

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- May 3, 1960

The meeting of the Commission was called to order at 7:30 p.m. in the Council Room, Municipal Building.

Present

D. B. Barrow, Chairman  
Marvin B. Braswell  
Howard E. Brunson  
S. P. Kinser  
W. Sale Lewis  
Doak Rainey  
Emil Spillmann

Absent

Carl A. Johnson  
H. F. Kuehne

Also Present

Hoyle M. Osborne, Director of Planning  
E. N. Stevens, Chief, Plan Administration  
Dudley Fowler, Assistant City Attorney

MINUTES

Minutes of the meeting of April 5, 1960, were approved as submitted.

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting April 26, 1960:

C14-60-37 Becker Properties: A to LR  
Grover Ave. and North Loop Blvd.

Mr. E. Ahlgrimm (agent) represented the applicant. Two replies to notice were received favoring the request. Statements presented by Mr. Ahlgrimm gave the following information:

1. We have been trying to sell this property for several months. There is a cut-stone dwelling on the property which has recently been redecorated but no one wants to buy a home at this location. The only prospects we have had are ones who want to use it for commercial. If the deed restrictions here are still in effect, it will be necessary to get the approval of a certain number of owners to get these restrictions waived.
2. Grover Avenue and North Loop are both boulevards which makes this commercial property. There would be no business established which would cause disturbances in the neighborhood.

Nine nearby owners appeared and written comments were received from five owners opposing this proposed change for the following reasons:

C14-60-37 Becker Properties--contd.

1. This area was originally restricted definitely to residences. Homes have been established here and there are very few rent houses. The owners have fought to keep it a residential area. It is a nice, quiet area where owners have lived in residential security and they quite firmly oppose the idea of any commercial development being established anywhere within the area. Some moved here from a congested area so that they could live in peace and quiet, and they feel they should be entitled to continue to live that way.
2. There have been several new buildings on Grover and many old-type residences have been replaced by new buildings. One owner is contemplating some substantial investment in his home but if this lot is not used residentially, then he would not make the proposed investment. Others will have similar reactions if they are contemplating a residential investment in this area. This area is within reasonable travel distance of downtown and people in the area will shop in the downtown area which is badly in need of maintaining its trade in view of the competition of the outlying areas.
3. If an entering commercial wedge is permitted in this area, people who have residences will seek to secure their comfort of living by moving further out where they will be protected by adjacent housing. This area then will become blighted against future development and the downtown area will be blighted because the people who move out will go to the shopping centers. There will be no gain to the City nor to the area in changing this residential property to commercial. There is no reason for a commercial use here because within two or three blocks in any direction there are stores and community centers and any needed service is provided.
4. There have been several wrecks at this intersection. If a commercial establishment of any type permitted in the requested zone were located here, there would be much more curb-side activity and traffic entering and leaving and parking would amplify the present inadequacy of the streets. There are prospects for a residential use here, particularly because of the paving and the beautiful shape of the building.

A review of the staff report shows that this area is developed with single-family dwellings, with the exception of the State property to the south and a church across the street to the west. The property is served by two 50-foot streets with 36 feet of paving on each. There is a commercial area about four blocks to the east on Lamar Boulevard and another on Burnet Road, about five blocks to the west. The staff felt that the streets are inadequate for commercial use and for that reason and the fact that this would be a spot zone, it was recommended that the request be denied. The Commission concluded that this request should not be granted as a spot zone in this good residential area. It was therefore unanimously

C14-60-37 Becker Properties--contd.

VOTED: To recommend that the request of Becker Properties for a change of zoning from "A" Residence to "LR" Local Retail for property located at the northeast corner of Grover Avenue and North Loop Boulevard be DENIED.

Mr. Braswell suggested that the property be zoned for "O" Office uses since it is across the street from the State Office Buildings (and the State proposes to develop the entire tract) which establishes a trend toward office use in the area, and because the property is located on two thoroughfares and is amply served by traffic. He felt that the site is not suitable for any residential use but is suitable for office or clinic uses. In response to a question by the Commission, Mr. Osborne explained that this is purely a spot zone and other property of similar situation along this street would be requested for similar changes, resulting in strip zoning. He said the development in the area is about 95 per cent "A" Residence. Mr. Barrow thought he would favor a change to "O" Office if a larger area were zoned but did not favor this spot zone. He noted that the present State Offices are several blocks from this property. Mr. Brunson said he did not approve of the City losing the effectiveness of the streets with relation to the traffic flow which would be affected by business or office zoning. Mr. Lewis thought due regard should be given to the adjoining owners of property to protect their values and when the time of transition occurs he would favor the change, but he did not think this is the time for a change. A motion to zone the property "O" Office failed to carry by the following vote:

AYE: Messrs. Braswell and Rainey

NAY: Messrs. Barrow, Brunson, Kinser, Lewis and Spillmann

ABSENT: Messrs. Johnson and Kuehne

C14-60-38 W. B. Backus: C to C-1  
Barton Springs Rd. and Jessie St.

Mr. and Mrs. W. B. Backus and Mr. W. R. Dunn (agent) appeared in support of this request and were joined by one person who favored the change. Mr. Dunn explained that there are "C-1" zones to the east at South Lamar Boulevard. He said they plan to establish a drive-in grocery, costing about \$18,000, which will help the area, and propose to sell beer for off-premise consumption.

Mr. Carl A. Schueler (908 Bluebonnet Lane and operator of a trailer park) opposed the change and presented the following statements:

I represent Mr. Hage and myself as tenant of property at 1518 Barton Springs Road. My only view is that if in any way the change to "C-1" lets a foot in the door in making it possible to have the sale of beer for on-premise consumption, I am opposed to it. Barton Springs Road has been clear of liquor-selling establishments except two package stores to the east of Lamar. This

C14-60-38 W. B. Backus--contd.

is the approach to the park and is not the place for that sort of use. What is proposed apparently would not prejudice our development where we have 90 families - predominantly University students and people taking advanced studies at the University, and a large part of the balance being retired people. It is quite possible that the proposed development would be beneficial with the proper type of building and would tend to enhance that area.

According to the staff report, this area along Barton Springs Road is developed predominantly as commercial and there has been a recent change to "C-1" Commercial to the west. The Commission concluded that this would be a logical change and would conform to the policy adopted by the Commission regarding "C-1" requests since the property is in the midst of a well-developed commercial area. It was therefore unanimously

VOTED: To recommend that the request of W. B. Backus for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at the northeast corner of Barton Springs Road and Jessie Street be GRANTED.

C14-60-39 Webb Connelly: B to O  
4604-4606 Connelly St.

Mr. Connelly appeared and presented the following statements in support of his request:

1. There are about 25 patients at the present time in the existing nursing home. The number usually ranges from about 20 to 25. I propose to enlarge the building to provide for 12 additional patients. Mrs. Enders, who operates the nursing home on West 6th Street, will have to abandon her building there because she cannot get it brought up to the standards of the Health Department. She has about 8 or 10 patients which she wants to bring out to this place if we can get this zoning changed.
2. The addition would have central heating and airconditioning for the elderly occupants. I found out from Mr. Hargis of the Health Department what would be necessary in the interest of space for each patient, and also from the Building Inspector what would be necessary in the way of a fire wall in the hallway and all that is necessary to make this building comply with the Ordinance.
3. Many of the nursing homes in Austin will be forced to go out of business unless they do a lot of remodeling under the present law. We remodeled this building, adding central heat, asbestos siding and everything the Health Department has recently asked me to do, and I had my plans checked by the Health Department so that there would be no objections to the structure that was planned.

C14-60-39 Webb Connelly--contd.

4. In checking with the Building Inspector I find that I have more than ample parking necessary for this use. I have space across the 109-foot area that will take care of about 10 cars. Usually there are no more than from 1 to 3 cars parked at one time.
5. This entire area with the exception of a few places is commercial.

One reply to notice was received favoring the request.

