

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting ---September 20, 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
Doyle M. Baldrige
Fred C. Barkley
Howard E. Brunson
A. C. Bryant

Pericles Chriss
S. P. Kinser
W. Sale Lewis
Emil Spillmann

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 August 23, 1960, were approved as submitted.

ZONING

The following zoning change requests and special permit were considered by the Zoning Committee at a meeting September 13, 1960:

CL4-60-101 R. C. Walden and Minnie O. Walden: A to C
Alice Ave., West 41st St., Marathon Blvd.

DIRECTOR'S REPORT: The area is generally developed with single-family homes, with a barber shop and drive-in grocery on the south and several pieces of commercial zoning which is undeveloped. Because wholesaling and rather intensive uses are permitted in "C" Commercial and this is not on a thoroughfare, I would recommend against "C" but would recommend "GR" General Retail.

Mr. T. E. Burns (T. E. Wiley Company) represented the applicant and explained that he was told in filing his request that "C" Commercial would be needed for a floor covering business and that Mr. Walter Yates has signed a contract to purchase the property if he can use it for this purpose. He noted that in the 4200 block there are a number of commercial buildings, one of which is a floor covering business. One reply to notice was received approving the request.

C14-60-101 R. C. Walden and Minnie O. Walden--contd.

Three persons appeared in opposition and written objections were received from four nearby property owners for the following reasons: This is an area of single-family homes and "C" Commercial would ruin the entire area. Retail stores might not be as objectionable in this one block but other uses would be permitted which would be objectionable.

The Committee reported that the case was referred to the Commission for further study. The Director reported to the Commission that after further study of the neighborhood he now feels that "GR" General Retail would be inappropriate and that he would recommend granting the request. He noted that the proposed use would be permitted only in "C" Commercial.

The Commission discussed the surrounding development and Mr. Kinser noted that there have been at least four zoning cases in this block in the past year and that the alignment of Marathon Boulevard had been changed to eliminate the island in the center, reducing the width of the street. Some members felt that this would be a logical extension of the present zoning since the property is near "C" Commercial, "LR" Local Retail, and "C-1" Commercial zoning. Other members were of the opinion that the request should not be granted due to the fact that this area has a lot of residential development at the present time. A motion to deny the request failed to carry and it was then unanimously

VOTED: To recommend that the request of R. C. Walden and Minnie O. Walden for a change of zoning from "A" Residence to "C" Commercial for property located at 4015 Alice Avenue, 1101-05 West 41st Street and 4014 Marathon Boulevard be GRANTED, and that the property known as 4009-13 Alice Avenue and 4008-12 Marathon Boulevard be included in the change.

C14-60-102 Luruth Smith Rivers: C to B
Avenue H and East 43rd Street

DIRECTOR'S REPORT: This request is to provide off-street parking for businesses to the east. The property was previously zoned in connection with a Post Office site and it was agreed by the applicants that it would be zoned back to any classification which the Planning Commission felt was suitable if the Post Office did not locate here. This has not been done. An alley closing request was submitted and approved by the Planning Commission at the last meeting but has not gone to the Council because of some things to be worked out. I recommend the change.

Mr. Wayland Rivers represented the applicant and stated that this is one of the oldest shopping centers in the city and they are trying to make it more convenient by enlarging the grocery store and providing more parking at this busy intersection.

C14-60-102 Luruth Smith Rivers--contd.

Two replies to notice were received favoring the request and written comment was received from Mr. Eugene Wukasch (representing his mother who owns business property across the street) and presented the following information: The change of this property would appear to us to be in keeping with the normal growth of this community. We have noted for some time in dealing with our tenants that their clientele seems to come primarily from the areas bounded by Guadalupe on the west, 45th on the north, 38th on the south, and the creek on the east; thus the logical development of this center, which forms the core of this small community, should be in a westerly direction.

Mr. Walt Paulissen (4314 Avenue H) was present at the hearing and said they do not object to this present proposal but are interested in whether or not another hearing would have to be held if someone later wants it changed. He was assured that this would be necessary.

The Commission noted that a portion of the property is already being used for parking, including the alley between this and the grocery store, and that the Commission had previously recommended the change to "C" Commercial because it was felt this was a logical extension of the business area. It was concluded that this change should be granted and that the improved parking area would provide better service to the existing businesses and help to relieve some of the traffic congestion in this immediate area. Therefore, it was unanimously

VOTED: To recommend that the request of Luruth Smith Rivers for a zoning plan change from "C" Commercial to "B" Residence for property located at the northeast corner of Avenue H and East 43rd Street be GRANTED.

C14-60-103 Henry G. Sanders: A to LR
Rear 4124-4128 East 12th St.

DIRECTOR'S REPORT: This proposal is to use the property in conjunction with the present "LR" Local Retail zone on the south. To the north is a single-family residence area; Sims Elementary School is across the street, there are vacant tracts to the north, and some retail zones along 12th Street to the east. Right-of-way for widening 12th Streets was given with the previous zoning on the south portion of the property. A subdivision has been filed to add this property to the original tract. The request is to expand the site for development of the center and is therefore recommended.

Mr. Clair Fallon (attorney) appeared for the applicant and stated that he had nothing to add to the Director's statements, except that this was necessary so that the building could be located further back on the property after the right-of-way was given for widening 12th Street. One reply to notice was received favoring the request.

C14-60-103 Henry G. Sanders--contd.

The Commission concluded that this would be a logical extension of the existing Commercial property now owned by the applicant and would provide for better development of the property. Therefore, it was unanimously

VOTED: To recommend that the request of Henry G. Sanders for a change in the zoning plan from "A" Residence to "LR" Local Retail for property located at the rear of 4124-4128 East 12th Street be GRANTED.

C14-60-104 Net Russell Bateman: B to LR
Poquito and East 19th Sts.

DIRECTOR'S REPORT: There is a large house on the property which is being enlarged for a cleaning and pressing shop. There are other commercial uses to the west and "LR" zoning between this and the commercial center. Because it adjoins Local Retail zoning, I recommend the change; however, there is no off-street parking available and the yard is fenced in. The existing structure already encroaches into the front yard.

No one appeared to represent the applicant at the hearing. One reply to notice was received favoring the request.

Mr. Tobe Scott (2100 East 19th Street) appeared in opposition for the reason that this is a nice section of homes and they do not want this commercial zoning extended any further into the neighborhood. He felt that everything east of Poquito Street on 19th is residential.

The Committee reported that no action was taken on this case pending information on the off-street parking possibilities and proposals. The Director reported to the Commission that the applicant presented a proposal to provide parallel parking adjacent to 19th Street which would necessitate removing the curb along 19th Street. He said this would result in cars parking head-in and extending into the street area. He further reported that the staff suggested removal of the fence along Poquito Street and providing three angle parking spaces in the northwest corner of the lot and one space on the south side of the building.

