. Bartlett: 2807 Del Curto Road	AGAINST
Joseph D. Castle: 2901 Del Curto Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, stated that there are a number of things to be considered in this application. All of the issues raised by the staff would be ideal conditions in which to operate but there are certain things about the subject tract that must be considered in proper perspective. If the lots are developed with duplexes there would be about 76 lots. Mr. S. A. Garza, engineer, did a feasibility study on the property two or three years ago for the purpose of single-family development and at that time

CP14-69-046 Leon Stone--contd.

it was determined that the cost was unfeasible because of the existing drainage problems in the area and the existing price range of houses within the area. If the subject property cannot be developed as single-family residences and if a zoning application could not be granted changing the zoning, and if the site were developed with duplexes, there would be a development of 120 units at a minimum or approximately 152 maximum duplex living units. Each duplex unit would create as many vehicular trips per day as with a mobile home. The Planning Commission recently recommended in favor of changing the zoning on the subject site to "LR" Local Retail with the intent that the site would be developed with a mobile home park. If the City Council does not grant the change to Local Retail, the applicant would still have a valid basis for filing an application to "B" or "BB" Residence zoning because of the layout of the subject tract, the existing zoning in the area, the large undeveloped tract, the site configuration and the location next to a railroad track. There is "C" Commercial zoning east of the site and other prevailing problems in the area to warrant that at least a portion of the property should be rezoned for a use more intensive than "A" Residence.

Consideration should be given to the fact that the traffic problem is not generated by the subject tract. Traffic and arterial problems have developed as a result of the development which occurred prior to the development proposed on the site. What Mr. Stansell and Mr. Garza are trying to accomplish is to provide access to the subject tract from two directions and to contain as much as possible the traffic generated by the proposed development within the subject tract. The staff has indicated that two or three streets could be extended through other people's property. The burden has never been placed on a property owner or developer by the Commission or by the City Council prior to this time where a property owner was expected to change the existing street pattern in an area by acquiring land or by acquiring joint development proposals from owners of other property and it would be an undue burden to do so now. This would not be requested by the staff if the application was for "BB" Residence zoning which would generate more traffic. If it is the desire of the Commission that Thornton Road be connected to Kinney Avenue, both existing public dedicated streets, this would be a reasonable requirement to impose on the developer and he would be willing to do so. The developer with forethought did not do so as he felt that the plan as submitted contained the traffic within a specific use unit, within the unit itself; however, such extension can be made. Mr. Stansell feels that this would be detrimental and create more traffic on Kinney Avenue through the residential area than the existing plan. Without this, Thornton Road should be extended from the existing paving to the subject tract. The land has been dedicated, it is a public thoroughfare and it is the obligation of the City to make arrangements to see that the streets are extended.

It is desirable that a buffer zone be maintained along the south boundary line adjoining the existing single-family residences. It should be noted that the subject lots adjoining the residential property are 90 feet in depth and all other lots, except those along the railroad track have a maximum of 70 feet in depth. The longest mobile home made is 65 feet. It is the intent of the

CP14-69-046 Leon Stone--contd.

developer and he will agree as a condition to the granting of a special permit that a buffer zone of 20 feet be established. The tree cover is quite dense on a portion of the area while all of the area does not have this same tree cover. The applicants will leave as many existing trees as possible and will plant other trees within the 20 foot buffer area which is now bare in order to build a buffer more effectively. Mr. Stansell proposes privacy fences on the property line on all sides of the site.

The applicant has complied with all of the departmental reports that have been submitted other than the problem of traffic and transportation. The subject special permit provides for 166 mobile home sites which is anywhere from 20 to 40 more units which could be placed on the site than duplexes could be constructed. It is realized that there are a lot of problems inherent in the consideration or development of mobile home parks. Many people over the years have had the attitude that mobile home parks are not good neighbors; however, it must also be realized that mobile homes are one of the only existing answers at the present time to the need for reasonable cost housing. Sites must be provided within the City for people who live in mobile home parks. They have the right to be served with City utilities as they pay City taxes just as other homeowners do. It was admitted that this special permit as filed meets the requirements set forth in the Ordinance of the City. If there are other limitations the Commission wishes to set forth, which they feel further protects the area, the developer would like the opportunity to consider them if at all possible in the development and intended use of the property and possibly would be willing to impose such restrictions on the special permit.

Mr. Baker explained that Mr. Stansell proposes a Five Star Mobile Home Park. The Five Star rating is the highest rating that can be given to a mobile home park and to qualify there are a number of things that must be done such as the site must be in the city limits, must be served by sanitary sewer, public water and electricity. There must also be at least two entrances, as well as proper club room and recreational facilities. Mr. Stansell who proposes to develop the property will be the on-site owner. The lots are not sold but are owned by the developer and leased on a monthly basis to mobile home owners.

Mr. Taniguchi stated that although he is fully aware of the need to make compatible the mobile home neighborhood with other neighborhoods as this is probably one of the most economical housing developments available, the site plan is disappointing. He said that mobile home parks have a stigma which needs to be overcome. The fact that each mobile home is similar in appearance lends itself not as a desirable visual thing to the neighborhood from the outside but in his opinion it is not very good from the inside either. He noted the tree cover and contours of the site and indicated disappointment that the developer did not use these factors to make the mobile home neighborhood more compatible with the surrounding area. It would seem that to lay out a subdivision of mobile homes across the contours would mean bulldozing and terracing of some kind which would destroy some of the aesthetic value. A

CP14-69-046 Leon Stone--contd.

mobile home use for the subject property is reasonable and can be done and made compatible with the neighborhood, but because of the fact that there are several strikes against mobile homes, an extra effort should be made to make it compatible with the surrounding area.

Mr. S. A. Garza, engineer for the developer, explained that the layout submitted was built around the contours and trying to use the land to get the yield that would be within economic reason. If the streets had been planned around a contour, more sanitary sewer laterals would be needed. It was thought that by locating the recreation area in the northwest corner of the tract trying to preserve as many trees as possible, this change would blend in better in the plan. The tract would be split by a drainage channel so that run-off would be as fast as possible. Another reason for this particular layout is the fact that the owners are trying to get a buffer along the south portion of the property leaving as many trees as possible. The north two tiers of lots were sacrificed, and reoriented because of the resulting dimensions.

Mr. Goodman asked if there has been any flood studies made of the creek which traverses the corner of the property. Mr. Garza advised the Commission that there has not been any flood studies made at this time. Mr. Baker advised the Committee that identification signs will be handled by brick entrance gates placed on the lots which are not to be used for mobile home sites or on corner lots along Kinney Avenue. There will not be any neon lights or things of this character.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the development of the subject property with the mobile home park. They were opposed to mobile home development because of the traffic that would be generated into the residential area on streets which are not adequate to handle the existing traffic and would become hazardous with increased traffic. The streets are narrow and winding, and circulation in and out of the area is very poor. To permit the development of a mobile home park on the site would be of benefit to no one but the investors and owners. The value of the surrounding area would be decreased. Mobile homes are unsightly and would be a blight on the existing residential character of the area. There is a lack of storage space in a trailer home so that immediate areas surrounding a site generally have a cluttered appearance because of the many different items outside. Another objection is the fact that there is at the present time a flooding problem existing on a portion of the area and if the site is cleared and leveled and portions of it paved, the flooding problem will become more acute as the drainage flows towards the south. If duplexes were developed on the site there would not be a need for a buffer as they are permanent type structures that would blend into existing residential development. If the development is permitted, a substantial buffer area would be needed for the adjoining property, and better circulation should be provided.