It was explained by the staff that nursing homes are permitted in "B" Residence zones but the number of patients is limited, while in an "O" Office zone there is no limit on the number of patients permitted. The Commission reviewed the nature of this area and noted the small residential zone surrounded by "C" Commercial. It was concluded that the request is logical and the "O" Office zoning would serve as a transition from a commercial to a very small residential area. It was therefore unanimously

VOTED: To recommend that the request of Webb Connelly for a change in the zoning plan from "B" Residence to "O" Office for property located at 4604-4606 Connelly Street be GRANTED.

C14-60-40 R. R. Sands: A to C  
North Lamar Blvd. and W. 30 $\frac{1}{2}$  St.

Mr. Sands was present at the hearing and submitted the following information: When I purchased this property, I planned for a professional-type pharmacy with adequate off-street parking. All the other property along Lamar is developed and zoned commercially and I feel this place is quite adequate for my particular usage. While it does have a slope, other owners along the same street have more than taken care of that by building retaining walls. That will not be any great problem for me inasmuch as the grade is not as great as some of the other areas along there. I have no intention of putting a liquor store but only the professional-type pharmacy.

Two replies to notice were received favoring the request.

Mrs. Fred M. Bullard (903 West 30th Street) appeared in opposition and written objections were filed by Mr. Lydea U. Weber (908 West 30th Street) as follows: I object to this proposed change in zoning. It seems a little illogical for a city to build an uncluttered boulevard, such as Lamar, and then allow zoning changes to fill each corner with service stations and liquor stores until driving becomes a hazard.

The staff reported that 30 $\frac{1}{2}$  Street does not have adequate right-of-way to support "C" Commercial uses and the site is too small for development of some businesses permitted in a "C" Commercial zone, and that the terrain would create problems in development. The Director noted that the property does

C14-60-40 R. R. Sands--contd.

have the advantage of abutting on 30 $\frac{1}{2}$  Street but it could be developed with entrances and exits on Lamar to create more congestion.

Mr. Sands appeared again before the Commission and presented a preliminary plan which his architect had prepared, showing a building of 1800 square feet in area and off-street parking for 9 cars. Access to both Lamar Boulevard and 30 $\frac{1}{2}$  Street was shown and Mr. Sands said ingress could be from one street and egress from the other. Mr. Sands also filed a letter from Mr. Herbert Bohn (owner of the lot to the north and east of this property) stating his intention to request a zoning change for his property.

The Commission discussed the trend of development along Lamar Boulevard in this area and felt that a street carrying the amount of traffic now on this street could not be used for any desirable residential uses. It was also felt that "LR" Local Retail would permit the use proposed and any other type of business that would be suitable for Lamar Boulevard and is the proper zoning rather than "C" Commercial. Mr. Sands agreed to the "LR" classification. It was then concluded that, in view of the letter filed by the adjoining owner, the zoning should be changed to "LR". Therefore, it was unanimously

VOTED: To recommend that the request of R. R. Sands for a change of zoning from "A" Residence to "C" Commercial for property located at the northeast corner of North Lamar Boulevard and West 30 $\frac{1}{2}$  Street be DENIED, but that an "LR" Local Retail classification be established for the property.

C14-60-41 Tony Daywood: A to LR  
Montopolis Dr. and El Mirando St.

The Committee chairman reported that this request was referred to the Commission without a recommendation pending further information on the status of Montopolis Drive which will be changed in alignment with the construction of an interchange to the north.

The staff reported receipt of a letter from Mr. Daywood to the Commission requesting postponement of this request until the right-of-way for Montopolis Drive has been worked out. The Commission therefore unanimously

VOTED: To DEFER the request of Mr. Daywood as requested.

C14-60-42 Marcelo Barba: A to C  
South 4th and Oltorf Streets

Mr. Barba appeared in support of his request and presented the following information: This area is heavily populated with Spanish-speaking people and I personally know quite a few of them. They go all the way out to east Austin to buy tortillas, especially on weekends. If I could put up a little

C14-60-42 Marcelo Barba--contd.

tortilla factory here, they would really like that. I have bought the lot for that purpose. I would probably build a concrete block building. It won't be a shack, but it will be a decent building, and it will have to be sanitary to meet the City requirements.

One reply to notice was received from Raymond Huerta (2403 South 4th Street) favoring the request if no liquor is to be sold. Alex Canales (811 West Oltorf) favored the request if the majority of the people favor the idea, provided the change benefits the area concerned, there is no sub-standard construction.

The staff reported that adjoining property to the west was also included in the hearing so that there would not be a gap in the business zoning if this request is granted. According to the staff report, the adjoining lot has a residence located there while the lot in question is vacant; the surrounding area is developed with single-family dwellings with the exception of some apartment development and a real estate office to the west at South 5th Street. South 4th Street dead-ends three lots north of this property and is well developed as residential. The staff recommended against the change for the above reasons.

A majority of the Commission felt that the request should be denied since this would create a spot zone in this well developed residential area on South 4th Street which dead-ends immediately to the north. Some members had thought the change should be approved since it is near "LR" Local Retail zoning and is on a more or less gradually changing street. A motion to grant the request failed to carry and it was therefore

VOTED: To recommend that the request of Marcelo Barba for a change in the zoning plan from "A" Residence to "C" Commercial for property located at the northwest corner of South 4th and Oltorf Streets be DENIED.

AYE: Messrs. Barrow, Braswell, Brunson, Kinser, Lewis and Spillmann

NAY: Mr. Rainey

ABSENT: Messrs. Johnson and Kuehne

C14-60-43 Glenn Garner: Tract 1: A & 1 to LR & 5  
 3900-02 S.1st, 600-610 Ben White Blvd., 601-611 Banister  
Tract 2: A & 1 to C-1 & 5  
 3900 S.1st, 602-604 Ben White Blvd., 603-605 Banister La.

Mr. Garner appeared at the hearing and submitted the following information: We had an acre and a half but when the City bought the right-of-way for Ben White Boulevard it reduced the size of the tract. The only way it can be utilized is for some limited type of retail trade. Being bounded by three streets, it would not be desirable for residential use. We have discussed the additional right-of-way for South 1st Street and have agreed to that

C14-60-43 Glenn Garner--contd.

right-of-way. Mr. C. J. Pruitt will be the developer and the Highway Department has advised him he would have to comply with the City requirements as to access to the property.

Mr. Pruitt (in response to a request by the Director that a site plan be submitted for checking with regard to a safe plan of ingress and egress) stated that the Public Works Department would have to work out these plans of ingress and egress and tell him just what he needed. He assured the Commission he would cooperate with the Public Works Department.

It was reported by the staff to the Zoning Committee that Tract #2 is located so that there will be a setback of 25 feet from the new right-of-way line on South 1st Street and a setback of 10 feet from Banister Lane, which is permitted under the requested Fifth Height and Area zoning instead of the 25 feet required in a First Height and Area District. It was recommended that this request be granted since the property is bounded on three sides by streets and there is a proposed fire station on the adjoining site to the west, provided an ingress and egress plan is approved by the Traffic Engineer. The Committee felt that further study should be given the access problem and referred this request to the Commission without a recommendation and requested the staff and the Legal Department to make a study of the plan for ingress and egress safety.

The staff reported to the Commission that Mr. Pruitt had presented a plan showing a proposed driveway all around the tract opening to the street, including only the proposed "C-1" portion of the property. This would open up an unlimited part of this property to the Ben White Boulevard and the openings should be 30 feet instead of 45 feet as shown. Mr. Barrow said he did not favor the "C-1" zoning because this would not conform to the policy of the Commission in that the property is not in a well-developed commercial area. The Commission discussed the zoning for the entire tract and concluded that to grant this request and zone this commercial without a proper control of ingress and egress, it would be detrimental to the safety of the public. Mr. Rainey said the property is only suitable for commercial use. In accordance with the majority opinion, it was

VOTED: To recommend that the request of Glenn Garner for a change of zoning from "A" Residence to "LR" Local Retail and from First to Fifth Height and Area for Tract 1 (3900-3902 South 1st Street, 600-610 Ben White Boulevard, and 601-611 Banister Lane), and to "C-1" Commercial and Fifth Height and Area for Tract 2 (3900 South 1st Street, 602-604 Ben White Boulevard, and 603-605 Banister Lane) be DENIED.