Mr. Kinser noted that at one time this was all residential but the character is changing and he would vote for a spot zone when this is true of the neighborhood. Mr. Barrow said he would agree that an area that is changing should be rezoned rather than changing one small area at a time. Other members felt that this would be a logical extension of the present "LR" Local Retail zoning. It was then

VOTED: To recommend that the request of Net Russell Bateman for a change of zoning from "B" Residence to "LR" Local Retail for property located at the southeast corner of Poquito and East 19th Streets be GRANTED.

AYE: Messrs. Baldrige, Barkley, Brunson, Lewis and Spillmann
NAY: Messrs. Barrow, Bryant and Chriss
DISQUALIFIED: Mr. Kinser (owner of property in the neighborhood)

C14-60-105 Guadalupe G. Vasquez: A to B
West Mary and South 4th Sts.

DIRECTOR'S REPORT: The site is developed with a single-family house. This is a residential area with a church in the block, a shopping center to the northwest and a "C" Commercial district across the street consisting of 3 lots developed residentially. To the south and east is single-family residential. In view of the fact that there is an existing "C" Commercial zone across the street, I think this would be a proper zoning change.

Mr. and Mrs. Vasquez appeared at the hearing and explained that she is a beauty operator and they propose to have a one-operator shop in a room attached to the rear of their home. Two replies to notice were received from nearby owners who favored the request.

Four persons appeared in opposition, Mr. A. F. White (1207 Alta Vista) stating that he has three lots across the street that are zoned commercial because the Commission would not spot zone and he only wanted to develop the corner lot. He said he now has three houses there and it would be satisfactory to him if all of the lots here were changed back to residential. He stated that there is no other commercial development here and if this is granted, others would request the same. He noted that the fence on this property seems to be on City property. Mr. Stephen Burland (901 West Annie) felt that we should have more and better schools rather than small businesses and this is a good location for small homes near a school. Seven replies to notice were received opposing the request for the above reasons and the fact that there is ample commercial property in this vicinity, and this location near the top of a hill would create a traffic hazard.

The Commission noted the location of the "C" Commercial area across the street and felt that the applicant's lot would form a good buffer zone between this and the surrounding residential area. Mr. Barrow noted that this was illegal spot zoning and he opposed it. It was then

VOTED: To recommend that the request of Guadalupe G. Vasquez for a zoning plan change from "A" Residence to "B" Residence for property located at the southwest corner of West Mary and South 4th Streets be GRANTED.

AYE: Messrs. Baldrige, Barkley, Brunson, Bryant, Chriss, Kinser,
 Lewis and Spillmann

NAY: Mr. Barrow

C14-60-106 R. G. Mueller, Jr. and Frances M. Danforth: C to C-1
3514-3518 Jefferson St.

DIRECTOR'S REPORT: There is an existing drive-in cafe here and the operator wants beer in conjunction with the sale of food. The surrounding area is developed commercially. The Planning Commission policy has been to limit the area of "C-1" zoning to building area and this request includes almost an acre of land. The zoning change is in order subject to a limitation in the area covered.

Mr. Mueller explained that Mr. Randolph is changing his operation from a barbecue business to a cafe and will serve Mexican and other types of food, also serving "take-out" meals. He said the nature of the business calls for the serving of beer but this sale will be incidental to the sale of food. He stated that they would like to have the entire area zoned "C-1" since Mr. Randolph has a patio with tables where he could serve but the area could be cut down 50' in the rear. He said it could be operated as a drive-in cafe but not a beer joint but he would like to have it so he could serve beer with the type of meals he plans.

Mr. Randolph also stated that he is changing his operation to a cafe.

In discussing the area involved, a majority of the Commission felt that this would be a logical change of zoning and use of the property since there is a "C-1" zone very near this property provided the area is reduced and the rear 50 feet excluded. Mr. Brunson made the following statement: "We are about to do a very serious thing tonight. We are voting whether or not to grant what in effect would be a drive-in beer establishment in the heart of Austin's young-family neighborhood. I have a great deal of respect for Mr. Randolph and the restaurants which he operates. I do not feel that beer sold incidental to the serving of food would be a great harm, however this location is near the area of what the newspaper terms one of our more serious sections for juvenile delinquency. Then, too, there is a possibility that when Mr. Randolph ceases operation at this location we would have a tavern in the center of the Brykerwoods-Tarrytown area. In the event we do pass this motion allowing beer to be sold to cars up to the curb and if Mr. Randolph ever ceases operation of his establishment, or if the City has trouble with the juveniles buying beer at this location, both Mr. Chriss and I will institute a motion to rezone the area to "C" Commercial." Mr. Chriss agreed with this statement. The Commission then

VOTED: To recommend that the request of R. G. Mueller, Jr. and Frances M. Danforth for a change in the zoning plan from "C" Commercial to "C-1" Commercial for property located at 3514-3518 Jefferson Street be DENIED; but that all of the property except the rear 50 feet be zoned "C-1" Commercial.

AYE: Messrs. Barrow, Baldridge, Barkley, Bryant, Kinser, Lewis and Spillmann

NAY: Messrs. Brunson and Chriss

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C14-60-107 Southwest Shares, Inc.: B to O
603 West 9th St.

DIRECTOR'S REPORT: The applicant proposes to establish a law office here. The surrounding area is generally developed with single-family residences and there are several doctors' offices, and a "C" Commercial zone in the next block to the east. The Planning Commission formerly recommended "O" Office for this area. I recommend the zoning since there are offices in the area and the plan calls for office development.

Mr. Calvin C. Huffman (President) explained that he intended to redecorate the building as a colonial type and to establish an office for him and his son, but under the present zoning the office would be permitted only if he lived in the building. He said there would be parking in the rear of the building.

The Commission concluded that the request should be granted since this property is presently surrounded by office zoning and uses. It was therefore unanimously

VOTED: To recommend that the request of Southwest Shares, Inc., for a change of zoning from "B" Residence to "O" Office for property located at 603 West 9th Street be GRANTED.

C14-60-108 Chesley-Baity Development Co.: C to C-1
West St. Elmo Rd. and S. 1st St.

DIRECTOR'S REPORT: It is proposed to sell beer for off-premise consumption in connection with a drive-in grocery. A site plan was filed which shows the grocery store adjacent to St. Elmo Road and other uses for the remainder of the property. The request covers a little over one acre, including the parking area but excluding the corner tract. "C-1" Commercial would be suitable zoning but I recommend it for the grocery store area only instead of the entire tract.

Mr. Robert J. Potts (attorney) represented the applicants and explained that the U-Totem is the building for which the "C-1" zoning is sought and this plan was approved by the lessees. He said the recommendation of the Director is acceptable but he did not know how to pinpoint the building and they would like to have a little more space to allow for shifting the building a few feet if necessary.