CP14-69-046 Leon Stone--contd.

Mr. Baker advised the Committee and the people interested in this request that Mr. Stansell has volunteered and will agree to a covenant on the zoning application that in the event the property is not developed and used as a mobile home park the zoning would revert to existing "A" Residence zoning.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be referred to the full Commission, pending revision of the site plan to include the following:

1. The connection of Thornton Road to Kinney Avenue as a dedicated right-of-way of 60 feet.
2. Redesign of lots 1-12 south of and along the creek.
3. Show flood plane area.
4. Six foot privacy fence.
5. Revise layout of wide lots along north property line.
6. Show acceptable sign location identifying development.
7. Club house relocation.

At the Commission meeting, Mr. Osborne advised the members that the key issue with regard to this special permit is the matter of the extension of Thornton Road and its connection with Kinney Avenue or some other location to extend it to Lightsey Road. Lightsey Road (Barton Skyway) is intended to be an east-west arterial street from Bee Caves Road, crossing Interstate 35 and actually connecting in with Ben White Boulevard. Del Curto Road is a collector street off-set from Del Curto Road. There is no other north-south circulation within this area. In working with Mr. Puett and planning the subdivision to the south of the subject property, Burning Oak Drive was extended around through a portion of the area, recognizing that Kinney Avenue extended up to the property line through another portion of the area. A north-south connection through the area is very desirable as is ultimately some type of east-west interconnection. The development contemplated on the subject tract is in the neighborhood of 160 dwelling units. If the tract was developed into a single-family subdivision there would be approximately 90 dwelling units which indicates that in any case, north-south circulation is an essential feature. At this time it is very difficult to go from any portion of the immediate area to another without going around about route. There is shopping center development and other types of commercial facilities along Ben White Boulevard and there will be north-south and east-west movement within the area. This is the reason for Lightsey Road to be there and pick up traffic from the various residential streets.

Mr. Osborne pointed out that another issue is public safety. If the property were being subdivided in any sort of conventional form, there would be either a direct or indirect street connection going into both sides of the tract since there would be movement through the area. It is the staff's recommendation, as well as the Traffic Engineer and Director of Public Works, that there be a direct connection. In this manner, fire and police protection can

CP14-69-046 Leon Stone--contd.

best be afforded to the 160 units. Burning Oak Drive is not critical and does not need to be extended. The staff recommends very strongly to the Commission the necessity of the north-south street going through the property. It is recognized that with regard to the single-family homes facing onto Kinney Avenue this will be a burden but there would be a burden if all the area were developed with single-family lots.

Mr. Reeves stated that in his opinion no matter how the property is developed or if it is ever developed, a street is needed through the area. Mr. Hanks agreed and stated that if the street is extended from the north property line to the south property line, there would be approximately 50 per cent of the area and would carry it up to where the other paving is existing. He asked if the street is put in if there would be enough distance to have the paving from Kinney Avenue to Thornton Road where it is presently blacktopped and get it done on a paving project. Mr. Osborne explained that the City has to participate where there is an existing dedicated street. The City also assesses the abutting property owners. Most of the land is substantially undeveloped and paving of the street would enhance the value of the property. At some point, the City would like to see some other means of getting to Del Curto Road, Kinney Avenue or to the east so that there are some alternatives to the circulation, but because of the fact that this is a fairly large block of land, it is not a critical situation. With respect to the specific designs, the staff has talked to the applicant about possible alternate designs and locations. Mr. Lillie advised the Commission that the applicants have complied with all departmental reports and items recommended by the Committee with the exception of the streets.

Mr. Osborne stated that one other item is that there needs to be an alternate for a specific location of the club house as it is presently shown to be proposed over a water line.

Mr. Richard Baker advised the Commission that the decision of the applicant with regard to a direct connection is that he would prefer not to extend Thornton Road to Kinney Avenue. There are several reasons for this, the primary one being that he is trying to develop a 19.7 acre tract as one unit for a mobile home park and feels that to extend a public thoroughfare through the tract actually divides it into two parts and increases the problems of maintenance and security control within the park itself. In the matter of public streets coming to the facilities and not going through, there can be control over a number of them i.e. traffic and security during the night. The second reason is that Mr. Stansell feels that by doing the plan in the manner submitted, the traffic would be more diversified and could go in both directions, thereby reducing the large amounts of traffic which would be utilizing Kinney Avenue and making Thornton Road more accessible for use. Another reason involving the project and not extending Thornton Road is that the financing and construction of mobile homes is rather expensive. The national average is between \$1,600 and \$2,000 a lot. The reason for this is to provide total underground utilities, sprinkler system and lighting systems. They put in a lot of equipment and facilities

CP14-69-046 Leon Stone--contd.

that are not normally put in subdivisions. One of the other things they do is to maintain all the lots. Because of the large expense and the ease of maintenance when the mobile homes are on continuous tracts without a street and the fact that the financing of the development is so expensive, the FHA which does much of the financing in this field is rather hesitant to finance any project which is divided by a public street. Mr. Stansell has indicated he is doubtful FHA will provide the financing for the site if a public street is extended through it. The street cost is a real problem to the financing and development.

Mr. Baker further stated that if it is the decision of the Commission that the public streets must be extended through the site for approval of the special permit and if all of the other conditions have been met satisfactorily except for the street layout, the applicant would request administrative approval of the plan on the extension of the street. If the street is extended, it will take a certain amount of right-of-way which will require some adjustment of lot lines, although the basic layout would be the same.

Mr. Osborne stated that the Commission could recommend that the Chairman and Secretary of the Commission review the special permit with the staff before the final signature.

Mr. Goodman commented that he was one of the members of the Zoning Committee who voted for denial of the zoning on this site as he did not feel it was the proper zoning. It is recognized that the mobile home site is an unusual situation and in view of the fact that the joint Commission voted to change the zoning to "LR" Local Retail, the development of the tract should be for a mobile home park and not a commercial or semi-commercial development which would also be permitted if the zoning is changed. He said that in his opinion Thornton Road should be connected to Kinney Avenue because of traffic circulation and fire and safety factors. Other than the street and the shifting of the club house, the recommendations by the Committee have been met.

Mr. Baker advised the Commission that the signs that were designed for the project were based on the street not being a public street so there will have to be some redesigning of the entrance gate. He said the City does authorize construction of permanent improvements over sanitary sewer lines if they are encased in concrete and asked if this would be acceptable to the Commission. Mr. Goodman stated that the club house corner is in the flood plain of the creek and for the safety of the persons occupying the structure it should be shifted.

Mr. Baker stated that another point of consideration is the fact that Thornton Road going into the site has 50 feet of right-of-way and Kinney Avenue going out is a 50 foot to 30 foot street. He asked if the street could be limited to 50 feet. Mr. Reeves stated that this could be worked out with the staff.

CP14-69-046 Leon Stone--contd.

After further discussion, the Commission unanimously

VOTED: To APPROVE the request of Leon Stone for a special permit for a mobile home park located at the rear of 2707-2905 Del Curto Road, subject to compliance with departmental reports, shifting of the club house location and subject to Thornton Road and Kinney Avenue being connected in accordance with the staff's specifications and that the Chairman and Secretary of the Commission review the location of the street and the siding of the lots that will be destroyed as it goes through.