AYE: Messrs. Barrow, Braswell, Brunson, Kinser, Lewis and Spillmann  
 NAY: Mr. Rainey  
 ABSENT: Messrs. Johnson and Kuehne



C14-60-44 Walter Wukasch: O to C  
502-504 West 30th St.

Mr. Wukasch appeared at the hearing and submitted the following information in support of his request:

1. This particular piece of property was recently zoned from "B" Residence to "O" Office. I plan to replace the present two-story, obsolete frame building occupied primarily by University students, with a masonry structure in which my brother-in-law plans to have a printing and mimeograph shop. He has outgrown his present building and wants a little more space.
2. The shop area will be on the back facing the alley which is used rather extensively by businesses on Guadalupe Street. It is almost like a public street. One or two office buildings attached to this would be fronting 30th Street. The building will be used by only one or two people. This would be an advantage to anyone interested in the traffic hazards and congestion because we actually propose to lessen the disadvantages we have now.
3. At the present time we have four groups of people occupying these apartments and there is somewhat a congestion as to parking. The proposed structure will add to the neighborhood from the standpoint of appearance and do away with some of the unsanitary conditions in the obsolete house. There will be only one business and only a few people who call on them, their business being a specialized type of job. The type of machinery they will operate will not create any noise.

Written protests were filed by three nearby owners for the following reasons: The area east of Guadalupe Street is residential and commercial zoning would be a very serious encroachment on the residential value of the property. Also, there are several nice churches in the neighborhood.

Since 30th Street is designated as a secondary thoroughfare in the Austin Development Plan and is proposed to have a greater width than the present 60 feet and because of the intense commercial uses permitted in a "C" Commercial District, the staff felt that this change would permit a detrimental effect on the established development in this "B" Residence and "O" Office area. The Commission, however, concluded that this would be a logical extension of the existing "C" Commercial District along Guadalupe Street. It was therefore unanimously

VOTED: To recommend that the request of Walter Wukasch for a zoning plan change from "O" Office to "C" Commercial for property located at 502-504 West 30th Street be GRANTED.

C14-60-45 El Chico Restaurant #10: C & 1 to C-1 & 5  
5800-5812 Interregional Hwy.

Mr. Trueman O'Quinn (attorney) represented the applicant at the hearing and presented the following information in support of the request:

1. It does not matter about the 15 feet abutting Reinli Street for we do not intend to occupy that with a "C-1" use and it is already zoned "C" Commercial. The reason they left out the 15 feet was that they assumed that some time later you would need the 15 feet for widening of Reinli Street, but I do not want to commit them to donating this property.
2. The only reason we are asking for "C-1" is that we are going to construct a restaurant on this property and they feel that they will need to be able to sell beer and light wines along with the foods, just as they do in many other restaurants. This property is on a corner about a block and a half north of Ramada Inn.
3. All the property fronting on Interregional in this area is "C" Commercial. These people own a chain of restaurants in other cities and they are now locating here. They are going to spend about \$300,000 on the building. This will be the tenth restaurant in their chain. They plan to serve not only Mexican food but sea foods and ordinary foods and operate in general a high-type restaurant. It will seat about 400 people and parking will cover a large area.
4. The reason I asked for that particular Height and Area was because they have a sign that is 51'9" tall and I want to get it as close to the Highway as possible under the best type of Height and Area zoning.

Replies to notice were received from two nearby owners who favored the request.

The Commission noted that this property is surrounded by "C" Commercial zoning and that there is sufficient access from the Interregional Highway so that if Reinli Street is not widened at this time there will be no traffic problems created. They concluded that this request conforms to the policy of the Commission regarding "C-1" Commercial requests. In response to a question regarding the flight pattern here, the Commission was assured by the staff that the proposed sign would not affect the proposed airport zoning requirements. It was then unanimously

VOTED: To recommend that the request of El Chico Restaurant #10 for a change in the zoning plan from "C" Commercial and First and Fifth Height and Area to "C-1" Commercial and Fifth Height and Area for property located at 5800-5812 Interregional Highway be GRANTED.

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C14-60-46 Westenfield Development Co.: A to O  
Windsor Rd. and Stamford La.

Mr. Trueman O'Quinn (attorney) appeared for the applicant and information presented may be summarized as follows:

1. This property is across the street to the southeast from Tarrytown Shopping Center and across the street from the fire station. All of this property is owned by the same people. Part of it is vacant. This application is for "O" Office District and I am preparing an application for the type of building that will be here that will come under a Special Permit.
2. The Community Center has expanded to the west and it was a matter of necessity in order to serve the community. This is for a Post Office building. The building they have now is absolutely inadequate and in order to keep it in that community to serve the people in that part of town they propose to locate it here. We are planning a development that will blend in with the residential area and serve as a buffer. By doing this, the Post Office will be able to give better service than they are now doing for the community. Loading and unloading will be taken care of off the street.
3. We felt that the proper approach was to request "O" Office so that we could come in with a Special Permit. These owners did not want to do anything that would harm the neighborhood or lower property values.

Two replies to notice were received favoring the request.

Mr. John M. Ralston (2206 Stamford Lane) filed written comments opposing the request for the reason that this would decrease the value of his property, and there is space in the present shopping center for the new building.

The Commission reviewed the arguments presented and the staff report. Some members felt that the request should not be granted to introduce a commercial-type development into this area of nice homes in a well-established residential area, which would destroy the value of the homes, and because of the bad traffic problem in this area which would be accentuated by this development. Other members were of the opinion that this would be a logical extension and expansion of the existing "C" Commercial zone. It was then

VOTED: To recommend that the request of Westenfield Development Company for a change of zoning from "A" Residence to "O" Office for property located at the southwest corner of Windsor Road and Stamford Lane be GRANTED.

AYE: Messrs. Barrow, Braswell, Kinser and Rainey  
 NAY: Messrs. Brunson and Lewis  
 ABSENT: Messrs. Johnson and Kuehne  
 DISQUALIFIED: Mr. Spillmann

C14-60-47 R. G. Mueller Estate: A to C, 1 to 2  
905 North Loop Blvd.

Mr. R. G. Mueller, Jr. represented the applicant and explained his reasons for requesting the change as follows: We plan to locate a commercial sign-board here. Actually, this will not be used except as access to this tract in the rear. Until we see where we will have a use for this tract in the rear, we will let it stay "A" Residence. At the present time we only propose a sign on the small section to help pay the taxes on the property. I would not have any objection to the Commission recommending zoning on the entire tract. I did not ask for it because I did not have use for it at this time.

Replies to notice were received from two nearby owners approving the request.

The Commission reviewed the surrounding zoning and concluded that this would be a logical extension of the present "C" Commercial zoning. The inclusion of the "A" Residence portion to the south was discussed but it was felt that this should not be done until the applicant requests a change. It was then unanimously

VOTED: To recommend that the request of R. G. Mueller Estate for a zoning plan change from "A" Residence to "C" Commercial and from First to Second Height and Area for property located at 905 North Loop Boulevard be GRANTED.

C14-60-48 J. B. Giles, Jr. and Rogan Giles: C to C-1  
1400-1402 East 38 $\frac{1}{2}$  St.

Mr. Rogan Giles appeared in support of this request and submitted the following information: The tract is only .87 of one acre but we are only asking for a small tract where we plan to put in a Town and Country store. This is a very nice, clean-cut type of development. We have been developing the area around here and we are quite interested in protecting the surrounding area. "C-1" is the only thing anticipated at any time in the future. I discussed this with the immediate neighbors and I found no one in opposition. There is room for one business between this and the school tract and we plan to probably establish a laundry here. We are trying to make it into as neat and uniform development as possible. We do not have a "C-1" permit in the Delwood Shopping Center proper.

Written comment was received from William Boyd Sinclair (1405 East 38 $\frac{1}{2}$  Street) stating that: I neither favor nor object. The type of business which wishes to go in here is far more preferable than a vacant lot with grass and weeds growing shoulder high and a convenient place for neighborhood urchins to deposit litter. I think we're lucky we're not getting an oil station. A can of beer is better to be chosen than a quart of oil.