The Committee reported that it had concluded that the request would conform to the Commission's policy regarding "C-1" requests because the property is located in a commercial area, but felt that the area should be confined to the approximate area of the grocery store, with some leeway for errors in engineering. The Committee had then voted to recommend the change to include only the approximate area of the grocery store.

C14-60-108 Chesley-Baity Development Co.--contd.

The Director reported to the Commission that the zoning includes an area beginning 35 feet from the north line of St. Elmo Road, and extending 10 feet west and north of the grocery store location shown on the attached site plan and to the east property line.

The Commission concluded that the request would be logical if the "C-1" zone is confined to the area outlined by the Director. It was therefore unanimously

VOTED: To recommend that the request of Chesley-Baity Development Company for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at the northeast corner of West St. Elmo Road and South 1st Street be DENIED, but that the area beginning 35 feet north of the north line of St. Elmo Road and extending 10 feet west and north of the grocery store location shown on the attached site plan and to the east property line be zoned "C-1" Commercial.

C14-60-109 John Burns and T. C. Wommack: C to A
 3427-29 (3423) Scenic Dr. and 3422 Maywood Ave.

DIRECTOR'S REPORT: The area to the west is single-family; property to the east is generally undeveloped; property to the south and west has a few scattered residences, and Camp Mabry is across 35th Street. Previous application across Pecos Street was withdrawn. This site slopes very sharply to the south to a draw which would limit its use for commercial. The Camp Mabry tract would not be subject to commercial development under usual practices. The property on the corner is under consideration by the City Council for a filling station under a separate ordinance regulating filling stations.

Mr. and Mrs. John S. Burns (applicants) were present and also Mr. Donald S. Thomas who appeared for the applicants and as a resident on Balcones Drive. They were joined by 17 owners of property in the neighborhood and written comments and a letter were received from 4 owners. Following is a summary of statements presented:

1. This application for change back to a use of lesser value is made by Mr. Burns and supported by his neighbors in an effort to protect what we consider to be one of the finest residential areas in Austin. The adjoining Colorado Foothills community is purely residential and subject to specified deed restrictions. The property owners located on the extremities of such additions are entitled to such protection and the Zoning Ordinances were designed to cover such situations. We and other property owners in the Colorado Foothills accepted the restrictions and met the requirements without hesitation being confident that the Planning Commission and the City Council would protect our community against commercial encroachment. In this area, with the high development costs and the desire of the people to have some tranquility, you will take value from people and add it to some who want a filling station.

C14-60-109 John Burns and T. C. Wommack--contd.

2. The history of the "C" Commercial zoning presently applicable to the areas under consideration adopted in 1938 indicates an absence of planning and design. This designation of a "C" Commercial zone is the worst possible example of haphazard selection without study and provision for adjustment in the future. The City in 1937 annexed a large area including this area. The Zoning Committee had the job and duty of considering all of this new area at this time. The Council asked Mr. Wendlandt at that time if it would be all right with him to zone his property "C" Commercial and he agreed. Mr. Wendlandt bought the property before it was zoned commercial. Any commercial property was a gift of the City. This property was not given individual consideration when it was originally zoned. These areas have been zoned for 22 years.

One of the best arguments is the 5.65 acres in Camp Mabry where the Zoning Ordinance would have no effect. The obvious zoning is shown by a study of this area. The Planning Commission and the City Council have an obligation and a duty to the hundreds of residential property owners in the Colorado Foothills, on West 35th Street, Scenic Drive, Pecos Street and adjacent areas to protect the purely residential nature of the neighborhood.

3. There is a 7-foot drop on the property under consideration by the City Council for a filling station. It would be necessary to build a retaining wall of about 8 feet to support a building here. Only one small strip of property 37' x 33' which can be used. The other is in the creek bed. The location and ground levels of the property facing either West 35th Street or Scenic Drive at the southeast corner of these intersecting streets is completely unsuitable for commercial use, and if converted to commercial use will very substantially add to the serious traffic problem that already exists.
4. One of the most far reaching effects of permitting commercial activities at these locations will be created by the interference with normal traffic by cars, entering and leaving, parking and stopping at the business locations. The uphill grades that bring automotive traffic from four directions and two street intersections within a 100-foot radius of the West 35th and Scenic Drive corner have created a serious traffic situation that is already dangerous and growing worse.

Any use will mathematically result in traffic accidents because the traffic that is there. This is at the peak of the hill. About 150 feet west of the point is where Balcones Trail intersects. There are 5900 Cars (fast cars) per day on Balcones which is a winding road. This is a dangerous intersection because of the crest of the hill.

C14-60-109 John Burns and T. C. Wommack--contd.

The greater problem is that a car going east on 35th has a view of 250 feet at the crest of the hill. Balcones Drive intersection is a distracting factor in this 250-foot area. Cars entering or leaving a commercial business would be very dangerous and there would be a very definite and marked and dangerous hazard from traffic. Hundreds of motorists living in the Colorado Foothills, in the Mt. Barker neighborhood, in Highland Park and using the Highland Lakes Playground have developed a heavy flow of traffic at nearly all hours of the day and night; the approach to Laguna Gloria and the Westwood Country Club is West 35th Street and brings considerable traffic and adds to the problem; the bicycle and foot traffic by children to and from school, to the swimming pool and other activities at the Club, while not heavy, is perilous and we are confident will receive most serious consideration by you. Also, we do not have bus service and we have to drive our children to and from schools.

5. The close proximity of numerous shopping centers, filling stations and specialty shops and service centers such as Tarrytown, Casis, Brykerwood, Highland Park West and others create no public need or demand for commercial installations in this area. To the east you have two filling stations which are closed and one under new management. Other stations are available for any conceivable needs for people traveling here. There are only two streets going to Highland Hills and this traffic will use the Missouri-Pacific Boulevard when it is developed. There would be no customers from Laguna Gloria, Camp Mabry, Filtration Plant or Mt. Bonnell.
6. The justification for a change in zoning and the importance of taking such action promptly is emphasized by the conclusions reached and the action taken by the Planning Commission following a zoning hearing held on May 24, 1960. At the hearing some members adopted a motion recommending that the Planning Department start proceedings to change the "C" Commercial zoning for these same lots and the area within Camp Mabry to "A" Residential. If this is not rezoned you will have a request for a large area across the street which is next to Laguna Gloria.