The Commission members discussed the need for paving a portion of Thornton Road north of the site and felt that the paving of the street should be strongly recommended to the City Council.

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.

CP14-69-048 Mrs. Charles M. Gordon: Day Care Nursery
8303 Weyburn Drive

STAFF REPORT: This application has been filed as required under Section 4-A, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care nursery allowing 10 children. The proposed day care nursery is located in North Austin just east of Burnet Road and south of Burnet Junior High School. Ohlen Road is a neighborhood collector street extending from Burnet Road on the west to Research Boulevard. The immediate area is a fairly new subdivision with a small section of duplexes across Ohlen Road and to the west of the subject site. Only a few lots are still undeveloped. The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|-----------------------------|---|
| 1. Fire Prevention | - Install required fire extinguishers when ready for occupancy. |
| 2. Traffic Engineer | - No recommendations. |
| 3. Tax Assessor | - 2-4107-0903 Taxes are due for 1969. Prior years are paid. |
| 4. Director of Public Works | - If concrete driveway is in from curb to property line, the request is OK; otherwise we will need request for and approval of driveway before construction begins. |
| 5. Electric | - Estimates required at a later date. |
| 6. Fire Protection | - Existing fire protection facilities are believed to be adequate. |

CP14-69-048 Mrs. Charles M. Gordon--contd.

- | | | | |
|-----|--------------------|---|---|
| 7. | Building Inspector | - | <ul style="list-style-type: none"> 1) The subject property contains a lot area of 7,150 square feet. The zoning ordinance requires a minimum lot area of 7,000 square feet for the first 10 children and 300 square feet for each additional child. In this case the applicant meets the minimum lot area requirement for keeping 10 children but does not have enough lot area for any additional children. (Maximum number of children - 10.) 2) The facility and site shall be approved by the Texas State Department of Public Welfare. |
| 8. | Advanced Planning | - | <ul style="list-style-type: none"> 1) Site limits enrollment to 10 children maximum. 2) Backyard play area should be enclosed by fence. |
| 9. | Storm Sewer | - | Plan complies with requirements. |
| 10. | Office Engineer | - | OK |
| 11. | Water and Sewer | - | Water and Sanitary Sewer service is available from the existing mains in Weyburn Drive. No additional fire protection will be required. |

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

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

CP14-69-048 Mrs. Charles M. Gordon--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Mrs. Charles M. Gordon for a special permit for a day care nursery on property located at 8303 Weyburn 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.

CP14-69-049 William Joe Gage, Jr.: Trailer Park
1414-1416 Fort View Road

STAFF REPORT: This application has been filed as required under Section 5-C, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a trailer park containing five units with five off-street parking spaces. The proposed development is located in South Austin near the intersection of Manchaca Road and Ben White Boulevard. Fort View Road is a short street extending from Ben White Boulevard west to Manchaca Road. A request for "GR" General Retail zoning on the site was reviewed earlier by the Committee. The present development shows two trailers, an office and a storage building. The applicant proposes three more trailers for a total of five in an area which the Ordinance permits 27 units. Fort View Road is adequate with 60 feet of right-of-way. The site plan has been circulated to the various departments and the comments are as follows:

- | | | |
|-----------------------------|---|--|
| 1. Fire Protection | - | Present fire facilities are believed to be adequate. |
| 2. Director of Public Works | - | We will need request for and approval of commercial driveways before construction begins. |
| 3. Tax Assessor | - | 4-0609-0122 Taxes are due for 1969. Prior years are paid. |
| 4. Building Inspector | - | 1) The property is presently zoned "A" Residence. A trailer park without a special permit requires "C" Commercial or less restrictive zoning and even then may not be located in a community center (less than 900 feet of continuous "C" zoning measured along a public street or alley.)
2) The lot area requirements would permit 27 trailers on the property with a paved off-street parking space to be provided for each trailer. |

CP14-69-049 William Joe Gage, Jr.--contd.

- | | | | |
|-----|-----------------------------|---|--|
| 4. | Building Inspection--contd. | - | 3) If adjoining property to east is developed residential, a 4' solid fence will be required along east side of subject property.
4) Does not include building code approval. |
| 5. | Health | - | No objections. Waste Water system to be available. |
| 6. | Fire Prevention | - | Provide fire protection as required by the Fire Code. |
| 7. | Traffic Engineer | - | Maximum driveway width 30' - no parking to be allowed directly off-street (head-in parking) |
| 8. | Electric | - | no comment |
| 9. | Storm Sewer | - | Plan complies with requirements. |
| 10. | Advanced Planning | - | 1) Proposed layout limits trailer sizes.
2) Emergency access restricted.
3) Squared off parking bays should be rounded due to minimal size which prevents easy ingress and egress.
4) Rearmost trailers will have difficulty being wheeled into position.
5) Privacy screen (fence or planting) needed around property.
6) R.O.W. along Fort View Road is 60' with the paving along the north half of the R.O.W.
7) Driveways should conform with requirements set up by Traffic and Transportation and Public Works Department. |
| 11. | Office Engineer | - | Require request for commercial driveway. |
| 12. | Water & Sanitary Sewer | - | Service is available from the existing mains in Fort View Road. No additional fire protection will be required. |

All of the departmental reports are not in at this time and the staff recommends approval, subject to completion and compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Wiley N. Wheeler: 1504 Fort View Road
 Buford Stewart
 John L. Adams: 1503 Morgan Lane

FOR
 FOR
 FOR

CP14-69-049 William Joe Gage, Jr.--contd.

PERSONS APPEARING AT HEARING

William J. Gage (applicant)

SUMMARY OF TESTIMONY

Mr. William Gage was present on behalf of this request and explained to the Committee that he is taking care of the proper requirements for the proposed development. There will not be any problem with placing the trailers on the lots. He said that he has worked with most of the departments on the requirements and feels that they can be worked out. There will be a six foot privacy fence to the west and also to the north. Two parking spaces are planned for each unit.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of William Joe Gage, Jr. for a special permit for a trailer park on property located at 1414-1416 Fort View Road, subject to completion and compliance with departmental reports and authorized the Chairman to sign the necessary resolution.

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

CP14-69-050 Mrs. Carl Locke: Day Care Center
4918 Westview Drive

STAFF REPORT: This application has been filed as required under Section 4-A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care center for after school hours permitting a maximum of 36 children. The proposed development is in the Beverly Hills Subdivision in the northwest part of the City, west of Balcones Road and south of Bull Creek Road or FM 2222. All of the streets in the immediate area are minor residential in character serving single-family lots. There is no close access to a collector street system. Topography, limited sight distance in the area of loading and unloading children and the use itself would be an encroachment on residential uses in the area.

CP14-69-050 Mrs. Carl Locke--contd.