The Director noted that this is more than 300 feet from the entrance to Maplewood School but is nearby the school property. The Commission concluded that this is a suitable use for this property and it was therefore unanimously

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C14-60-48 J. B. Giles, Jr. and Rogan Giles--contd.

VOTED: To recommend that the request of J. B. Giles, Jr. and Rogan Giles for a change in the zoning plan from "C" Commercial to "C-1" Commercial for property located at 1400-1402 East 38 $\frac{1}{2}$  Street be GRANTED.

C14-60-49 R. L. Wormley: A to C  
E. 19th St. and Heflin La.

Mr. J. Phillip Crawford (agent) appeared for the applicant and explained their proposal as follows: We propose a miniature shopping center with a service station, cleaning and pressing, grocery store and barber and beauty shops. We feel there is a need in this area for these uses. There are approximately 500 families and the nearest grocery store is approximately 1.9 miles away. The nearest service station is at 12th and Webberville Road. We feel this will also enable us to employ some 15 to 20 persons. This is adjacent to the County barns and is not suitable for residential use. Off-street parking will be provided. The buildings will be of masonry construction. We felt that because of the possible garage and welding business, it would come nearer fitting into a "C" Commercial District.

The following written comments were received from W. M. Collins (1705 East 11th Street): This area is a restricted housing area. No house is to be built with less than 800 square feet of floor space and one-eighth masonry. In the event Mr. Wormley plans to build a reputable commercial building or buildings which will not bring shame on this neighborhood, my vote is "yes". If he plans to build some kind of sandwich shop where juteboxes are likely to be played at very high ranges as is the case on 11th and 12th Streets, my vote will be "no".

I would like to reserve the right to request that in the event Mr. Wormley is granted the "C" zoning permit and finds it impossible to build reputable establishments in this community that the zoning will revert to the "A" as it now stands, and that there will never be, under any circumstances, a change of "C", "C-1", or "C-2".

The Director reported that he has checked into the proposed garage and welding operation and the question came up as to this use being permitted outside of the building. He said this would not be permitted in "GR" or "C" but would need "D" Industrial. He felt that the property is properly located and should be zoned "GR" General Retail rather than "C" Commercial. Mr. Crawford stated that in view of the fact that this use could not be done outside of the building, they would accept "GR" zoning. In response to a question, Mr. Crawford stated that this would not be used as a used car junk yard. The Commission felt that this is a suitable location for a shopping center but that "GR" General Retail would permit any uses that might be needed here. It was therefore unanimously

VOTED: To recommend that the request of R. L. Wormley for a change of zoning from "A" Residence to "C" Commercial for property located at East 19th Street and Heflin Lane be DENIED, but that a "GR" General Retail classification be established for the property.

## SPECIAL PERMIT

CP14-60-3 W. L. Mayfield: Delicatessen, Washateria, and Barber Shop  
3815-3823 Hancock Drive

The Director reviewed the information in the previously submitted staff report and presented the following analysis of the application:

CHARACTER OF SITE AND AREA: The site is undeveloped. The area is developed predominantly with single-family dwellings. An "O" Office development, an office, is located southwest of and adjacent to subject property. A commercial development with service station, realty office, and monument sales is located immediately to the east. The area to the north is developed with a cemetery.

HISTORY: LOT: C14-59-133 - W. L. Mayfield by E. H. Smartt - 2815-2841 Hancock Drive - "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area. GRANTED "O" Office, November 19, 1959.

AREA: C14-53-569 - 2708-2802 Hancock Drive - "A" Residence to "C" Commercial GRANTED May 7, 1953.

C14-56-88 - 2825-2841 Hancock Drive and 5012-5018 Bull Creek Road including a portion of subject property "A" to "O" GRANTED only on the portion fronting 90.68 feet on Bull Creek Road and having a depth of 297.7 feet.

SITE PLAN: Applicant proposes to use site for delicatessen, washateria and barber shop. Applicant has stated orally that site will include loading and parking area.

## DEPARTMENTAL COMMENTS:

The Traffic Engineer recommended revisions to the site plan.

The plan was approved by the following departments:

Health Unit	Electric
Storm Sewer	Water and Sanitary Sewer
Director of Public Works	Building Inspector
Fire Prevention	Office Engineer
Fire Protection	

## TESTIMONY

Mr. Mayfield appeared in his behalf and presented information which may be summarized as follows:

1. We are proposing to erect a building to be designed by the Barnes, Landes and Goodman, architects, and it will definitely be planned with the residential area in mind. No high signs are to be placed on the building and lights will be so arranged that they will not disturb the

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residences. We tried to get all of the parking on the lot with the building but that was impossible, but all of the property is owned by me. This will be a very expensive building and well designed.

2. We are working on a lease for a doctor's and dentist's office on the western portion of the property next to Mr. Ferguson's property, and the Barnes, Landes and Goodman firm is planning to establish their home office here. The next development will be for "O" Office uses but other commercial uses may be requested on the property.
3. The delicatessen will be a food take-out service and will be operated by Mr. R. B. Swaner who has managed the Chicken Shack.
4. I never made a false statement to this Commission at any time to my knowledge and I have not made any to the home owners. I bought this property a long time after I built my last home and it was zoned "A" Residence at that time but was set up on the original plat filed at the Court House as "C" Commercial. When it was resubdivided it was an oversight that it was left as "A" Residence. I had no intention of buying this property or that it could be purchased before I built those houses. I later bought it as commercial and was told it was commercial when I bought it and I paid a commercial price for it. I told these people it was zoned "A" Residence but I had no control over it.

Mr. R. B. Swaner (proposed operator of the delicatessen) explained that he has managed the Chicken Shack for the past ten years with the utmost care.

Mr. T. G. Ferguson (5007 North Fresco Drive) represented a large group of owners in the immediate area, some of which were present, and the following persons also spoke in opposition:

J. L. Mecham: 2809 West Fresco Drive  
 Mrs. Kenneth L. Britt: 2811 West Fresco Drive  
 Sam Wood: 2807 West Fresco Drive

Mr. and Mrs. F. N. Kelley (2810 West Fresco Drive) and Mrs. Kenneth L. Britt also submitted written comments opposing the request.

Principal objections may be summarized as follows:

1. The neighborhood on North Fresco and West Fresco Drive is a happy, quiet, peaceful, friendly and closely associated neighborhood, made up of people with above the average income. The people in this neighborhood keep their homes in good repair, their yards in good condition and share an over-all pride in the neighborhood. Most of these people at their own choice have established their own business, employment or profession as well as their residence in Austin. They are not transients that will be here today and gone tomorrow. They are people who participate in

CP14-60-3 W. L. Mayfield--contd.

many civic programs and their viewpoint should not be disregarded where the welfare of the City of Austin is concerned.

2. There are 23 homes on North and West Fresco Drive that have an average value of approximately \$20,000. Approximately 17 of these homes were built by Mr. W. L. Mayfield. It is reasonable to assume that Mr. Mayfield rightfully made a substantial profit on these homes at the time he sold them to the present residents. Many of these present home owners were concerned about the undeveloped lots in the area adjacent to Bull Creek Road and Hancock Drive and adjoining the homes on North and West Fresco Drive. Before purchasing their homes they were assured by Mr. Mayfield that the property was zoned as residential "A" property and homes would be built there in the future, that nothing could be put behind them that would detract from their home, causing devaluation or in otherwise be a detriment to the neighborhood. To others who purchased their homes from Mr. Mayfield, who at the time registered concern about this undeveloped area adjacent to the neighborhood, Mr. Mayfield stated to them that the property was zoned Residential "A" and that he planned to buy the property in the future and construct homes of slightly lesser value than those on North and West Fresco Drive. To still another resident who purchased a home from Mr. Mayfield, he assured them that the undeveloped area would not be used for anything that would detract from the evaluation of their homes or cause discredit to the neighborhood and that there would be a church built on the undeveloped property.
3. These residents previously appeared in opposition to a rezoning request to "LR" Local Retail. It was a clear case of spot zoning. Mr. Mayfield stated that he planned to build nice office buildings for a Doctor's Clinic, a Cancer Society Building, and other type buildings that would be compatible to the neighborhood in looks, and would be peaceful and quiet in that no business establishments would be open at night that would interfere with the neighborhood.
4. Mr. Mayfield filed a second request in 1959 for local retail classification for the undeveloped property that he had purchased since selling the homes to the people on North and West Fresco Drive with assurances that homes would be built on the existing undeveloped residential "A" property. At the time of this hearing the people of this neighborhood were again forced to oppose this re-zoning application.
5. The building of local retail establishments on this property, creates a nuisance of noise and undesirable situations across the street from the cemetery. Mr. Mayfield may not care about noises caused by retail establishments near the cemetery but the home owners in our neighborhood that have loved ones there are very concerned. Certainly, the City of Austin has a responsibility to preserve the quiet, peacefulness and dignity of the Cemetery area. Also, this protest is registered for reason that



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persons who own cemetery lots have had no opportunity to protest the establishing of local retail concerns across the street from their cemetery property.