Mr. Ted Wendlandt appeared in opposition to the proposal for the following reasons:

1. We have owned approximately 9 acres around this property since 1917. We have 421 feet facing on 35th Street. We had 66 feet in depth and the City wanted 26 feet to widen the street. At that time it was a tarviated street. We now have it paved. We told the City we would give the right-of-way if they would get us the Burns tract. He did not sell it all to us but offered 26 feet for \$8,000. Mr. Burns said he would not sell for commercial use as long as he was connected with Rylander stores. The property was zoned commercial in 1938. I do not think Mr. Thomas is right about the 8-foot elevation in the property. A 35-mile speed limit was marked on this street by the Traffic Engineer and that should give a car time for stopping within the 250-foot view as explained by Mr. Thomas.

Cl4-60-109 John Burns and T. C. Wommack--contd.

The Committee reported that this request was referred to the Commission without a recommendation pending further study because of the problems involved and the application pending before the City Council for a filling station on the corner lot. It was further recalled that when the previous request of Mr. Clint Small by Mr. George MacDonald (Cl4-60-61) was being considered, the Zoning Committee had recommended that the staff make a study of the "C" zoning in this area with a view of changing it back to "A" Residence and that the application for the filling station was filed after that hearing. At that time Mr. Burns and Mr. Wommack said they would make application to zone their property back to "A". Mr. Wendlandt stated that he had an agreement drawn up before that time for a food pantry on his property but he would have had to build the building, then the filling station people wanted the property and they would do the building.

The Commission discussed the fact that this is a residential area and that some time in the future this might be needed for commercial use but this is an isolated area and Mr. Kinser felt it would be taking away from a good neighborhood for the benefit of one owner. Some members were of the opinion that the property should be rezoned back to "A" Residence but it was concluded that no action should be taken at this time due to the confusion that exists and the application pending before the City Council on the filling station requests. It was therefore unanimously

VOTED: To DEFER action on this request subject to action by the City Council on the filling station request.

Cl4-60-110 Theodore W. Berenson: C & 6 to C & 2
 5429-5435 and 5519-5525 Interregional Hwy. (as revised)

DIRECTOR'S REPORT: This proposal is for the purpose of erecting a pylon and two flag poles in Capital Plaza shopping center. A modification of the application has been made to pinpoint the locations instead of including the larger area. There is no question on Airport Zoning and I recommend the change. Sixth Height and Area permits a maximum height of 35 feet while Second Height and Area would permit a height of 45 feet plus an additional 3 feet for each one foot of setback.

Mr. Robert C. Sneed (attorney) represented the applicant and presented information as follows:

The pylon location was changed. By reason of the fact that this center was located in the vicinity of the Airport, it was formerly the request of the Department that Height and Area designations be left alone and each pylon area or particular use be considered as needed. If we have one area left over when the center is completed, we are willing to come in and request that that area be changed back to Sixth Height and Area. We are offering a restrictive covenant regarding the height of the pylon since this zoning will allow us to go beyond the height proposed as a greater height would be

C14-60-110 Theodore W. Berenson--contd.

permitted under Second Height and Area. The areas were reduced but we are requesting a slightly larger area than necessary in the event there is an engineering error in the location of the signs. I am filing field notes which pinpoint the amended locations, one being located about 350 feet north of the south property line and the other about 740 feet north of this line.

The Commission concluded that the amended request to cover the areas for the flag poles and the pylon would be satisfactory if the restrictive covenant is filed regarding the height of the pylon, since the height proposed will not affect Airport Zoning for this area. It was therefore unanimously

VOTED: To recommend that the request of Theodore W. Berenson, as amended, for a change of zoning from "C" Commercial and Sixth Height and Area to "C" Commercial and Second Height and Area for two areas located at 5429-5435 and 5519-5525 Interregional Highway be GRANTED, with the understanding that the restrictive covenant has been filed limiting the height of the pylon.

C14-60-111 S. F. Waterman: C to C-2
1207 Lamar Blvd.

DIRECTOR'S REPORT: This change is requested to permit operation of a package store. There is a night club on one side, a photographic shop on the other, and other commercial uses to the south and west. This is in a shopping center and there is off-street parking. I recommend the zoning change.

Mr. Waterman and his son appeared and were represented by Mr. Trueman O'Quinn (attorney who presented the following information):

1. The Enfield shopping center is owned by Dr. S. F. Waterman, and his son, who is a registered pharmacist, is a partner. The Swim-Pak Corporation is going to be relocated from this building which has about 35 feet of frontage. Dr. Waterman made unsuccessful efforts to find a suitable tenant and his son now intends to operate a package store here. A number of years ago there was a small package store in the Tavern but it was closed. The parking situation was not as convenient there as at the proposed location. This type of operation offers certain services which you will not find on Lamar except at 34th Street and several blocks to the south. This should be a convenience to people in this section of town and those on their way home.
2. The business would probably be 1000 feet as a person would walk from any of the structures around the Athletic Club or House Park and 1200 feet as required by law. Operation of this type is one of the most restricted of all alcoholic beverage sales and sale to minors is not permitted. This package store would not create more parking on Lamar. The club entrance will open toward Lamar and its parking will be in the evening when other merchants will not be operating.

Cl4-60-111 S. F. Waterman--contd.

3. These clubs are operated under regulations of the State Liquor Board. They are not required to get a change of zoning and do not sell spirituous liquors.

Mrs. R. Pearson (1509 Parkway), Mrs. R. Pearson, Jr., and Mr. S. G. Kingsbury (1519 Parkway) appeared in opposition and Mrs. Pearson said she was also representing several other owners in the block. The principal objections to the request were that this is a very small community and too near the school and Pease Park for liquor, that they already have a tavern and a club where liquor is served, and that this business would increase the parking problem on Lamar Boulevard.

The Commission discussed the location of this site near the High School but noted that restrictions on the sale of liquor are well enforced, otherwise the Commission would oppose the proposed business. It was concluded that this property is in a well developed "C" Commercial community center and that the request would conform to the policy of the Commission, and the business would not be a detriment in the area. Therefore, it was unanimously

VOTED: To recommend that the request of S. F. Waterman for a zoning plan change from "C" Commercial to "C-2" Commercial for property located at 1207 Lamar Boulevard be GRANTED.

SPECIAL PERMIT

CP14-60-8 Clarence E. Saegert: Radio Broadcasting Station and Tower
East 20 $\frac{1}{2}$ St. and Interregional Hwy.

DIRECTOR'S REPORT: A 150-foot tower with a building of approximately 1200 square feet is proposed. Under "C" Commercial and Second Height and Area, the shape of the property would permit a maximum size building of 650 square feet. An application is to be presented to the Board of Adjustment for a variance on setback from 20 $\frac{1}{2}$ Street and lot coverage requirements. Guying the tower is required for the supports. This would affect adjoining property to the west regarding guy easements. The Electric Department has cleared this and reported that it would not interfere with their service lines. There is the matter of off-street parking and the proposal as shown on the plan is for three cars which is inadequate. a 1200-square-foot building would require four spaces. The spaces shown are also too shallow to meet the required 20-foot depth. There would have to be some arrangement for an additional off-street parking space. I think they should maintain the required off-street parking requirements in the development of the plan. There is the possibility of parking underneath the building because of the topography of the lot. The Traffic Engineer recommends that the parking as shown not be approved but that parking be arranged with two cars facing north and one car facing south if that is the number of spaces required.