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

1. Advanced Planning
 - 1) Loading/unloading facilities inadequate.
 - 2) Plan unclear as to areas to be used for child care.
 - 3) Rear yard play area should be fenced (if not already).
 - 4) The 3' high retaining wall in rear yard could be dangerous if this area is used as play space.
 - 5) Proposed use inconsistent with surrounding area.
 - 6) Deed restriction filed 9-28-55, prohibits uses other than residential for a period of 25 years.
2. Fire Protection
 - Existing fire protection facilities are believed to be adequate.
3. Building Inspector
 - 1) The lot contains approximately 15,000 square feet which would permit the keeping of 36 children.
 - 2) It appears that loading and unloading of the children is proposed from the street right-of-way with grade of driveway as shown on site plan and with 36 children allowed maximum off-street loading should be provided unless the Commission restricts the number of children to a lesser number.
 - 3) The facility and site shall be approved by the Texas State Department of Public Welfare.
4. Tax Assessor
 - 1-3005-0127 Taxes are paid through 1969.
5. Director of Public Works
 - No objections.
6. Health
 - No objections.
7. Fire Prevention
 - Install required fire extinguishers as when ready for occupancy.
8. Storm Sewer
 - Plan complies with requirements.
9. Traffic Engineer
 - No recommendations.
10. Office Engineer
 - OK
11. Water and Sanitary Sewer
 - Service is available from the existing mains in Westview Drive. No additional fire protection will be required.

CP14-69-050 Mrs. Carl Locke--contd.

To the outside of the retaining wall the lot rises in elevation from some 10 to 20 feet. The staff has been advised also that there is a deed restriction on the property that would prohibit the use of the tract to anything other than single-family development. Regardless of the deed restrictions, the staff recommends against the request as an encroachment into a single-family area with an inadequate street system.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Carl Locke (applicant)	
Bart E. Brown: 4912 Westview Drive	AGAINST
S. R. Sheppard: 2704 Silverway	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Carl Locke was present on behalf of this request and advised the Committee that he is returning to Graduate School and plans to increase their income by after school care for several children. He said that there are no plans for the number of children permitted by the special permit but they do hope to have as many as ten.

Arguments Presented AGAINST:

Mr. Bart Brown, nearby property owner, appeared at the hearing and stated that his main objection to the proposal is because the deed restrictions on property within the Beverly Hills Subdivision Sections 1 and 2 does not permit the type of use proposed. He said that he would not necessarily object to a day care or nursery operation but if the deed restrictions are broken, a precedent would be set for other changes. There are 45 families living within this area and only one entrance which creates enough traffic without bringing traffic in for a day care operation. The terrain in the area is very rough and the use is not practical if there are to be outside play areas.

Mr. Lillie advised the Committee that when the staff and Commission are made aware of deed restrictions in zoning, the restrictions are recognized and applications for rezoning are not recommended as it is felt that the burden of enforcing the deed restrictions is then placed on the property owners.

Mr. S. R. Sheppard, nearby property owner, stated that he would not object to a limited enrollment for this type of operation but if the property changes hands, facilities could be provided for 36 children which would be

CP14-69-050 Mrs. Carl Locke--contd.

objectionable. The objection is primarily on the basis that the property could be used for 36 children which would throw an undue burden on the neighborhood facilities and would be inconsistent with the present use of the homeowners in the area who purchased homes as single-family residences. To approve the request would invite litigation and the people in the area oppose the use on general principles.

Arguments Presented in REBUTTAL:

Mr. Locke reiterated that the reason they are looking into this type of operation is in an effort to increase their income to help financially in order that he may return to Graduate School without taking his wife out of the home. Ten children is all that she could take care of by herself.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the site is located in the middle of a residential area with an inadequate street system to serve the proposed day care center. They also recognized that there are topographic problems existing in this area with respect to streets serving the subject tract.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To DENY the request of Mrs. Carl Locke for a special permit for a day care center for after school hours permitting a maximum of 36 children on property located at 4918 Westview Drive.

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.

CP14-69-051 C. R. Thomson: Trailer Court
1913-1927 State Highway 71

STAFF REPORT: This application has been filed as required under Section 5-C, Paragraph 39, sub-paragraph e 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 court containing 23 units and 23 off-street parking spaces. The subject property is located near the Bergstrom Interchange east of the City. Earlier this year, the applicant applied for "GR" General Retail zoning and a special permit on the 16 acre tract for the purpose of a mobile home park. The staff and the Planning Commission recommended zoning and the special permit; however, the zoning was denied by the City Council. At that time the subject tract which was applied for "GR" General Retail zoning, included the neck of land in the area presently zoned "BB" and "B" Residence back to State Highway 71. The applicant has now submitted a new special permit on the area zoned "GR" General Retail, containing about 3½ acres.

CP14-69-051 C. R. Thomson--contd.

The design of the park follows closely the design approved by the Planning Commission earlier this year. There is one major difference which is the 60 foot right-of-way. The applicant plans to make another attempt to get the remainder of the 16 acre tract zoned to "GR" General Retail. If the zoning is not granted by the City Council, the staff has required dedication and development of the 60 foot street to provide access to the area to the rear which is zoned for apartments. If in the new application the City Council does grant "GR" General Retail zoning, the staff would not require the dedicated street. The City has required the following statement on the plat and required also that if the special permit is approved by the Planning Commission that it be filed for record at the County Court House.

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

1. Director of Public Works - Since the drainage in this trailer court is to the north and east, I would recommend that a standard concrete driveway be constructed in order to prevent any water from the highway getting onto the property. I would also recommend that a minimum of a 5' radius for the driveway returns.
2. Fire Protection - The recommended fire hydrants are indicated in red.
3. Electric - (recommendations on site plan)
4. Tax Assessor - 3-0923-1001 Taxes are due for 1968 & 1969 - Prior Taxes are paid.
8-3-0923-0910 Taxes are due for 1969
Prior taxes are paid
8-3-0923-0911 Taxes are due for 1969
Prior taxes are paid
5. Building Inspector - 1) The property is presently zoned "GR" General Retail. A trailer park without a special permit requires "C" Commercial or less restrictive zoning and even then may not be located in a community center (less than 900' of "C" zoning measured at its greatest dimension.)
2) The lot area requirements would permit many more trailers on a tract of this size, than are shown on the site plan; however, the property does not appear to have been subdivided according to the City plats.
3) The site plan shows a 20 foot or wider paved aisle through the property

CP14-69-051 C. R. Thomson--contd.

5. Building Inspector--contd. - as is required; however, in addition, a paved off-street parking space must be provided off this aisle for each trailer.
4) A four foot high solid fence is required where any parking area is adjacent to property developed for a residential use.
6. Fire Prevention - Provide fire protection as required by the Fire Code. (See file)
7. Health - Approved; subject to waste water system being available.
8. Traffic Engineer - (Recommendations on site plan in file)
9. Advance Planning - 1) Lots in tier #3 should angle opposite direction and lots in tier #2 should angle more easterly for easier placement of trailers.
2) Driveways are adequate width - provision for 60' dedicated street acceptable. Turnarounds should be provided at ends of East/West driveways for vehicular traffic.
3) Development of this tract is not inconsistent with area use or previous special permit.
4) Visual screening (fence or shrubbery should be provided along East & North property lines.
5) Request on-lot parking be provided since 24' driveways would be extremely congested if used for resident's parking.
10. Office Engineer - Require request for commercial driveway (area outside of City limits).
11. Storm Sewer - Plat complies; except difficult to locate. Distance to Dalton Lane would be helpful.
12. Water and Sewer - Water and Sanitary Sewer service is available from the existing mains in the easement parallel to State Hwy. 71. Three additional fire hydrants will be required. One will be at the entrance coming off State Hwy. 71 and one each will be located on the southwest corner of each of the drives going westerly off the main drive. This will require that a six (6) inch main, with valves, be run down the main drive to the most northerly fire hydrant. A fire demand meter may be required.