6. The City Council set the policy for the type buildings to be placed in this area when they approved the Cancer Society Office Building upon the assurance of Mr. Mayfield that his plans were to build nice beautiful office buildings that would be used only during the daylight hours to prevent disturbing the quiet and peacefulness of the existing neighborhood.
7. There is no economic need for retail establishments in the area of our neighborhood as there are many Shopping Centers nearby as I have previously pointed out to this Commission. It is clear cases of speculative spot zoning. We have no assurance that he will not come in again and request Local Retail for the remainder of this area.

The proposed Special Permit was recommended by the Director in view of the adjoining "C" Commercial and the separation of the Special Permit uses from the residential area. The Director suggested that the site plan and Special Permit incorporate specific controls on signs, driveways, and operating hours.

The Commission reviewed the site plan and the location of the proposed Local Retail uses. It was felt by the majority that the original mistake in zoning for this area was in establishing the "C" Commercial for the property where the filling station is located and that the adjoining property is not now suitable for residential use. It was also felt that the remaining "O" Office area would provide a sufficient buffer between this and the residential area and that this is a controlled development and the logical use for the site, provided safeguards are imposed to protect the residential area. Mr. Brunson said he voted for the change to "O" Office because he thought this was the least restrictive classification that it should be and it would provide a buffer zone since the property backs up to a nice residential area. The Commission then

VOTED: To APPROVE the site plan and to authorize the Chairman to sign the necessary resolution issuing the Special Permit, subject to the following conditions:

1. That no signs be permitted except flat wall signs,
2. That the entrance and exit plan be approved by the Traffic Engineer, and
3. That the business establishments cease operating each night by 10:00 p.m.

AYE: Messrs. Barrow, Kinser, Lewis, Rainey and Spillmann

NAY: Mr. Brunson

DISQUALIFIED: Mr. Braswell (interested in property within 300 feet of this tract)

ABSENT: Messrs. Johnson and Kuehne

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of April 25, 1960. The staff reported that one appeal had been filed for review of the Committee's action and two had been referred to the Commission without action on:

C8s-60-44 Speedway Heights, Resub. Lots 34-37  
C8-60-3 South Ridge, Section 1  
C8-60-9 Delwood 5 East

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of April 25, 1960, on the minutes of this meeting.

## PRELIMINARY PLANS

C8-59-18 Rex E. Mar (Revised)  
U. S. Hwy. 81 N. of F.M. 1626

It was reported by the staff that the original plan of this subdivision was approved but a revised plan has been submitted showing a tier of lots along the old San Antonio Road and lots fronting on each side of proposed Clematis Drive, with a schematic plan for the remainder of the property including some commercial areas along the Interregional Highway and abutting Block B. It was further reported that Block A exceeds the length permitted by the Subdivision Ordinance but a variance is recommended because of the bluff in the rear. The Committee then

VOTED: To APPROVE the plan of REX E. MAR as revised subject to departmental requirements and to grant a variance from the Subdivision Ordinance on block length for Block A.

It was further

VOTED: To APPROVE the schematic plan for the remainder of the original subdivision.

C8-60-3 South Ridge, Section 1  
Clawson Rd. S. of Lightsey Rd.

The Director reported that the subdivider has proposed to reduce the right-of-way of South Ridge Drive from 60 feet to 50 feet and a paving width of 30 feet instead of 40 feet, and has presented a revised plan showing this change. Mr. Osborne recommended that the street remain 60 feet since there is a general area running through the center of the subdivision which will be served by this street as an outlet to the north-east and southwest, estimated to carry about 1500 cars per day in full

C8-60-3 South Ridge, Section 1--contd.

development. He also felt that people from other areas will be using this street which connects with Clawson Road and on to Lightsey Road which is proposed to be a thoroughfare. He said Mr. Nelson Puett is developing his subdivision north hereof which will provide an extension of Lightsey Road and that this street will eventually connect with Barton Skyway west of the Fredericksburg Road.

Mr. Osborne said that Dolphin Drive is marginal in nature and will carry about 1000 cars per day, and it possibly should be 60 feet in width with 40 feet of paving but it was thought the 50-foot width would be sufficient with South Ridge Drive a 60-foot street through the center of the subdivision.

Mr. Nash Phillips (subdivider) and Mr. Curington (engineer) explained that they are proposing to develop the subdivision with a very low-cost housing project and they do not think the 40 feet of paving is necessary. They felt that people will stay on Ben White Boulevard instead of using South Ridge Drive as access by Clawson Road to the north and that these streets will serve the subdivision only. Mr. Phillips thought it would be undesirable to attract traffic on South Ridge.

Mr. May (Telephone Company) again called attention to the existing telephone easement along the east line of this subdivision.

The Committee felt that further study should be given this request and an inspection of the property made. It was therefore

VOTED: To REFER this subdivision to the Commission pending an inspection of the site.

The Commission considered the REFERRAL of this subdivision. The staff reported that the engineer has requested postponement of this subdivision until the next Subdivision Committee meeting. The Commission then

VOTED: To defer action on this subdivision until the Subdivision Committee meeting.

C8-60-9 Delwood 5 East

Wheless La. and Northhampton Dr.

The following recommendations were presented by the staff and discussed:

1. Blocks A, C, D and J exceed the length provided in the Ordinance and a variance is recommended for all except Block J. Mr. Nicholson (Water and Sewer Department) said this long block J presents problems from a utility distribution standpoint. Mr. Osborne said that there is a street to the east but if the intervening property

C8-60-9 Delwood 5 East--contd.

is subdivided with a cul-de-sac an extremely large block would be created with a large number of houses. Block A is bounded by a subdivision and Blocks C and D back up to a drainageway.

2. Modifications are recommended according to a sketch plan. Mr. Curington said this sketch plan would necessitate the telephone toll cable running across lots and also would involve the high-pressure gas line and the electric line; and that the street proposed to be vacated has an existing sewer line and a telephone cable. The Director said Wheless Lane formerly was proposed to follow the rear lot lines of the tier of lots but the new proposal creates a bad intersection and an off-set and the proposed sketch plan would eliminate this problem. Mrs. Butler explained that the suggested plan does not affect many more lots than are now affected by the gas line and that an attempt was made to locate the street so that the gas line would be in the front setback area and to ease the intersection. She said this plan would cause the loss of two lots in the tier but would gain in the south portion of the tract and would necessitate about 300 feet less in street area, and would be breaking Block J. She called attention to the lack of street access to Lot 41 which abuts on an easement only.

Mr. Curington requested more time to work with the Department in solving problems caused by existing utilities. He felt that something could be worked out before the next meeting of the Commission. He also explained that the Presbyterian Church has purchased the property on the west and they are trying to provide access through the south portion of Block A.

The staff called attention to a notice from the Telephone Company that the existing telephone toll cable which would have to be lowered at the subdivider's expense and to their request that the property lines be on one side of the telephone easement line. Mr. May verified these requests. Attention was also called to the need for dedicating the full 60-foot width for Rogge Lane by the first subdivision requiring service from this street (this subdivision or Windsor Park III, Sec. 5).