CP14-60-8 Clarence E. Saegert--contd.

CHARACTER OF SITE AND AREA: The site is undeveloped and the area is developed predominantly residential with the exception of scattered commercial developments along Interregional Highway.

DEPARTMENTAL COMMENTS: The project was approved by the following departments:

Fire Protection	Water and Sanitary Sewer
Storm Sewer	Health
Fire Prevention	Director of Public Works
Electric	

Comments were received from the following departments as noted:

Traffic and Transportation: Rearrange parking

Building Inspector: Tower construction will have to have approval of structural engineer

Office Engineer: 1. Parking space depth - minimum of 20 feet
2. Special permission necessary to construct driveway between curb and property line. Applicant must submit driveway plans and letter of request.

Planning: Subject property is within area of control of proposed Airport Zoning Ordinance but is well within the permitted height limitation. 340-foot difference between ground and air contours.

Mr. Clarence E. Saegert (applicant) stated that there is a very definite possibility of parking one car under the building. He said they need a minimum of 1000 square feet for the building and have a verbal agreement with the property owner on the west and now propose an 8-foot anchor post similar to guying for electrical towers. This would have to satisfy the safety factors of the tower. He thought they could come off from the top of the tower which would cut down the radius of the guy wires. He said they will need a tower of approximately 150 feet in height, based on sea level elevation here, and the tower is about $1\frac{1}{2}$ feet in size at the base.

The Committee reported that no recommendation was made on this request and felt that further information should be obtained regarding the off-street parking possibilities and the Board of Adjustment's action before a decision is reached.

The Director reported that the Board of Adjustment was unable to take any action on the application to that Board because there was not a quorum of the Board present. The Commission reviewed the action of the Zoning Committee and also felt that action should be deferred until some decision is reached by the Board of Adjustment. It was therefore unanimously

VOTED: To DEFER action on this request until the Board of Adjustment has taken action on the request for a setback variance.

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R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of September 12, 1960. The staff reported that no appeals had been filed for review of the Committee's action. The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of September 12, 1960, on the minutes of this meeting.

PRELIMINARY PLANS

C8-60-19 Highland Hills Sec. 6, Phase 1 (Revised)
N. Extension of Highland Hills

The staff reported that the plan was revised to show a T-intersection at the northeast corner of the loop street to provide a street into the adjoining property owned by Mr. Barrow. It was further reported that a different street name had been given to three sides of the loop as previously requested but that the similarity of the names could cause confusion since there are several other streets in this area which include the word "Highland". Mr. Bradfield explained that this was done to identify the streets within the area.

The staff explained that the area along the west side of Highlandale must be included with the division of the adjoining property to the west, as access to this adjoining property is dependent upon this area, and called attention to a note on the plan which stated that the area between the subdivision property line and the right-of-way line of Highlandale is to be conveyed to the Austin Corporation.

The staff recommended that the area south of Hillbrook Drive between Blocks A and C should be excluded from this subdivision until adjoining property is developed or the entire area could be dedicated for easements. Mr. Curington stated that this area will be eliminated from the subdivision.

The Committee then

VOTED: To APPROVE the plan of HIGHLAND HILLS, SEC. 6, PHASE 1, subject to departmental requirements and to the necessary easements being shown.

C8-60-27 Real Industrial Park
19th and Alexander

The staff noted that there is a 12-foot utility and drainage easement shown along the west and north lines and that the Electric Department and Telephone Company have requested an additional 5 feet. Mr. Dungan explained that this width depends on whether or not an open ditch or

C8-60-27 Real Industrial Park--contd.

pipe is used. Mr. Curington explained that this can be worked out on the final plat. Mr. Hart explained that the 5-foot Redwood fence along the west and north lines is placed 3 feet inside the line to preserve the existing trees and shrubs.

It was further noted by the staff that 19th Street is designated as a primary thoroughfare in the Austin Development Plan, with a proposed right-of-way width of 100 feet, but the subdividers are giving 10 feet so that the street will be 80 feet when 10 feet is obtained from the south side and are providing a setback of 35 feet for the buildings so that the street can be widened ultimately to 100 feet if necessary.

Because 19th Street is designated as a primary thoroughfare, the staff recommended a restriction to prohibit dock loading facilities on 19th Street for Lots 10-16. Mr. E. E. Jackson and Mr. Curington explained that the Texas Employment Commission is using two lots for warehouse purposes and providing only one entrance from 19th Street, with trucks driving in and parking against a curb along 19th Street. They said one prospect wants three lots, leaving one 60-foot lot and that all property will be provided with access from both 19th and Real Streets for better circulation and there will be no dock loading nor head-in parking from 19th Street, but there will be a curb along 19th Street with a maximum of four openings into the street.

The Committee approved the plan as presented by the subdividers and it was therefore

VOTED: To APPROVE the plan of REAL INDUSTRIAL PARK subject to a restriction that there will be no dock loading or head-in parking from 19th Street, the wording to be worked out between the departments and the developers, and subject to departmental requirements.

C8-60-28 Roberts Villa, Sec. 2
Lowell Roberts St.

It was reported by the staff that sanitary sewer is not available and no proof has been shown that there is a water supply. Mr. Nicholson said he cannot verify whether or not water service is there since they have not entered into a contract for a water district here.

The staff noted that the large lot was not divided since it has a gravel pit located there and extends back to the Colorado River.

The Committee felt that the plan is satisfactory provided proof can be shown that water is available. It was therefore

VOTED: To APPROVE the plan of ROBERTS VILLA, SEC. 2, subject to proof that water service is available.

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C8-60-30 Eubank Acres, Sec. 2, Resub. Lots 19-21, Blk. A
Indianhead Dr. and Oakwood

The staff stated that, if the crossing of Big Walnut Creek is not feasible, a cul-de-sac be required at the end of Oakwood Drive. Mr. Hart explained that Mr. Eubank is negotiating for about 20 acres of land on the other side of the creek and he plans to build a dam on Walnut Creek to form a lake, and this would be a street across the dam. He said this is the only desirable access to the 20 acres.

