

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- January 17, 1961

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
Pericles Chriss
W. Sale Lewis
Emil Spillmann

Absent

Howard E. Brunson
A. C. Bryant
S. P. Kinser

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 December 13, 1960, were approved as submitted.

The following zoning change and special permit requests were considered by the Zoning Committee at a meeting January 9, 1961:

ZONING

C14-60-164 A. J. Clare: A to LR
Koenig La. and Camino Real

DIRECTOR'S REPORT: This area is entirely single-family residential with the exception of a small "C" Commercial District at Arroyo Seca. Koenig Lane is presently being used as a thoroughfare but was set up as a collector street. The applicant now has an office and a sign and the request is for "LR" because of the nature and location of the sign which is not permitted in an "O" Office District under special permit. Because this would be spot zoning in a well developed residential area, we recommend that the request be denied.

Mr. Clare appeared at the hearing and presented the following statements in support of his request.

1. I plan to set up and operate an insurance office; in fact the office is being operated at this time and there is a sign in the front yard which the Building Inspector said I would have to remove. The house sets back and I put the sign in front so that it can be seen.

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2. There is a "C" Commercial zone on the opposite side of this block in which there is a service station and a washateria under construction. Something is now being planned to request business zoning for this entire block in the very near future.

Replies to notice were received from three nearby owners who approved the request.

Mr. Charles W. Loney (1901 Palo Duro Drive) appeared in opposition for the reason that he is opposed to spot zoning and most of the development in this area is for individual families. He said he would not object to a change for the entire block. Mr. Malcolm P. Haynes (1907 Koenig Lane) also appeared in opposition and presented a letter stating his reasons as follows:

1. There is already available in this area, property zoned for retail business.
2. The conduct of a retail business in a residential area lowers the value of the homes nearby; it was for this reason that the area under consideration was made residential when opened for construction of homes.
3. I estimate that the value of my property at 1907 Koenig Lane will be lowered by \$1000 if the proposed change is made, which will inevitably bring in its train other such requests.
4. Already other encroachments upon the residential character of this area have been made by business establishments, and these are coming nearer. Last year a power pole line was put through on the south side of Koenig Lane across the front of our home sites; the creosoted poles are unsightly and greatly detract from the appearance of the property.
5. At the back of each building site in the area south of Koenig Lane there is a ten-foot reservation for public utilities and there was no need to disfigure our homes by the presence of a pole line in front of them. Now we are faced by an additional disfigurement due to advertising signs, and by customers' cars parked along the curbs interfering with our use of the street in front of our own residences. At the property for which zoning request is being made there is already an advertising sign erected in front on Koenig Lane.

The Commission noted that the Zoning Committee had recommended that the request be denied since this is spot zoning and is contrary to the policy of the Commission. Mr. Osborne made a further report as follows: The lots on the north side of this street were in the McCandless subdivision and homes are from \$7000 to \$10,000 in value. Many of them have been improved, about a fourth or a third have been maintained rather well, but some are in a run-down condition. But, across the street are homes ranging from \$12,000 to

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\$15,000. We may be faced with an application from three or four owners on the north side of the street for a change of zoning. We know that this is a thoroughfare and we know the problems of trying to maintain a residence on a thoroughfare, but there are many homes already there and we know what has happened east on Koenig Lane where we have commercial scattered in residential areas. If we change this zoning we put more traffic on Koenig Lane and it is inadequate now, but we realize that there are people living there and fronting onto the thoroughfare.

Mr. Brunson had stated at the Committee meeting that he would probably approve the change if the entire block were included. Mr. Spillmann said he did not think the area is ready for commercial now. Mr. Barrow thought this is a clear example where an area study should be made, stating that he is ordinarily in favor of increasing a zone where it is properly located in the first place, but the Council created the spot zone to the east and he had voted against that request. He said that at the present time he is in favor of leaving the zoning as it is. It was then unanimously

VOTED: To recommend that the request of A. J. Clare for a change of zoning from "A" Residence to "LR" Local Retail for property located at the northeast corner of Koenig Lane and Camino Real be DENIED.

C14-60-165 T. C. Steiner: A to B
1210-1306 Mariposa Drive

DIRECTOR'S REPORT: This tract of land is adjoined by one tract on the east next to the Interregional Highway and on the west by a part of Travis Heights which is well maintained as a residential area but separated therefrom by a tract of land which has been submitted as a residential subdivision and approved pending completion of fiscal arrangements. The development of this property and the property to the north, which is also being requested for a change at this time, both propose other than residential development. We feel that Travis Heights is established and should be given some protection. These properties all have similar problems in that there is drainage through parts of all the tracts. Along with that, of course, is the need for a street plan layout for the properties, including a north-south street between Mariposa and Woodland and a tie-in with Fairmount Avenue. Our recommendation would be to hold a hearing of testimony this evening and pass it to the full Commission, at which time we would have a more definite recommendation.