CP14-69-051 C. R. Thomson--contd.

The staff recommends approval subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

C. R. Thomson (applicant)	
Mrs. A. B. Beddow: 1000 Dalton Lane	AGAINST
John R. Curb: 1500 Brandt Drive	AGAINST
D. E. Coffey: 1407 Brandt Drive	AGAINST
Mr. & Mrs. Daniel A. Botla: 1410 Brandt Drive	AGAINST
Mr. & Mrs. Carl Williams: 1505 Brandt Drive	AGAINST
Mr. & Mrs. Wilburt M. Enright: 1501 Brandt Drive	AGAINST
Mr. & Mrs. Nevil W. Easterling: 1211 Harrison	AGAINST
Tom E. Walker: 1404 Brandt Drive	AGAINST
J. B. Hatcher: 1503 Brandt Drive	AGAINST
Jack E. Bower: 1300 Hyman	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he did not receive the notice of the hearing. He explained that there will be paved off-street parking and concrete patios for each of the lots. Plans are also to erect a six foot fence. The technical items required by the various departments can be complied with easily.

Arguments Presented AGAINST:

Mrs. A. B. Beddow appeared at the hearing and stated that the people in the residential area do not want a trailer park in such close proximity. She pointed out that a request for zoning was heard only a few months ago and was denied by the Council and in her opinion this is just another step to have the rear portion of the property rezoned. There is only one entrance to the area and State Highway 71 is a divided highway without a crossroads in this location. Bergstrom Field generates a lot of traffic and if a mobile home goes into the area, it has to come from the south or if it comes from the north it has to go down the street making a complete U-Turn and then come back.

Mr. J. B. Hatcher and Mr. John Curb appeared at the hearing and stated that the average mobile home costs are from \$5,000 to \$6,000, while residential homes are considerably more expensive. When a mobile home is developed there are no requirements that the development be in a nice area. The City Council agreed with the property owners and denied the request for "GR" General Retail

CP14-69-051 C. R. Thomson--contd.

on portions of the original tract and to approve a trailer park in an "A" Residential area would be detrimental. Trailers are not permanent and they usually have outside storage as there is not enough space inside for storage facilities. The buffer zone and fence built around such a development as proposed would not be compatible with development in the area.

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 C. R. Thomson for a special permit for a mobile home park on property located at 1913-1927 State Highway 71, subject to compliance with departmental requirements 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.

CP14-69-052 Joe R. Dobson: Town House Development
1301-1309 St. Edwards Drive

STAFF REPORT: This application has been filed as required under Section 4-K and according to the procedure as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed on the site is townhouse development. The subject site is located in South Austin just south of Travis High School and west of I. H. 35. The area to the south has been rezoned to "GR" General Retail and "BB" Residence with the apartment tract under construction. The area to the north of St. Edwards Drive has been developed with duplexes. St. Edwards Drive is a collector street with 60 feet of right-of-way which is adequate for the proposed use. All of the area to the south and west was recently annexed by the City and is undeveloped. The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|--------------------|---|
| Fire Prevention | - Install required fire extinguishers as buildings are completed. |
| Traffic Engineer | - Recommendation on site plat in file. |
| Health | - No objections. Waste Water System to be available. |
| Building Inspector | - 1) The property must be subdivided in such a way that each townhouse is located on an individual lot. |

CP14-69-052 Joe R. Dobson--contd.

Building Inspector--contd.

- 2) No building or accessory structure shall exceed 35 feet in height.
- 3) A wall or solid fence, not less than 5 feet in height, shall be required on side lot lines where the required private yard adjoins said lot lines.
- 4) No town house group shall exceed 200 feet in length. This project proposes 204 feet in length.
- 5) Need clarification of the rectangular areas within the front courtyards.
- 6) Most of the private yards are less than the 400 square feet minimum established by the Ordinance. The private yard as required cannot be provided by totaling areas of two yards having less than 400 square feet.
- 7) Carports having access to a rear common driveway shall provide a rear setback of 10 feet unless the Commission chooses to waive or reduce this requirement.
- 8) Does not include building code approval.

Tax Assessor

Director of Public Works

Fire Protection

Electric

Advanced Planning

- 3-0901-0501 thru 0505 Taxes are due for 1969. Prior years are paid.
- We will need a request for and approval of commercial driveways before construction begins. We recommend a minimum radius of 5 feet on the driveway returns.
- Existing fire protection is believed to be adequate.
- Electric estimates asked for at a later date.
- 1) Subdivisions of lots required.
- 2) Total length of project exceeds maximum (by 6')
- 3) Driveway design and locations must be approved by Public Works and Traffic and Transportation departments.
- 4) Townhouses are permitted in "A" Residence zones.

CP14-69-052 Joe R. Dobson--contd.

- | | |
|-----------------|---|
| Office Engineer | - Require request for commercial driveway. |
| Water and Sewer | - Water and Sanitary Sewer service is available from existing mains in St. Edwards Drive. No additional fire protection will be required. |
| Storm Sewer | - If creek to be left in natural state, contours are required to determine flood area, otherwise a 10 foot F. B. ditch 4.5' deep or a 15' F.B. ditch 3.5' deep is required, in which case a 30' easement would be required. |

The present tract is developed with five lots and under the proposal there would be 10 units proposed in a structure about 200 feet in length. The staff recommends that the special permit be approved subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Jack Dempsey (representing applicant)

SUMMARY OF TESTIMONY

Mr. Jack Dempsey was present on behalf of this request and stated that all of the technical items have been discussed. He explained that the overall length of the structure occurred because of the center of three lots.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Joe R. Dobson for a special permit for the erection of a 10 unit townhouse development on property located at 1301-1309 St. Edwards Drive, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

CP14-69-052 Joe R. Dobson--contd.

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

CP14-69-053 Carlton E. Buske: Mobile Home Park
1303-1407 Kinney Avenue

STAFF REPORT: This application has been filed as required under Section 5 B, subsection 22, paragraph a, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a mobile home park containing 36 units. The subject property is located in South Austin between South Lamar Boulevard and Kinney Avenue. The area to the east has frontage onto Lamar Boulevard with several tracts over 600 feet in depth. The development is predominantly commercial. Several apartment buildings are being constructed in the commercial subdivision east of the subject tract in the area zoned "B" Residence.

The subject tract and all others to the north, south and west are residentially zoned and developed, have access only to Kinney Avenue. "A" and "B" Residence zoning exists east of Kinney Avenue and "A" Residence exists west of Kinney Avenue. If the subject property is zoned "LR" Local Retail, the tract could be used for any commercial purposes permitted in the "LR" Local Retail zoning district. The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|--------------------------|--|
| Health | - No objections; waste water system to be available. |
| Fire Prevention | - Provide fire protection as required by the Fire Code. (See file) |
| Traffic Engineer | - Recommendations on site plan in file. |
| Director of Public Works | - We will need request for and approval of commercial driveway before construction begins. I would recommend a minimum of a 5' radius on the driveway returns. |
| Tax Assessor | - 1-0204-0107 thru 0110 Taxes are due for 1969, prior years are paid. |
| Building Inspector | - Unless "LR" is pending recommend disapproval. At least "LR" zoning is required when requesting a special permit for a trailer park. |
- 1) The property is presently zoned "B" Residential except for a 50' by 50' area out of the extreme N.W. corner of the property which is zoned "A" Residential. A trailer park without a special permit requires "C" Commercial or less restrictive zoning and

CP14-69-053 Carlton E. Buske--contd.