The Committee discussed the need for a temporary cul-de-sac since it will be some time before the street is extended and there should be space for utility trucks to turn. Mr. Hart stated that the street is already paved 40 feet in width to about the south line of Lot 20-A and that there would be only two lots using this street. He said that at the present time there are trees which form a barrier to people driving into the creek and you can see these trees from the intersection to give the appearance of a dead-end street. He felt that it would cause an unnecessary hardship to require the cul-de-sac and that it would devalue the lots and would move the building setback line further back on the lots. Mr. Brunson felt that the cul-de-sac would make the lots more desirable than the dead-end street and said he would approve the subdivision but not the variance on the cul-de-sac omission. Other members of the Committee concluded that a variance should be granted due to the fact that the lots are large and the street would be only about 140 feet from the last lot to the existing street and the only people using the cul-de-sac would be from these two lots. It was then

VOTED: To APPROVE the plan of EUBANK ACRES SEC. 2, RESUB. LOTS 19-21, BLK. A, and to grant a variance from the Subdivision Ordinance on cul-de-sac requirements.

(Mr. Brunson explained he was voting for the approval of the plan and not the variance.)

SHORT FORM PLATS - FILED

C8s-60-91 Vallejo, Resub. Lots 1 & 2, Blk. A
Koenig La. and Arroyo Seca

The staff explained that there is a filling station on Lot 1A and the owners want to now develop Lot 2A. The staff reported that Koenig Lane is only 50 feet in width and is proposed for an ultimate width of 100 feet as a thoroughfare, and if this is considered as a thoroughfare, a 50-foot setback should be required to provide for future widening. Even if the street is considered as a commercial street, a width of 60 feet would be needed and a setback of 30 feet. No action was recommended since all departmental reports have not been received.

C8s-60-91 Vallejo, Resub. Lots 1 & 2, Blk. A--contd.

The Committee discussed this setback and decided that, if a washateria is developed as is reported proposed, this area could be used for parking. It was therefore

VOTED: To ACCEPT for filing the plat of VALLEJO, RESUB. LOTS 1 & 2, BLK. A, and to require a setback of 50 feet for the building line from Koenig Lane.

C8s-60-94 Greenwood Heights Annex
Greenwood Ave. and E. 12th St.

It was reported by the staff that this is a tract of land on which there are two houses located and the owner wishes to subdivide into four lots, all of which meet the Subdivision Ordinance requirements except the corner lot which does not have the proper width and area. It was further reported that all departmental reports have not been received. Mr. Bush stated that the owner sold this corner lot two years ago by metes and bounds. Mr. Stevens said they had proposed that the property be divided into three lots instead of four but now this would require conveying a part of the property to the owner of the corner lot.

The Committee concluded that, since Lot 1 was sold previously, the subdivision into four lots should be approved. It was therefore

VOTED: To ACCEPT for filing the plat of GREENWOOD HEIGHTS ANNEX and to grant a variance from the Subdivision Ordinance on lot area and lot width requirements.

C8s-60-95 Tarrytown 5, Resub. Lots 66-68
Dormarion Lane and Indian Trail

The staff reported that necessary reports have not been received and no action is recommended at this meeting. The Committee therefore

VOTED: To ACCEPT for filing the plat of TARRYTOWN 5, RESUB. LOTS 66-68.

SHORT FORM PLATS - CONSIDERED

C8s-60-82 Arthur Rowe Subdivision
Springdale Rd. and E. 12th St.

The staff reported that this plat was filed to include several tracts of land but it was learned that a storm sewer will need to be installed in some of the lots at a cost of about \$1800 and the owners do not have the money to subdivide, except Mr. Sanders who owns Lot 6 and who has already installed a storm sewer through his property. Mr. Sanders now proposes to subdivide only his lot and the adjoining lot to the north,

C8s-60-82 Arthur Rowe Subdivision--contd.

leaving out the remainder of the property because of the excessive cost of drainage facilities, but this would require a variance since all owners of the land are required to sign the plat under the Subdivision Ordinance. Mr. Kellersberger said these owners signed the plat before they learned of the cost involved and he was trying to include the entire block, but they would now like to revise the plat to include only Lots 5 and 6. Mr. Sanders explained that he already has commercial zoning for part of Lot 6 and has filed application for commercial zoning on the balance of it so that the two parcels can be developed as one because of their shapes.

The staff noted that Mr. Sanders would be giving 10 feet for the future widening of East 12th Street and if the other property is removed from the plat there would be a space between the present subdivision and an existing portion of the street which has already been widened.

The Committee felt that the plat could be modified to include only Lots 5 and 6 because of the circumstances involved and it was

VOTED: To DISAPPROVE the plat of ARTHUR ROWE SUBDIVISION pending completion of fiscal arrangements, and to grant a variance from the Subdivision Ordinance on filing requirements.

C8s-60-89 Giblin Addition

Maye Place and Giblin Bend

The staff reported that this plat satisfies all the standards of Section 4 of the Subdivision Ordinance and is recommended for approval. The Committee therefore

VOTED: To APPROVE the plat of GIBLIN ADDITION.

C8s-60-93 Sky View Annex

Koenig La., Chesterfield, and Ave. F

The staff reported that the Skyview Baptist Church now owns Parcel B and proposes to purchase Parcel A. Mr. Stevens noted that East 56th Street has been dedicated for a width of 25 feet for a number of years and that Mr. McCandless (former owner of this property) had dedicated an additional 25 feet to make a 50-foot right-of-way for 56th Street but this street has not been developed. He said the City is not now interested in opening the street west of Link Avenue but wishes to retain the right-of-way given by Mr. McCandless until it is determined whether or not a street is needed. Mr. Stevens also noted that if 56th Street is opened, a strip of land will be needed from the present church property which would create a bad intersection with Chesterfield Avenue. He did feel that 56th Street should be identified on the plat. The Committee then

C8s-60-93 Sky View Annex--contd.

VOTED: To APPROVE the plat of SKY VIEW ANNEX with the understanding that 56th Street will be identified on the plat and that the 25-foot strip of land now owned by the City and given by Mr. McCandless will be retained by the City.

ADMINISTRATIVE APPROVAL

The staff reported that 3 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-60-80 Caperton Addition
Govalle Ave. and Springdale Rd.
- C8s-60-90 Eubank Acres, Sec. 2, Resub. Lot 12, Blk. E
Hornsby Lane
- C8s-60-92 University Heights, Resub. Lots 8 & 9, Blk. 1
West 32nd St.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

- C8-60-16 Northwest Hills, Sec. 4
Bull Creek Rd. W. of city limits
(Disqualified: Mr. Barrow)
- C8-60-19 Highland Hills, Sec. 6, Phase 1
N. extension Highland Hills
- C8-60-22 North Oaks Hillside
Berrywood Dr. E. of Interregional Hwy.
The staff reported that Mr. Hale is willing to dedicate the street but since it will not be developed for some time he is requesting a street easement, with 10-foot setbacks from the street which will be a side street. The staff noted that this poses the question of whether or not this constitutes a street dedication and it should be checked with the Legal Department. The Commission accepted the plat for filing with these conditions noted.
- C8-60-25 Industrial Terrace
Farm Rd. 1325 N. of Burnet Rd.
- C8-60-26 Westover Hills, Sec. 1
Balcones Tr. S. of Burnet Rd.
The Commission accepted this plat with the understanding that the property east of Balcones Trail will be excluded from the plat.