The Committee considered the problems involved and, as requested by Mr. Curington,

VOTED: To REFER this subdivision to the Planning Commission pending further study of the plan by the engineer and the staff.

The Commission considered the REFERRAL of this subdivision. The Director explained that the staff and the subdivider have agreed upon a modification of the plan which will improve the intersection of Wheless Lane and Northhampton Road at the northeast corner, while other changes in this section were not made because of the complications caused by utility easements. Riding Cove

C8-60-9 Delwood 5 East--contd.

and Bath Circle have been slightly modified and Chesire Drive has been shifted to connect with a possible future street in the adjoining property to the east, resulting in the rearrangement of some lot lines and breaking the length of Block J. The Commission then

VOTED: To APPROVE the plan of DELWOOD 5 EAST as revised subject to departmental requirements, and to grant a variance on block length for Blocks A, C and D.

C8-60-10 Windsor Park III, Sec. 5  
Rogge La. W. of Manor Rd.

The staff reported that there is some excess property along the north of Block E which will later be included in a subdivision of adjoining property but at the present time the subdivider is proposing to make this into one lot as a part of Lot 12, creating a lot 40 feet in width (rear part) instead of the minimum width of 50 feet as required. The engineer explained that when the adjoining property is subdivided, Lot 12 will be reduced to a normal lot size fronting on Exeter Drive.

It was also reported by the staff that Lots 1 through 14, fronting on Sandhurst Circle, cannot be included in a final plat until the full right-of-way of 60 feet for Rogge Lane can be provided adjoining Lots 7 and 8. The engineer stated that he was aware of this condition.

The Committee felt that a variance should be given on the width of Lot 12 since the rear portion will be included in a future subdivision of the adjoining property. Therefore, it was

VOTED: To APPROVE the plan of WINDSOR PARK III, SEC. 5, subject to departmental requirements, and to grant a variance from the Subdivision Ordinance on lot width for Lot 12.

C8-60-11 Northwest Acres  
North Lamar and Peyton Gin Rd.

The following recommendations were reported by the staff and discussed:

1. A variance has been requested and is recommended by the staff on the width of Lots 23 and 24, Block G, Lots 7 and 8, Block J, and Lots 26, 27, and 28, Block B (Lot 28 being shown as 50 feet but scaling about 45 feet), since these lots front on streets similar to a cul-de-sac. The Commission has established a policy of granting variances in similar circumstances where the lot has a 50-foot minimum width at the building line.

C8-60-11 Northwest Acres--contd.

2. Under the Zoning Ordinance, a 25-foot setback is required from both streets for the double-frontage lots in Block A. It was suggested by the staff that the setback from Highway 81 serves as a no-access easement but the Legal Department advised against using this terminology. The staff alternately suggested this be done by restrictive covenant instead of a no-access easement. The Director recommended a 15-foot setback to be shown as a plat restriction to provide better information to the purchaser of the lots. The staff called attention to the problem which would be created if the 17 lots in this block were developed with 17 driveways connecting with the Highway.
3. A variance in block length is recommended for Block G which is 2000 feet in length and exceeds the maximum length provided in the Subdivision Ordinance, since this tier of lots follows and backs up to the creek.
4. A 60-foot right-of-way is recommended for the street on the north boundary of the subdivision and south of the school and church sites. A portion of the tract of land owned by the Greater Austin Presbyterian Church and the Robert C. Ammann tract should be included in this subdivision so the full right-of-way can be provided in this subdivision. A number of streets channel into this street which makes it a collector street. More traffic is generated around a church or school and the Milton B. Clapp tract will probably be used for other than residential use which will further increase the traffic. Mr. Curington reported that Mr. Temple B. Mayhall (Director of School Plant) said they had a minimum size tract here and will not give additional right-of-way since they have already given 50 feet. He said that the subdivider would probably give an additional 5 feet if the Schools would give 5 feet. He thought this street along the north boundary could be worked out.
5. The names of owners of property involved in the subdivision should be shown on the plan.

The Committee reviewed the information presented and

VOTED: To APPROVE the plan of NORTHWEST ACRES subject to the following conditions:

1. Showing a 15-foot setback from U. S. Highway No. 81 on the lots in Block A,
2. A 60-foot right-of-way being worked out for a street along the north boundary of the subdivision,

C8-60-11 Northwest Acres--contd.

3. Showing of names of owners or property involved in the subdivision on the plan, and
4. Compliance with departmental requirements;

and to grant a variance from the Subdivision Ordinance on lot width for Lots 23 and 24, Block G, Lots 7 and 8, Block J, and Lots 26, 27 and 28, Block B, and on block length for Block G.

C8-60-12 A. D. Stenger Addition  
Westridge Drive

It was reported by the staff that the plan should contain the names of owners involved and that it was understood that Mr. A. D. Stenger and Mr. Fredrick Ward were submitting the plan but Mr. R. L. Erickson was only in agreement with the subdivision but not participating. If this is true, there would be a gap in the street which would not be dedicated. It was further reported that Messrs. Stenger and Ward were out of the City and not able to attend this meeting and had requested rearrangement of lot lines as shown on the filed plat. Mr. Curington agreed to the changes in lot lines.

The staff also reported that the street in this subdivision should be named Westridge Drive and the name of the connecting street to the south (Airole Way) should be changed by Council action to Westridge Drive to provide a continuing street of the same name.

The Committee then

VOTED: To APPROVE the plan of A. D. STENGER ADDITION subject to the following conditions:

1. Showing of the names of owners on the plan,
2. Changing the name of the street to Westridge Drive,
3. Adjustment of lot lines as shown on the plan, and
4. Compliance with departmental requirements.

C8-60-14 Hill Country  
W. of Tanglewood Trail

The Director reviewed the plan and explained that this site has an extreme slope on three sides and the only way to enter by vehicle is from the east. He said the original proposal by the City which has been checked by the Public Works Department, was to extend Matthews Drive

C8-60-14 Hill Country--contd.

along the creek at the south boundary of the subdivision and possibly extend Kenmore Court to meet this street, but this involves several individual owners who are not in the process of subdividing. He said this would provide a street connecting into Windsor Road rather than Scenic Drive which is very narrow. He also said there would be the question of any possibility of locating a street here because of the topography. Mr. Stevens said Mr. Louis Page would prefer to have the proposed north-south street shifted to the west to permit future extension of Kenmore Court through his property. Mr. Osborne called attention to an existing road along the north which has been in use by the public but not dedicated, a part of this road being in the subdivision area, a part in the Tom Graham property, and part in the park area. He thought development of this street might be desirable but there is a question of the possibility of any lots being created in this area.

Mr. Osborne then explained that the simplest way to develop this property is with a long cul-de-sac street which would need a variance from the Subdivision Ordinance. He said there is a question as to the public need, which must be determined by the City, for developing a street to connect with Kenmore Court and if that is impossible, he would recommend approval of the plan subject to the assurance that there is a dedicated street connecting into Tanglewood Trail.

Mr. Franklin Denius (attorney for the LBJ Company) said their engineers have been working very closely with Mr. Osborne and they intend to cooperate with the City in every way.

The Committee then

VOTED: To APPROVE the plan subject to details being worked out between the City and the subdivider as to the need for additional access to the neighborhood, and to grant a variance from the Subdivision Ordinance on length requirements for cul-de-sac streets.

C8-59-33 Wooten Village, Sec. 1  
Peyton Gin Rd. and U. S. Hwy. 183

The staff reported that this plat was previously disapproved pending fiscal arrangements and with the understanding that if the remaining property in the subdivision is used for other than residential purposes and the preliminary plan is not followed at the end of Sequoia Drive, a revision of the plan would be necessary. Mr. W. C. Cotten, Jr. (engineer) reviewed a suggested revision of the plat showing a cul-de-sac at the south end of Sequoia Drive and explained that the property to the south and southwest of this section has been sold and this revision is in line with the revision required by the Commission.



C8-59-33 Wooten Village, Sec. 1--contd.