Building Inspector--contd.

- even then may not be located in a community center (less than 900' of "C" Commercial zoning measured at its greatest dimension.)
- 2) The applicant does not appear to have frontage on a street unless the 30 foot wide area shown on the site plan is platted all the way through to Kinney Avenue.
- 3) The applicant does not show how the trailers will be situated on the property. The minimum setbacks will be required: (5 feet from side and rear property lines of the entire tract. All trailers must be a minimum distance of 6 feet apart.)
- 4) A paved off-street parking space is required off the paved aisle for each trailer. Also a four foot high solid fence is required where any parking area is adjacent to property developed for a residential use.
- 5) The lot area requirements of the Zoning Ordinance would permit many more trailers on the property than shown on the site plan.
- 6) Any accessory building constructed in the trailer park will require a building permit.
- Easements required to serve each unit. (Recommendations on site plan in file)
- The recommended fire hydrant is indicated in red. The hydrant should be set with the center of the 4" opening approximately 18" above the ground and with the openings facing the driveway and a pea gravel fill around the valve to aid drainage and prevent freezing in cold weather.
- 1) Subdivision of site is needed.
- 2) Layout should be modified to provide some open space and better lot arrangement.
- 3) Protection of adjoining residential property is recommended--site should be fenced.

Electric

Fire Protection

Advanced Planning

CP14-69-053 Carlton E. Buske--contd.

Advanced Planning--contd.

Office Engineer
Water and Sewer

- 4) Access to the site is from Kinney Avenue and adjacent to "A" Residential property. Kinney Avenue is developed with predominantly single-family residences.
- Require request for commercial driveway.
- Water and sanitary sewer service is available from the existing mains in Kinney Avenue. One additional fire hydrant will be required on the N.E. corner of lot 23. This will require running a six (6) inch main, with valves, from the existing 24" main in Kinney Avenue down the proposed main drive to the proposed fire hydrant. A fire demand meter may be required.

The applicant does own the particular tract in which the driveway is proposed which is about 100 feet wide. The staff cannot recommend this special permit as it is felt that such a development with access only to a neighborhood collector with 30 feet of paving and serving a low density neighborhood would have a negative effect on the area. Primary access for a mobile home park development should be from a Major Arterial street.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Carlton E. Buske (applicant)	
P. H. Smith: 1500 Kinney Avenue	AGAINST
G. H. Walff: 1304 Kinney Avenue	AGAINST
Milton Fewell: 1306 Kinney Avenue	AGAINST

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 compliance with departmental reports and a short form subdivision of the property joining the four lots as one site.

CP14-69-053 Carlton E. Buske--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Carlton E. Buske for a mobile home park on property located at the rear of 1303-1407 Kinney Avenue, subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution upon completion.

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

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of November 24, 1969, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee, but that Parker Heights, Section 3 has been referred to the Commission. It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of November 24, 1969, on the minutes of this meeting.

PRELIMINARY PLAN

C8-69-112 Parker Heights, Section 3
Oltorf Street and Burton Drive

The staff reported that this preliminary plan was considered at the last regular Subdivision Committee meeting and referred to the full Commission. There was a revised preliminary that the staff did not have an opportunity to review and therefore recommended that it be referred to the Commission. The property under consideration is located on the easterly extension of Oltorf east of Parker Lane. The plan as revised, proposes Burton Drive through the tract which will also effect the K. S. Wendler tract and the balance of Colorado Hills Estates. From an engineering standpoint, the street appears to be in the best location as it is in a low draw through the property. The original preliminary proposed the street to split the property line and it would have been on the high portion of the property leaving the bottom of the draw for development. A number of departmental comments have been received which are as follows:

- | | |
|----------------------------|---|
| Drainage Department | - Drainage easements are required and at present street grades appear too steep as shown. |
| Electrical and Telephone | - Additional easements required. |
| Traffic and Transportation | - Satisfactory as shown. |

C8-69-112 Parker Heights, Section 3--contd.

- | | | |
|-----------------|---|---|
| Water and Sewer | - | Water and Waste Water available - may require waste water easements. Will require approach mains for sewer. |
| Public Works | - | Designate tracts by letter or number and show adjoining property owners. |

Inasmuch as the street appears to be in the best location from an engineering standpoint for drainage purposes and use of land, the staff recommends that the preliminary as revised be approved subject to compliance with departmental reports. As an added note, it is the staff's understanding that Mr. Bryan Schuller, Engineer for the Developer, has a letter of agreement on the location of the street as shown signed by the three effected property owners who are C. L. Reeves, Colorado Hills Estates, by Jack Dempsey, and Mr. Ken Wendler.

After further discussion, the Commission unanimously

VOTED: To APPROVE the preliminary plan of PARKER HEIGHTS, Section 3 as revised pending completion and compliance with departmental reports.

C8-69-115 Cardinal Hills Estates, Unit 11
R. M. 620

The staff reported that the Subdivision Committee agreed that Unit 11 of this preliminary could be referred to the Planning Commission if the staff and the applicant's representative reached a satisfactory layout on a particular unit by the full Commission meeting. This involves 688 acres and Unit 11 involves approximately 100 acres which is the south end of the 688 acre tract. A satisfactory layout has been agreed to by the staff, the owners and the surveyors and it is recommended that Unit 11 be approved pending compliance with departmental requirements. The Commission then

VOTED: To APPROVE the preliminary plan of CARDINAL HILLS ESTATES, Unit 11, pending compliance with departmental reports.

SUBDIVISION PLATS - FILED AND CONSIDERED

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

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

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

SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

+ C8-69-70	<u>Villa Suena, Section 2</u>
	Vasquez Street and Villita Avenue
C8-69-92	<u>Colorado Hills Estates, Section 5</u>
	Riverside Drive and Royal Crest Drive
C8-67-82	<u>Southridge, Section 1</u>
	Clawson Road and Southridge Drive
+ C8-69-57	<u>Springdale Hills, Section 4</u>
	East 19th and Broadhill Drive
+ C8-69-64	<u>Coronado Hills, Section 3</u>
	Glenhill Road
+ C8-69-80	<u>Point Venture, Section 1</u>
	Lohmans Crossing Road

C8-69-115 Cardinal Hills Estates, Unit 11
R. M. 620

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 compliance with departmental reports and with the condition that the Master Plan is shown on the plan as agreed to by the staff and surveyor for the owner. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CARDINAL HILLS ESTATES, Unit 11, pending the requirements as indicated.

C8-69-89 Pepper Tree Park
Teri Road and Aspen Avenue

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending compliance with departmental requirements, annexation and a fiscal letter for sidewalks. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PEPPER TREE PARK, pending the items as indicated.