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SUBDIVISION PLATS FILED -- contd.

C8-60-27 Real Industrial Park

19th and Alexander Sts.

The staff reported that a plat restriction is to be put on the plat in compliance with preliminary approval.

C8-60-31 Mrs. Lou Hill Sub., Resub. Pt. Blks. 1 & 2

Airport Blvd. and E. 53 $\frac{1}{2}$ St.

SUBDIVISION PLATS - CONSIDERED

C8-60-29 Balcones Park Addn. Sec. 8, Resub.

Mt. Bonnell Dr.

It was reported by the staff that this plat satisfies all the standards of the Subdivision Ordinance and is recommended for final approval. The Commission therefore

VOTED: To APPROVE the plat of BALCONES PARK ADDN. SEC. 8, RESUB.

DISQUALIFIED: Mr. Barrow

The following plats were presented for layout approval only because fiscal arrangements or necessary reports are not complete. It was therefore

VOTED: To DISAPPROVE the following plats pending conditions as noted:

C8-58-31 South Terrace

Kinney Ave. and Lightsey

(pending completion of fiscal arrangements and engineering check)

The staff explained that Mr. Puett will be in the city tomorrow to make these arrangements and the Commission authorized the staff to poll the Commission members when this is ready for approval.

C8-59-18 Rex E. Mar

U. S. 81 N. of Farm Rd. 1626

(pending fiscal arrangements)

C8-60-6 Eubank Acres, Sec. 4

Cedar Hollow Cove and Indianhead Drive

(pending fiscal arrangements and plat correction)

C8-60-30 Eubank Acres Sec. 2, Resub. Lots 19-21

Indianhead Dr. and Oakwood

(pending fiscal arrangements)

C8-60-40 University Hills Sec. 3, Phase 1

Manor Hills and Roanoke Dr.

(pending satisfactory arrangements for serving the subdivision with water from Water District #8) Mr. Fowler said this is a situation where water lines are in place but water is not presently ready to be connected. He said two things are needed -- a restriction on the plat against building until such time as water is available, and receipt of a letter to the Commission from the Water District that they can take care of the water situation, and that fiscal arrangements have been completed.

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PLATS DISAPPROVED--contd.

C8-60-40 University Hills Sec. 3, Phase 1--contd.

Mr. Tom Gee said he thought there will be a letter requesting annexation of this property which will solve the problem as well as the notation on the plat and said this letter of annexation is ready for submitting to the City. He said he has been advised by representatives of the Water District that they would give such a letter as requested. He said they were in a position to meet both conditions and could do either one.

SHORT FORM PLATS - FILED

C8s-60-97 Allandale Terrace, Resub. Blk. C
West Terrace Dr.

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

VOTED: To ACCEPT for filing the plat of ALLANDALE TERRACE, RESUB. BLK. C.

SHORT FORM PLATS - CONSIDERED

C8s-60-37 Nasco, Resub. Lots 4 and 5
Belfast Dr. and Hillcrest

The Commission considered the APPEAL of the Marvin Turner Engineers from the former decision of the Commission on this subdivision. Mr. Jeryl Hart represented the engineers and explained that the house on Lot 4 was erected with an open carport on the side which extended to the property line because the house was apparently built five feet wider than they intended or the owner wanted a wider lot and a 5-foot strip was deeded off of Lot 5 to satisfy the requirements. He said that the brick wall along the side of the carport and the garage door were added by the new owner and not by the original builder (Nasco). He further explained that the owner of Lot 5 would be willing to arrange the side yard on this lot to provide the required space between the two houses but if another five feet were deeded to Lot 4, it would mean the difference in the sale price of a 70-foot and a 65-foot lot.

The Director suggested a possible solution by requiring the owner of Lot 5 to provide a total side yard of 15 feet but Mr. Fowler said the Planning Commission does not have to take into consideration the setback involved but only whether or not the lots are of sufficient size. The Commission then reviewed the problems involved and it was

VOTED: To APPROVE the plat of NASCO RESUB. LOTS 4 AND 5.

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C8s-60-57 Dick Patton Sub.

Patton La. and Mira Loma La.

The Director reviewed previous consideration of this plat regarding the curb at the intersection of Patton Lane and Mira Loma Lane and the 47-foot width of Patton Lane. He said he has talked with Mr. Patton who has agreed to dedicate a corner and the City will remove the wall to improve visibility. He suggested that a variance be granted on the width of Patton Lane since it is dedicated only 22 feet in the subdivision to the south and to ask for additional widening would throw the street out of line. The Commission therefore

VOTED: To APPROVE the plat of DICK PATTON SUB. subject to the corner being rounded, and to grant a variance on the width of Patton Lane.

C8s-60-81 Mrs. Clotilde I. Mansbendel Sub.

W. 38th and West Ave.

The Director reviewed the discussion of the Commission when this plat was accepted for filing and said there is a question of whether or not additional widening would be required to have a street and if it is required, what right-of-way would be required since King Street to the south is 27 feet wide, with a paving width of 24 feet.

The Commission discussed the possibility of this property later being subdivided into two lots and the proposed playground being converted to another use. Mr. Parsons said widening the street would interfere with the operation of the ball field. The Commission felt that there should be 7 feet added to the street to provide a width the same as that to the south in the event the use of the property is changed. Mr. Barrow felt that the Commission should take a broader view than the use and that the street should be widened. Mr. Lewis suggested that a setback might be provided while the property is being used as a ball field but Mr. Barrow said that the property might be so developed that widening in the future would be impossible. Mr. Parsons said they would not have space for the ball field if the street is widened. After thorough discussion, it was

VOTED: To APPROVE the plat of MRS. CLOTILDE I. MANSBENDEL SUB. subject to dedication of 7 feet of right-of-way for King Street.

ADMINISTRATIVE APPROVAL

The staff reported that 2 plats 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 subdivisions:

C8s-60-91 Vallejo, Resub. Lots 1 & 2, Blk. A

Koenig La. and Arroyo Seca

C8s-60-96 Windsor Park III, Sec. 3, Resub. Lots 4 & 5, Blk. 1

Rogge La. and Windward Dr.

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SUBDIVISION APPROVAL BY TELEPHONE POLL

C8-60-24 Allandale Terrace Sec. 2, Phase 2
Treadwell Blvd. and Carlisle Rd.

The staff reported that a majority of the Commission had been polled by telephone on August 26, 1960, and had

VOTED: To APPROVE the plat of ALLANDALE TERRACE SEC. 2, PHASE 2.