The staff further reported that fiscal arrangements have been nominally completed but the property is outside the city and not in a water district and no letter requesting annexation has been filed. It was suggested that the staff be authorized to hold the plat until the application for annexation is filed. Mr. Cotten explained that money was deposited in completing the fiscal arrangements for the extension of a water main in Highway 183 from the Dallas Highway to Clearfield Drive to serve this subdivision. Mr. Osborne explained that these are preliminary arrangements and that complete fiscal arrangements, including refund contract, cannot be made until the property is in the city limits or in a water district.

The Committee was in agreement on the suggested revised plan with the cul-de-sac at the south end of Sequoia Drive but felt that no formal approval could be given until fiscal arrangements are completed. It was therefore

VOTED: To SUSTAIN the former action disapproving this plat pending completion of fiscal arrangements and request for annexation, with the understanding that the cul-de-sac revision will be approved when these arrangements have been completed.

## SHORT FORM PLATS - FILED

The staff reported that reports have not been received from several departments and that no action on the following plats is recommended at this meeting. The Committee therefore

VOTED: To ACCEPT the following plats for filing:

C8s-60-35 Duval Heights, Resub. Lots 22-25  
Interregional Hwy. and Reinli St.  
C8s-60-38 Ridgetop Gardens, Sec. 3  
E. 52nd St. E. of Lancaster  
C8s-60-40 Reissig Heights No. 2  
Burleson Rd.  
C8s-60-42 Delwood 4 East, Sec. 4, Resub. Lots 35-36, Blk. E  
Northridge Dr.  
C8s-60-43 Hooper Addn.  
North Dr.  
C8s-60-45 Green Grove Addn.  
Cedar Creek Rd.

## SHORT FORM PLATS - CONSIDERED

The following plats were presented under Short Form Procedures and were reported by the staff to comply with all provisions of Section 4 of the Subdivision Ordinance. The Committee therefore

VOTED: To APPROVE the following plats:

C8s-60-30 Peck Subdivision  
 Lynch St. and Thrasher La.  
C8s-60-36 I. J. Cook Subdivision  
 Manor Rd. and Stafford St.  
C8s-60-39 Northwest Hills, Sec. 3, Resub. Lots 13-16, Blk. B  
 Westslope Drive  
C8s-60-41 North Oak, Resub. Lots 137, 138, 161-164  
 River Oak Dr. and Oak Haven Rd.  
C8s-60-46 Pleasant Grove Addn., Resub. Lots 1-2, Blk. 2  
 Bailey Lane

The following plats were presented under Short Form Procedures and action was taken as shown:

C8s-60-37 The Nasco Resub. Lots 4-5, Blk. E, Meadowbrook Sec. 1  
 Belfast Dr. and Hillcrest Dr.

It was reported by the staff that taxes have not been paid on this property for 1957, 1958, and 1959. The Committee therefore

VOTED: To REJECT the plat of THE NASCO RESUB. LOTS 4-5, BLK. E, MEADOWBROOK SEC. 1, pending receipt of tax certificates showing that the taxes have been paid.

C8s-60-44 Speedway Heights, Resub. Lots 34-37  
 Tom Green St. N. of E. 31st St.

The staff reported that this plat was filed after a request had been made for a building permit to erect an addition to a dwelling on Lot 34 and a portion of Lot 35 which had been split without a short form subdivision. Mr. R. E. Nitschke and Dr. and Mrs. Austin Phelps explained that they had divided Lot 35, each taking half of the lot, to prevent a separate development on this lot, and that they were advised to have the property surveyed but did not know this was a subdivision when they signed the plat. Dr. Phelps said they have developed Lots 36 and 37 as their home and as one lot but still want it to remain as two lots, and therefore want another lot line shown on the plat.

Mr. Stevens explained that the plat will need to be amended to show an extension of the line between Lots 36 and 37 to the north line of the new Lot 34-A as requested by Dr. Phelps. The staff further reported

C8s-60-44 Speedway Heights, Resub. Lots 34-37--contd.

that both streets have a right-of-way of less than 50 feet but both are old, existing streets, Tom Green being paved and Benelva Drive being graveled.

Mr. Thomas F. Keelen (3109 Walling Drive) objected to any subdivision which would throw extra traffic on Tom Green since he has a driveway from this street with a steep entrance and if cars are parked on Tom Green he cannot get in and out of the driveway.

The Committee then

VOTED: To authorize the staff to approve the plat of SPEEDWAY HEIGHTS, RESUB. LOTS 34-37, when the plat has been revised to show the extension of the line between Lots 36 and 37 to the north line of the new Lot 34-A and when departmental reports have been received.

It was explained by the staff that the corrected plat has been filed showing the extension of the line between Lots 36 and 37 to the north line of the new Lot 34-A as requested by the Subdivision Committee, but that Mr. Keelen is appealing from the action of the Committee.

Mr. Keelen raised the question of a City employee doing the engineering work on this subdivision and objected to this practice. The Director explained that the man who did the work was a licensed surveyor and an employee of the Public Works Department, and that this did not have any influence on the processing by the Planning Department or consideration by the Planning Commission. Mr. Rainey said that the engineers have objected to City employees doing this type of work and he felt that the City officials should establish a policy regarding the matter. Mr. Barrow said he did not consider this to have any bearing on the consideration by the Commission since the surveyor was not an employee of the Planning Department and that it would not affect his decision in any way.

Mr. Keelen stated that he has a steep driveway and coming out into this narrow street is hazardous, that there are lots of University students and if there is a car parked opposite his driveway he cannot get out into the street. He thought the subdivision, permitting further development of the Nitschke property and adding more occupants to his building, would increase the parking congestion.

Mr. Nitschke explained that he has ample parking space on the rear of his lot.

The Commission felt that this would only be recognizing what was actually subdivided by deeds and that the plat should be approved. It was therefore

VOTED: To APPROVE the plat of SPEEDWAY HEIGHTS, RESUB. LOTS 34-37 OF RESUB. and to grant a variance in street width for Tom Green and Benelva Drive.

## ADMINISTRATIVE APPROVAL

The staff reported that 2 plats had received administrative approval under the Commission's rules. The Committee therefore

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

C8s-60-31 Gullett Gardens No. 2, Resub. Lots 1 and 2, Blk. 3  
Mansell and Lyons Rd.  
C8s-60-32 North Loop Plaza  
Burnet Rd. and North Loop Blvd.

## SUBDIVISION PLATS - FILED

C8-60-15 Highland Hills, Sec. 5, Phase 4  
Highland Hills Parkway

It was reported by the staff that Highland Hills Parkway has been reduced to a width of 40 feet where it intersects R.M. Rd. 2222 which will need a variance, and that the City Council has approved a paving width of 26 feet for this section because of the terrain. It was recommended that the tract owned by W. L. Bradfield and located south of Lot 13 be included in the plat, this tract having been shown as two lots on the preliminary plan. Mr. Curington stated that one of the two proposed lots in this tract could not be served with water at this time and the tract was omitted from the plat. The Director said this could be left out with specific notice to the owner that no utility service will be provided to that tract of land.

The Director explained that the plat shows a proposed loop street at the north line of the subdivision at the end of Highland Hills Parkway which is different from the preliminary plan. He suggested that if this street is left on the plat, it only shows the intention of the subdivider who should be notified that this revision will need to be considered by the Subdivision Committee.

The Commission then

VOTED: To ACCEPT for filing the plat of HIGHLAND HILLS, SEC. 5, PHASE 4, and to take notice of these problems.

## SUBDIVISION PLATS - CONSIDERED

C9-59-33 Wooten Village, Sec. 1 (Revised)  
U. S. Hwy. 183 and Clearfield Dr.

It was explained by the staff that there is a problem of whether or not the subdivision has adequate water for approval, since the subdivision is not in the city limits nor in a water district. The Water Department would like to have the water main in the area of proposed widening of U. S. Highway 183

C8-59-33 Wooten Village, Sec. 1--contd.

instead of in the street pavement. Normally this is worked out between the subdivider and the City. The original preliminary plan showed a strip of land which was not in the subdivision but was to be acquired at a future date. The City is not particularly concerned with the widening but a definite easement should be obtained so that if the Highway Department needs it the land will be available.