C8-69-91 Windsor Hills, Section 1
Cameron Road and Glacier 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 compliance with departmental reports, annexation and fiscal letter for sidewalks. The Commission then

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

C8-69-113 Burton Terrace
Burton Drive and Riverside 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, fiscal letter requiring the sidewalks and Council action on the zoning request. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BURTON TERRACE, pending the requirements as noted.

C8-69-90 Balcones Woods, Section 1
U. S. Highway 183 and Balwoods 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 compliance with departmental requirements, annexation and a fiscal letter for sidewalks. In addition, a letter has been received from Mr. Bill Williams, representing Nash Phillips Copus, requesting that the name of every street in the subdivision be changed.

Mr. Williams advised the Committee that Nash Phillips Copus are not the sole owners of the subdivision. This is a joint venture between Nash Phillips Copus and Walter Carrinton. It was concluded by the partners that the street names should be changed to Spanish style names in the manner of the name of the subdivision.

After a brief explanation by the staff, the Commission

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BALCONES WOODS, Section 1 pending the requirements as noted and granting the request to change the names of all the streets in the subdivision.

C8-69-105 El Tejas
State Highway 71 and Halsey Avenue

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending compliance with departmental requirements, annexation, fiscal letter for sidewalks and Council action on the zoning request. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of EL TEJAS, pending the requirements as noted.

C8-69-106 Country Club Gardens, Section 6
Carnation Terrace and Begonia Terrace

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

C8-69-106 Country Club Gardens, Section 6--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of COUNTRY CLUB GARDENS, Section 6, pending the items as indicated.

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-69-181 Garden Oaks, Section 6
Center Street and Garden Villa

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

VOTED: To APPROVE the short form plat of GARDEN OAKS, Section 6.

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

VOTED: To ACCEPT for filing and DISAPPROVE the following short form plats pending compliance with departmental requirements:

C8s-69-200 Downey & Johnson Addition
Bolm Road and Gardner Road
C8s-69-202 Lee's Hill Resub. Lts. 25, 26 Blk. 3
Marathon Boulevard
C8s-69-203 Thomas-Burns-Spurlock Subd.
F. M. 973

C8s-69-201 Southgate Terrace, Section 1, Resub. of Lots 2-5, 8-11, Blk. A
Circle Haven & Breeze Hollow

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

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of SOUTHGATE TERRACE, Section 1, Resub. of Lots 2-5, 8-11, Blk. A, pending the items as indicated.

C8s-69-204 Lillian L. Roberts Commercial and Industrial Sub., Resub. Tract 1
Research Boulevard and F. M. 1325

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

C8s-69-204 Lillian L. Roberts Commercial and Industrial Sub., Resub. Tract 1--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of LILLIAN L. ROBERTS COMMERCIAL & INDUSTRIAL SUB., Resub. Tract 1, pending the requirements as indicated.

ADMINISTRATIVE APPROVAL

The staff reported that two 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-69-155 Ford Oaks Annex. Res. Lot 22
Riddle Road and Womack Road
C8s-68-226 Puryear Addition
South Congress Avenue

OTHER BUSINESS

C2-69-1(m) AUSTIN DEVELOPMENT PLAN AMENDMENT
Approximately 5.6 acres out of Colorado Hills Estates,
Section 6 Subdivision (as amended)

Mr. Osborne advised the Commission that this application for a change in the Master Plan designation from low-density residential to medium density residential was originally made on a 12.2 acre tract out of the Colorado Hills Estates, Section 6 Subdivision located off of Parker Lane and south of Woodland Drive; however, the application is being amended and the request is a change only on an approximate 5.5 plus acres in the southeast corner of the original tract.

Mr. Osborne described the general area pointing out the location of the property under consideration in relation to Riverside Drive, Woodland Avenue and Interstate 35. He explained that the area to the north, south and east was redesignated to medium density residential in the Master Plan in 1969, which in effect left the Colorado Hills Estates area surrounded on three sides by medium density residential. Initially and prior to the time the area was redesignated, there was a zoning change to the north near Riverside Drive with apartment development occurring in that area. Subsequent zoning changes have been approved to the east and south of the tract. There are apartments under construction to the east and others scheduled for construction to the south.

It is the staff's understanding of the amended application that the lots along the north side of the proposed street coming off Burton Drive would be developed as duplex-type lots. Adjacent to those lots and within Colorado Hills Estates Section 2 there is presently single-family and two-family development already existing on the ground. In addition there are a fair number of lots that are not developed at the present time but have been sold to other owners. The

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

southeast corner of the area is being requested for a change in the Master Plan resulting from the redesignation of a large portion of the area to medium density. In turn, this request relates to subdivision consideration at this time with regard to the adjacent Burton tract and the proposed alignment of Burton Drive through the area from Oltorf to Riverside Drive. Within the subject tract a very long cul-de-sac street is proposed to be developed westerly into the area serving the duplex lots on the north side of the proposed apartment development. The intention of the applicant is that Burton Drive would be the principle service roadway for the apartment development itself.

Mr. Kinser stated that he is concerned about a large amount of apartment development in this area because of the traffic situation and the ability of Riverside Drive to handle the increased traffic. Mr. Osborne explained that Riverside Drive as it presently exists will not handle the traffic because of the large scale development that is occurring in the range of 1000 to 2000 apartments each year in that area. This is one of the primary concerns of the staff. With regard to the overall plan of the City, Riverside Drive is intended and planned to be an expressway facility and the City is obtaining right-of-way. There is not only the problem of Riverside Drive but also the actual interchange with Interstate 35 which does not permit the increasing volume of traffic to enter onto Interstate 35 with a degree of safety during peak hours.

Mr. Osborne recommended that no substantial change be made in the Master Plan for this area. The basis for this recommendation is that the preliminary plan for Colorado Hills Estates of which the subject area is a part shows three basic sections. Starting at Riverside Drive there is a commercial and apartment area. Along Woodland Avenue there is essentially a duplex area and to the south in the preliminary plan approved by the Planning Commission is the one and two family area. It is the staff's understanding that most of the lots that have presently been subdivided off Crooked Lane, Briar Hill Drive and San Pedro are restricted to one family units. A special permit was received by the Planning Department for townhouse development in the subject tract but the request was subsequently withdrawn.

There has been the finalizing of a portion of the subdivision to the south of Woodland and the development of some 10 to 12 dwelling unit structures, most of which are single-family homes and the sale of other lots apparently for development of individual homes. This activity has been predicated on the preliminary subdivision plan. The staff would not be in a very sound position, unless there was a demonstrative improvement in the plan, to recommend a substantial alteration as is proposed. The only alteration that could be supported and recommended deals with the particular southwest corner with regard to Burton Drive. There could be acceptance of a very limited number of apartment units limited along Burton Drive alone and fronting onto Burton Drive but not extending back in any depth through the subdivision, recognizing that there are apartments under construction to the south and east and that Burton Drive itself is functioning as a collector street. The balance of the area should be retained in the present low density designation. The area that could be recommended by the staff for limited development would be in the range of two acres.

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

Mr. Kinser asked how much of the immediate area is already designated as medium density residential. Mr. Osborne explained that an area extending to the east of Pleasant Valley Road and all of the area from Town Lake to Burleson - Parker Lane to Pleasant Valley Road with the exception of Colorado Hills Estates has been redesignated to medium density residential. Substantial apartment development has occurred and is continuing to occur.

