

CITY PLANNING COMMISSION  
Austin, Texas

Special Meeting -- May 17, 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  
Dudley Fowler, Assistant City Attorney

MINUTES

Minutes of the following meetings were approved as submitted or corrected as shown:

March 15, 1960  
March 29, 1960  
April 19, 1960  
May 3, 1960

ZONING

C14-60-59 T. G. Ferguson et al: A & O to A  
2815-2841 Hancock Drive

Mr. Lewis reported that Mr. Mayfield had contacted him and said he could not be present at this hearing but wanted to withdraw his application for a Special Permit (CP14-60-3). He said he plans to develop the property as a medical center and wanted the cooperation of the residents in the area and he would do all he could to keep the development in line with what the people wanted, and he did not want to strain the relationship nor antagonize anyone.

The Director explained that no hearing date has been scheduled by the City Council on the appeal of the property owners on the Special Permit so that it could be considered along with this petition for rezoning.

In response to a question by the Commission, Mr. Ferguson said he thought they should proceed with this request for a change of zoning back to "A"

C14-60-59 T. G. Ferguson et al--contd.

Residence since Mr. Mayfield had made the same promise several years ago and they had accepted the "O" Office zoning in good faith. He explained that the petition requesting the rezoning contains the names of every resident on both sides of North and West Fresco Drives and some on other streets.

The Chairman stated that this request comes to the Commission as an application to zone this property as "A" Residence and he thought the Commission should consider this without reference to the history of the property but approach it only as an application to rezone property.

Mr. Rainey brought up the question of two subdivisions having been recorded, one in 1953 which showed this property proposed as commercial and the other in 1954 which did not show this proposed use. He said this would influence his vote and that he could not reconcile this with people who bought homes thinking this was to be residential property. The Director explained that the two recorded plats resulted from the fact that the first plat showed only blocks and was later subdivided to show lots and some additional property. Mr. Barrow and Mr. Fowler explained that zoning is not done by plats but this only gives people some idea of what the subdivider intends to do with his property. Mr. Barrow said all property that comes into the City is zoned "A" and is taken up at intervals and given a different classification if conditions have changed or there is a demand for a different use.

Mr. Ferguson, Mr. Sam Wood, Mr. W. E. Davis, and several other owners appeared at the hearing. The following written statements were presented in support of this request:

It is our plea that by rezoning the property 2815-2841 Hancock Drive to its original status of "A" Residence, which was the zoning classification when all the houses on North and West Fresco Drive were built and purchased, the City Planning Commission will be taking a firm step against the unwarranted and damaging encroachment of an isolated retail trade area that can serve no benefit to the community.

It is now evident there can be no future protection for the property owners on North and West Fresco Drive from continued development of 2815-2841 Hancock Drive into such an isolated local retail area so long as the "O" Office zoning classification is retained.

The petitioners wish to stress that during the past four years, first, in a compromise brought about by the City Council, and secondly, in what they believed to be a compromise agreed to before the City Planning Commission, they have attempted to meet the owner of the property 2815-2841 Hancock Drive half way in consenting to an "O" Office zoning classification in keeping with the American Cancer Society building fronting on Bull Creek Road.

Cl4-60-59 T. G. Ferguson et al--contd.

The petitioners further emphasize the property 2815-2841 Hancock Drive could have been originally developed as "A" Residential, as is evidenced by the number of residences on Hancock Drive parallel to the Austin Memorial Park Cemetery, had it been sufficiently protected under a firm zoning policy; and that the piecemeal downgrading of the zoning classification from "A" Residence to "O" Office, then to Local Retail, has been a premeditated and deliberate effort to force the City of Austin into accepting spot zoning.

The petitioners further plead that, as has been shown the City Planning Commission in several previous hearings, the residences on North and West Fresco and adjoining streets are served by no less than five major community centers, all within a few minutes drive by automobile; that these community centers provide every conceivable type of retail trade, including numerous drugstores, grocery stores, drive-ins, barber shops, beauty parlors, restaurants of various types, hardware, building material, automobile service shops, appliance stores, laundromats, dry cleaning, clothing stores, gift shops and many others.

We further plead that due to the limitation in size of the property 2815-2841 Hancock Drive it cannot be extended into a practical community center, and will always remain as an isolated eyesore in a neighborhood of new homes; it will be a growing financial liability to the adjacent homeowners, a health hazard, a nuisance, and furthermore cannot be developed on the logical assumption of service and need.

It is also the contention of the petitioners that the owner of 2815-2841 Hancock Drive has no large amount of money invested, when compared to the investments of the home owners, and that the steady downgrading of his property from "A" Residence to Local Retail has been a speculative venture, pure and simple; that this downgrading in zoning will continue piecemeal; that the undeveloped tracts of land still can profitably be utilized as "A" Residence; that the only part of the property originally zoned "A" Residence that could not have been logically developed in the "A" classification has already been given an "O" Office classification and developed as such as site of the American Cancer Society Building.