The staff reported receipt of a memo from the Fiscal Assistant stating that fiscal arrangements for this subdivision were accepted based on the policy of the City that, in an approved subdivision outside of the City and not within any Water District, the Subdivision Ordinance requires the subdivision to be annexed prior to being served with water; that included in the arrangements was the cost of constructing a 24" water approach main which was necessary to provide adequate water service to this area, and water service will not be available until this approach main has been installed. Mr. Trueman O'Quinn said he understood from the subdivider that he had an understanding with the Water Department and he felt the subdivider is not in a position to dictate where the water main will be located. Mr. W. C. Cotten (engineer) said right-of-way is available for the 24" main on the south side of the Highway.

The staff called attention to the following restrictions placed on the plat:

"Occupancy of any lot in this subdivision shall be prohibited until water satisfactory for human consumption and in adequate and sufficient supply for family use and operation of a septic tank and system is available from a public utility source."

"Each house constructed in this subdivision shall be connected to a septic tank of a design approved by the State Health Department. All septic tank and disposal system layouts must be approved by the City-County Health Department prior to construction."

The Commission reviewed the problems involved and concluded that the restrictions placed on the plat by the subdivider would guarantee water service to the developers in the subdivision. It was therefore

VOTED: To APPROVE the plat of WOOTEN VILLAGE, SEC. 1 as revised.

C8-59-56 Northwestern Industrial Subdivision  
U. S. Highway 183

This plat was reported by the staff as having satisfied all the standards of the Subdivision Ordinance and was recommended for final approval. The Commission therefore

VOTED: To APPROVE the plat of NORTHWESTERN INDUSTRIAL SUBDIVISION.

C8-59-26 Manor Hills, Sec. 12 (Revised)

New Manor Rd. N. of Proposed E. 51st St.

The staff reported that this is another part of the original subdivision for another unit of development, enabling the subdivider to develop a part instead of the whole subdivision and leave out the portion requiring the most in fiscal arrangements. It was further reported that fiscal arrangements have not been completed, additional easements are required and plat requirements to be met. It was therefore

VOTED: To DISAPPROVE the plat of MANOR HILLS, SEC. 12 as revised subject to completion of fiscal arrangements and compliance with departmental requirements.

C8-60-8 Allandale West, Sec. 5

White Rock Dr. and Bullard Dr.

The staff reported that this plat does not follow the preliminary plan in that the north-south streets form a loop instead of connecting into the school street on the north, with a strip dedicated to the public for walkway and utilities connecting Janey Drive to the school street. The staff further reported that Mr. James T. Watson (engineer) had checked with the department regarding this revision and was advised that it was acceptable from a planning standpoint provided the utilities departments approved it. A memo from the Water and Sewer Department was read which called attention to the violation of block length requirements where there are no terrain features that create a necessity for this, that cost estimates were based on Rickey Drive extending through to the school street, and that this plan was not satisfactory due to inadequate right-of-way for water mains.

Mr. W. H. Bullard (subdivider) explained that this plan is more practical from the standpoint of the public who live in this area, and that a partial reason for the change was the relocation of the drainageways under the railroad, thereby increasing the drainage in this subdivision. Mr. Osborne explained that the Water Department policy is to have water mains in a dedicated street.

Mr. Watson said that the walkway has been dedicated to the public and the water line could go in this walkway.

The Commission then

VOTED: To DISAPPROVE the plat of ALLANDALE WEST, SEC. 5, pending completion of fiscal arrangements, compliance with departmental requirements, and a satisfactory solution of a water distribution problem.

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C8-60-13 Windsor Park II, Sec. 5  
Wheless Lane

The staff reported that this plat was circulated to other departments who had given their reports, and that fiscal arrangements have not been completed. It was further reported that tax certificates submitted with the plat showed that taxes were paid but a later report from the Tax Department shows that this does not cover all of the taxes, but the engineer has reported he will clear this up tomorrow. The Commission therefore

VOTED: To DISAPPROVE the plat of WINDSOR PARK II, SEC. 5, pending completion of fiscal arrangements and a satisfactory solution of the tax situation.

SHORT FORM PLATS - FILED

The staff reported that reports have not been received from several departments and that no action on the following short form plats is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT the following plats for filing:

C8s-60-47 Great Oaks Bluff, Sec. 2

Shoal Creek Blvd. and W. 39 $\frac{1}{2}$  St.

C8s-60-48 Roberts Villa, Resub. Blk. B and Pt. Blks. A, C & D

Lowell Roberts St. N. of U. S. 71

The staff explained that the original subdivision was submitted and approved as a suburban subdivision where no paving and drainage structures are required but in this plat it is changed to an urban subdivision. The Commission instructed the staff to notify the subdivider that fiscal arrangements will be required the same as for any urban subdivision.

SHORT FORM PLATS - CONSIDERED

C8s-60-35 Duval Heights, Resub. Lots 22-25

Interregional Hwy. and Reinli St.

The staff reported receipt of a memo from the Health Department that this subdivision cannot be approved for septic tanks since it is an industrial subdivision and also receipt of a memo from the Sanitary Sewer Department that fiscal arrangements will be required. The Commission therefore

VOTED: To DISAPPROVE the plat of DUVAL HEIGHTS, RESUB. LOTS 22-25, pending completion of fiscal arrangements.

C8s-60-4 Ravey Addition

Ravey St. & Kinney Ave.

The staff recommended that this plat be denied because of the lack of owners' signatures and no current tax certificates. It was therefore

VOTED: To DISAPPROVE the plat of RAVEY ADDITION.

## ADMINISTRATIVE APPROVAL

The staff reported that one plat had received administrative approval under the Commission's rules. The Commission therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the Administrative Approval of the following subdivision:

C8s-60-43 Hooper Addition  
N. Drive S. of Rundberg La.

## OTHER BUSINESS

C10-60-1(f) STREET ABANDONMENT  
Bridle Path E. of Scenic Dr.

The staff reported that a field inspection of this site was made and that the Department and the Traffic Engineer recommend that the street remain open, and that other departments approved the vacation if no utilities are affected. The Director said he feels it should be opened to a full width of 50 feet (the south 8 feet to be vacated) and that whether or not the street is opened or vacated the improvements on Scenic Drive will still need to be done, including the relocation of the retaining wall and the cutting back of some of Mr. Coat's property. The Commission then

VOTED: To recommend that the request for vacation of that part of Bridle Path east of Scenic Drive as shown on the filed plan be DENIED, but that the north 8 feet of the street be vacated.

AYE: Messrs. Barrow, Brunson, Lewis, Rainey and Spillmann  
NAY: Mr. Kinser  
ABSENT: Messrs. Johnson and Kuehne  
PRESENT BUT NOT VOTING: Mr. Braswell

C10-60-1 EASEMENT ABANDONMENT  
Windsor Park III, Sec. 3 and 4

The Director reported that abandonment of the 60-foot street easements in these subdivisions is being requested. He explained that these easements were desirable at the time because of the expense involved in constructing a structure over the drainage area and for the location of a water line, but plans have been changed for water distribution and the only question is whether or not there should be a street here for the convenience of people going to the school and shopping center. He recommended that the easement be retained for a future street.

Mr. Jeryl Hart and Mr. H. W. Curington (engineers) said that this was intended to be a street when the City could justify expenditure of a culvert but they do not feel that there is a need for a street here or that one will be built



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C10-60-1 Easement Abandonment--contd.

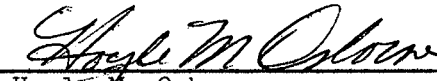
with the expensive drainage structure. They thought a greater advantage would be from the use of this strip for dwellings to provide more taxes for the City.

The Commission discussed the desirability of a street here and it was concluded that this would be a convenience to the people in this block to keep them from traveling an excessive distance and an asset to the neighborhood. Mr. Spillmann suggested that it be dedicated as a play park for the children. It was then

VOTED: To recommend that the 60-foot street easements in Windsor Park III, Sec. 3 and 4, be retained and not abandoned.

## ADJOURNMENT

The meeting was adjourned at 10:30 p.m.



Hoyle M. Osborne  
Executive Secretary

## APPROVED:



Chairman