MEMBERS CONTACTED: Messrs. Barkley, Brunson, Chriss, Kinser and Spillmann

C8s-60-82 O. L. 18 $\frac{1}{2}$, Div. B, Sec. 2, Resub. Pt. (formerly Arthur Rowe Sub.)
Springdale Rd. and E. 12th St.

It was reported by the staff that a majority of the Commission had been polled by telephone on September 15, 1960, and had

VOTED: To APPROVE the plat of O. L. 18 $\frac{1}{2}$, DIV. B, SEC. 2, RESUB. PT. in accordance with the variance granted from the filing requirements on the Arthur Rowe Subdivision, which was revised as the present subdivision.

OTHER BUSINESS

C14-60-89 Southern Oaks Realty Co.: A to C
2509-11 South Congress Ave.

The staff reported that this zoning change request was referred back to the Commission for consideration of the need for a street through this tract. The Director said the Council was concerned as to whether or not a street should be located here to serve the subdivision.

Mr. Robert J. Potts, representing the owner of this property, said he had talked with Mr. J. P. Darrouzet, who represents St. Edward's University and whose mother owns property adjoining the St. Edward's University on the north, and was informed that St. Edward's Drive has been dedicated for a length of one-fourth mile but has not been accepted by the City and Mr. Darrouzet does not have the authority to say what will be done with his mother's property.

Mr. Osborne said it would be possible to do without this street but it would be more desirable to have the street located here than in the Darrouzet property which is too near St. Edward's Drive.

Mr. Potts further explained that he represents Ray Yates who had a contract to purchase this strip of land when the zoning application was filed, that when the Director raised the question of the desirability of this strip as a street, Mr. Crozier had already sold the strip; when the application was considered by the Council, he represented Mr. Yates who has committed himself

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C14-60-89 Southern Oaks Realty Co.--contd.

to pay money for something he has no use for. Mr. Potts said he asked the Council if they wanted to buy the property for a street or had the previous owners signed a contract that they would give the street. He explained that he does not think the zoning should be discussed until disposition is made on the matter of the street.

Mr. Barrow noted that the Commission did not recommend against the rezoning because it was a desirable location for a street but because of the shape of the property and the fact that this would create a spot zoning strip extending into an "A" Residence area, which was definitely set aside for a street, and that no need for this zoning in this area has been shown. The Commission discussed the above information presented by Mr. Potts and the Director and it was

AGREED: That this would be the proper location for a street.

C10-60-1(m) ALLEY VACATION

Avenue H Alley N. of E. 43rd St.

Mr. Stevens reported that the owners have agreed to dedicate a 20-foot alley with an adequate turning radius area of the L corner of the proposed alley and that the other matters will be worked out in accordance with the previous action of the Commission.

C10-60-1(n) STREET VACATION

West 22nd St. E. of Lamar Blvd.

The Director reported receipt of letters from the abutting owners requesting that West 22nd Street, between Lamar Boulevard and Shoal Creek Boulevard, be vacated since it has never been opened on the ground. He recommended that this request be granted since it is not feasible because of topography to open the street. The Commission then

VOTED: To recommend that the portion of West 22nd Street between Lamar Boulevard and Shoal Creek Boulevard be vacated subject to the City retaining the necessary easements and to approval by the departments.

DISQUALIFIED: Mr. Brunson

C10-60-1(o) STREET VACATION

West 4th St. W. from Orchard St.

The Director reported receipt of a letter from Mr. Franklin W. Denius, attorney for the Austin Transit Corporation, owner of property on both sides of West 4th Street west of Orchard Street, requesting that this portion of 4th Street be vacated for the following reasons:

1. The street area referred to has never been used as a street.

C10-60-1(o) West 4th St. Vacation--contd.

2. Austin Transit Corporation and its predecessors for many years have used this area of West 4th Street and, in fact, some of the buildings owned by Austin Transit Corporation have been located on the area shown on the attached plat as West 4th Street.
3. The City Plans do not call for improvement of West 4th Street as above described.
4. It is contemplated upon the City's formally vacating this street, that improvements will be situated thereon and use made thereof.

The Commission considered that the street should be vacated in view of its present status and the fact that it has never been used as a street. It was therefore

VOTED: To recommend that the portion of West 4th Street extending west from Orchard Street through the Austin Transit Corporation property be VACATED subject to approval by departments.

R808 DEVELOPMENT PLANSRiverview and Chicon Sts.

The City Manager presented a problem which exists on this property which is owned by Mr. L. L. McCandless and on which there are 37 houses which face on a drive or street which has never been dedicated. He said Mr. McCandless has requested that something be done with the street and has been told that he would have to dedicate the street. He explained that the City is having some trouble with the drainage field from the septic tanks on this property and the effluent is spilling over on the Sand Beach Reserve. He reported that Mr. McCandless wants separate water connections for each house before he installs sanitary sewer and was told that he would have to comply with the Subdivision Ordinance.

Mr. Williams presented a plan with lots on the new street which would conform to the Ordinance requirements except the two which front on Riverview Street, each of which have two houses. He said the remainder of the property could be subdivided by putting two houses on a lot or into larger tracts where apartments could be built if the zoning were changed to permit it. He reported that Mr. McCandless has made arrangements to sell the property to Mr. Al Bryant who has suggested that the land be subdivided on the east, creating lots about 40 feet wide by 100 feet deep, and have one house on each lot. Mr. Bryant had in mind selling off these tracts. He felt that if he could do this he would pave the street and get sanitary sewer service and separate water service for each house.

Mr. Bryant was present and said he had a contract to purchase the property subject to its being subdivided and if it can be subdivided properly for each house to have a separate lot he will agree to the above suggestions. He said

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R808 Development Plans--contd.

he would like to have the larger tract on the south zoned for multi-unit apartment development. He was of the opinion that the subdivision would permit improvement of the houses so that they can be sold.

Mr. Barrow suggested that every other house fronting on Chicon Street be removed and that the location and nature of the property would justify putting the property in good condition. Mr. Williams asked the Commission if it would look favorably on a variance on the lots fronting on Riverview. Mr. Barrow indicated that a maximum of 3 or 4 variances on the plan would be satisfactory. The Commission then


AGREED: That this would be in order.

C2-53-4 ZONING ORDINANCE: Interim Revisions

Mr. Lewis called attention to the request of the Zoning Committee that the staff and the Legal Department make a study of private clubs and their handling of liquor as related to the Zoning Ordinance. He said he felt they should be more regulated. Someone suggested that members of these clubs are supposed to bring their own liquor or have a pool system. No action was taken by the Commission.

ADJOURNMENT

The meeting was adjourned at 11:00 p.m.


Hoyle M. Osborne
Executive Secretary

APPROVED:


Chairman