The resident property owners are firm in their opinion that the persistent encroachment has been brought about by repeated efforts of the Planning Commission to right a wrong with new zoning, and that each encroachment opens a new avenue for argument for further downgrading of the zoning classification.

We firmly believe the only cure for this downgrading of property for which it has been clearly shown there is no need in the field of community service, can only be stopped by "A" Residence zoning, and a firm declaration of policy by the City Planning Commission.

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The Commission then discussed the merits of this request. Mr. Barrow felt that the "O" Office next to the existing "C" Commercial was sound zoning. Mr. Brunson said he thought it should be "O" Office but not "LR" Local Retail uses. Mr. Spillmann did not think the property is suitable for residential use. Mr. Lewis said he believes in protecting property rights and if the filling station were not located on the corner he would vote for "A" Residence, but he could not see residential development next to the filling station. Mr. Braswell said in his opinion the applicant secured this property in due process of law and he felt "O" Office is the highest and best use of the property. The Commission then unanimously

VOTED: To recommend that the request of T. G. Ferguson et al for a change of zoning from "A" Residence and "O" Office to "A" Residence for property located at 2815-2841 Hancock Drive be DENIED.

ABSENT: Messrs. Johnson and Kuehne

## OTHER BUSINESS

C2-53-4 ZONING ORDINANCE: Interim Revisions

The Director reported that Messrs. Franklin Denius and Charles Granger had appeared before the City Council and asked about referring to the Commission for consideration an amendment to the Zoning Ordinance to permit utility service yards. He suggested that it be included under the Special Permit section of the "C" Commercial District, as item (d), to permit a Utility Service Yard.

Mr. Granger appeared before the Commission and explained that under "C" Commercial a contractors' storage and material service yard is permitted but a public utility yard is prohibited. He explained a recent request to the Board of Adjustment for a variance, stating that there would be a solid wall along the north and south sides but a cyclone fence along the railroad as permitted by the Board to permit a spur track for unloading wrapped pipe which they propose to store on this property on Koenig Lane. Since this is prohibited in a "C" Commercial District, a new location would have to be found or a change to "DL" Light Industrial requested. He further explained that the same restrictions would apply to the Southwestern Bell Telephone Company which is proposing to move their storage yards from the present location at San Antonio and 18th Streets to a new location at 12th Street and Interregional Highway. He said the Telephone Company is anxious to make an attractive development and the Gas Company has plans for an attractive business. He said there would be one unloading operation of pipe a month for the Gas Company and this must be handled with care and the pipe stacked on racks.

C2-53-4 Zoning Ordinance: Interim Revisions--contd.

Mr. Osborne explained that the Telephone Company is exempt from the Zoning Ordinance provisions but it is their practice over the country to abide by these laws.

Mr. Barrow stated that the Commission did not approve the change of zoning on Koenig Lane for the Gas Company location but he would be willing to approve an amendment to permit this type of use under Special Permit. It was then unanimously

VOTED: To recommend that the Zoning Ordinance be amended to include in the Special Permit section of the "C" Commercial District a provision as sub-section (d), to permit railroad spur tracks and utility service yards.

C10-60-1(h) STREET ABANDONMENT

Glissman Rd. E. of Airport Blvd.

The Commission reviewed the request of the Cen-Tex Concrete Pipe Company for the abandonment of the east 395 feet of Glissman Road which has never been opened, or graveled, or used in any way. The abutting property on each side of this strip is owned by the Cen-Tex company.

The Director explained that this 30-foot road dead-ends at the State Deaf, Dumb and Blind Institute property and no plans have been made for extending it into this tract or for using the street. He said the primary access to this tract will be at the drive-in theatre. The Commission concluded that the street should be abandoned since it seems there is no need for it to serve the area. It was therefore

VOTED: To recommend that the east 395 feet of Glissman Road (east of Airport Boulevard) be abandoned subject to the City retaining the necessary easements.

## SHORT FORM PLAT

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

Interregional Hwy. and Reinli St.

It was reported by the staff that this plat was previously disapproved pending completion of fiscal arrangements which have been completed. It was further reported that the necessary right-of-way for the widening of Reinli Street has been provided on the plat. The Commission therefore

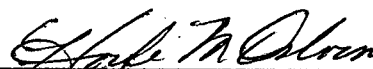
VOTED: To APPROVE the plat of DUVAL HEIGHTS, RESUB. LOTS 22-25.

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ADJOURNMENT

The meeting was adjourned at 8:40 p.m.



Hoyle M. Osborne  
Executive Secretary

APPROVED:



Chairman