Mr. Goodman asked about the extension of Burton Drive to the south. Mr. Osborne pointed out that it is proposed to extend down to Oltorf Street. The interchange of Oltorf with Interstate 35 also presents a problem although not as serious as the interchange with Riverside Drive, because there is not as much traffic at this location. One of the biggest problems at this point is that Oltorf needs to be developed to intersect with Burton Drive. This is scheduled with regard to the subdivision activity and should occur within the coming year. There are also plans to extend and terminate Woodland Avenue in the vicinity of Willow Creek. Woodland Avenue would be a secondary street also having limited interchange facilities with I. H. 35. In fact, traffic cannot get onto Interstate 35 northbound from Woodland Avenue.

Mr. Hanks commented that when the original Colorado Hills Estates was started it was before the large apartment impact hit in the City and at that time it was the logical thought that this whole area would go "A" Residential. Since the area has developed with a large number of apts and with Burton Drive being a collector street, the character of the subdivision has changed and the question is should the amended area be made into multi-family because of this change.

Mr. Osborne explained that his suggestion is to stay with the basic idea of the preliminary plan with regard to the general layout. Originally, the plan provided for Briar Hill Drive to swing back into the area. He recommended the keeping of that portion of the plan, that the street not be connected to Burton Drive and that the lot development through that particular area be essentially the one and two family development leaving whatever portion can be effectively planned out along Burton Drive susceptible to apartment development. This would be within the framework of the preliminary plan so that there would be an enclosed area consisting of Briar Hill Drive circling back to Cedar Ridge with Crooked Lane going through the center and all of the traffic feeding off Woodland Avenue.

Mr. Jack Dempsey, Architect for Colorado Hills Estates, advised the Commission that they are requesting a Master Plan change for approximately five or six acres. The preliminary plat referred to by the staff represents approximately 80 acres the applicants purchased in 1961 and 1962 and proceeded to develop in accordance with recommendations of their consultants and after consultation with the City. At the present time there is "C" Commercial along Riverside Drive, "B" and "BB" Residence and duplexes buffering "A" Residence. When the plat for this area was drawn there were very few apartments on Town Lake. During the course of development of the applicant's property, the City has grown around them and this year the City Council has changed the Master Plan totally surrounding the area with medium density residential. At the

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

present time there are approximately 60 to 70 "A" Residential lots including duplex lots along both sides of Woodland Avenue and single-family restricted lots within the area. Of these lots, Mr. Dobson, one of the applicants, owns approximately 50 per cent. The applicants are forced to do something to protect the people who have purchased in the area and themselves. There would have been no objection to building the subdivision out as was originally planned; however, this is now a problem because of the close proximity of the "B" Residence zoning and development.

The proposal is for about six acres of apartments in a very rugged terrain which would be difficult to develop using 75 units on the amended area. An additional buffer of 14 to 15 "A" Residential lots will also be created which would carry a maximum of three townhouses or two duplexes. The applicants do not want Cedar Ridge, Briar Hill Drive or Crooked Lane to tie in with Burton Drive so that the 33 lots can be a buffer. The proposal is to close Briar Hill and Cedar Ridge and buffer with duplexes or townhouses and take the rest of the area and face it towards high density. A request on the immediate area of approximately five to six acres could allow the development of a good apartment project under "BB" Residence zoning. The applicants are buffering the residential area within this subdivision. Burton Drive at one point is in a creek bed and the applicants propose to turn the development towards it in one tract. The land falls directly to Burton Drive and what is developed on the amended area will be 60 feet below the existing residential houses.

Mr. Eugene Nelson and Dr. Paul Richman, nearby property owners, appeared at the hearing and advised the Commission that they are concerned with the traffic situation and if the request is granted, would like to have a buffer for the existing single-family residences. The streets existing in the area are winding and are not the kind of streets that will carry much traffic. If the area can be developed into a number of units as it presently exists, it would be more desirable to convert the requested area into apartments with the access from Burton rather than the residential streets. The development should be limited to a reasonable number of apartments and a buffer should be provided so that apartment development can extend into the residential area.

Mr. Dempsey advised the Commission that a number of the lots are deed restricted to single-family use. These lots will not be changed and in fact, several additional lots will also be deed restricted for more protection. It is felt that the applicant and the property owners in the area can best be served if the five acres is developed with all the traffic oriented towards the collector street.

The Commission members discussed the application as amended in relation to the recently designated medium density residential in the area, the street system and the existing and proposed development. They were of the opinion that the area should be changed to medium density residential with the lots along the north side of the street coming off Burton Drive to be developed as duplex type lots as indicated by the applicant.

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

It was then unanimously

VOTED: To recommend that the land use designation for approximately five to six acres (as amended) out of the Colorado Hills Estates, Section 6 Subdivision be changed from Low Density Residential to Medium Density Residential.

DISQUALIFIED: Mr. Reeves

C10-69-1(ad) STREET VACATION
Quail Park south of Quail Cove

The staff reported that this request to vacate Quail Park Drive south of Quail Cove was recommended in connection with the zoning application on the property joining to the east. The request has circulated to the various City departments and the recommendation is to approve subject to the retention of the necessary storm sewer, electric department, telephone company and gas company easements. The Water Department recommends in favor subject to the water line services being relocated at the owner's expense. The Commission then unanimously

VOTED: To recommend that Quail Park Drive south of Quail Cove be VACATED, subject to the conditions as indicated.

C10-69-1(ae) STREET VACATION
The southeast 10 feet of Begonia Terrace, from Carnation Terrace to Larch Terrace

The staff reported that the request under consideration is a portion of a street previously dedicated in Country Club Gardens, Section 3. The original dedication was for 60 feet of right-of-way due to the fact that the property to the southeast of Begonia Terrace between Carnation Terrace and Larch Terrace was originally proposed in connection with the overall plan of Country Club Gardens as a school site for the Del Valle School District. The plans for the school site fell through and the abutting property is now planned for residential use. In view of this, only 50 feet of right-of-way is needed. The request has been circulated to the various City departments and the recommendation is in favor. The Commission then unanimously

VOTED: To recommend that the southeast 10 feet of Begonia Terrace from Carnation Terrace to Larch Terrace be VACATED.

C10-69-1(af) STREET VACATION

East 23rd Street from Oldham to Swisher, Oldham Street from Manor Road to East 23rd Street, East 24th Street from Red River to Swisher Street, East 25th Street from Red River to Swisher Street, Sabine Street north of East 24th Street and Oldham Street from East 34th Street to Wahrenberger Street

Mr. Osborne reported that the request by the University of Texas for vacation of the streets as indicated are in the vicinity of the LBJ Library. This is in the University East Renewal Plan which the Commission has previously approved. One of the conditions is that 26th Street in the vicinity of Wahrenberger Street will be extended through and in turn Swisher Street is to be widened. The staff recommends that the Commission accept the vacation except for the portion of Sabine Street and Oldham Street allocated for the future 26th Street which should not be vacated. This is approximately the north 120' of those streets subject to sufficient dedication for additional right-of-way to widen Swisher Street to 80 feet. The Commission then

VOTED: To recommend that the streets as indicated be VACATED with the exception of that portion of Sabine Street and Oldham Street allocated to the future 26th Street and subject to dedication for additional right-of-way to widen Swisher Street to 80 feet.

ABSTAINED: Mr. Goodman

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

Hoyle M. Osborne
Executive Secretary