Mr. George MacDonald reported at the hearing that he was representing Mr. Steiner who has sold this property to Mr. Wm. H. Farmer.

Mr. Farmer also appeared and presented the following information:

1. This is in two different tracts. This change is for the south 5-acre tract on which we propose an apartment project with six different con-

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struction units. This would be a self-contained apartment development, with 72 units eventually, 12 units per building. At this time we would like to do the first three buildings on the north and come back later with another complex of three on the south. Under the City Ordinance, 100-120 units are possible on this property. We are definitely toning it down and have detailed plans for this development.

2. Behind this on the west is vacant property which is proposed to develop with a series of duplexes and what we have here is the graduation down toward commercial property on the Interregional Highway. At the present time there is an existing Texaco station on the corner to the south at the Interregional Highway. All the property to the south is zoned "GR" General Retail at the present time and therefore we would already be facing business zoning.
3. The drainage has been tentatively discussed by Mr. Struhall and myself, this being taken care of with no particular trouble. We have a street layout at the present time into this particular plot which was submitted with a request for a special permit (CP14-60-13). We would not be in favor of a street layout and that is the reason we applied for multiple buildings on the single tract. The complexes would be set up around the pool area rather than a strip of apartment houses.

Mr. R. L. Struhall, Jr., gave the following information regarding his interests in the adjoining property: My mother owns this property on the east and I had previously submitted the subdivision. I have no objection to this zoning change but if they are granted the request and the special permit we will probably not go on with the pending subdivision but would want to do the same thing because we would have "GR" General Retail across the street, "B" Residence east of us, and "LR" Local Retail to the north of us, and I think the "B" zoning should include our property. If this is granted and the special permit is granted, we will withdraw the subdivision from the Planning Commission. I don't want to be the buffer to Travis Heights; I do not want a through street connecting with Fairmount; and I do not want to be forced to give the street through here if this other change is granted. This proposed development would throw a lot of traffic in our small subdivision. We had planned for duplexes here but if this goes through we would like to plan multiple units also. (Mr. Stevens explained that the subdivision was approved with a variance to eliminate the cul-de-sac on condition that the street would extend on to the north.)

Mr. A. M. Rundell (1408 Summit Street) appeared in favor of the request, Messrs. Frank Green (504 Lone Oak Drive) and Robert Meyer (4603 Tejas Trail) appeared but offered no comments, and Messrs. Mark C. Noble (1204 Woodland Avenue) and W. L. Mansfield (1508 Summit Street) appeared in opposition but offered no reasons.

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The Zoning Committee reported that this request was referred to the Commission as requested by the staff pending further study and recommendation by the Department. The Director then presented further information and recommendations and comments were made by Messrs. MacDonald and Struhall as follows:

1. I will discuss the zoning request on this property and also the special permit, but primarily zoning. We are recommending that the best course, if it could be taken and there is some question on that, is that the applications be withdrawn or postponed at this time, otherwise I would recommend that the requests be denied because of insufficient streets. They propose to put 72 units in six buildings here. The site plan is generally quite good. There are some minor modifications which we requested, however the basic problem is the matter of streets and the way Travis Heights has developed; how these streets tie in to each other and particularly the need for a street from Mariposa to Woodland which possibly would involve this property under consideration and possibly the adjoining property owned by Mr. Struhall. It might or might not affect Mr. Duffey's property which fronts on the Interregional Highway. The reason for this street is the traffic pattern in the area. We recognize that the traffic pattern from the north into the "GR" zone south of Mariposa or into the apartment area would be from the one-way lane of the Interregional.

Mr. MacDonald said they are starting out with 36 units as the initial development, with 72 units as the ultimate development.

2. The next question comes as to the matter of access out of the development, and in turn the over-all traffic which would be generated in the area. The possibility is that the person coming out of this parking area has two choices -- to go to the Interregional and on down to Oltorf and then come back on the east frontage road heading toward town or to go on Mariposa to Kenwood to go north or south. There is certainly a number of trips that will be made to town but there will be other trips to the High School, Travis Heights School, the downtown area, and Twin Oaks Shopping Center. There are also other businesses along South Congress where customarily much of this shopping will be done with those facilities. Mariposa has 220 cars per day as an estimate. Kenwood north of Mariposa has about 700 cars per day. That is because there are some 30 houses on Gillespie Place which have to come out on Kenwood and the people living on the dead-end section of Fairmount have to come out on Kenwood and from some other streets; so it creates more traffic than the street would normally carry. With both the apartments and a potential apartment development on the adjoining property, a total of about 104 units (including the 32 units indicated by Mr. Struhall for his property), and with the commercial development on the south, the increase in traffic would be an estimated 1050 cars on Kenwood and an

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estimated 850 on Mariposa which now is estimated to carry 220 cars per day. At this point we feel that we are beginning to get into a traffic problem on a residential street. It is one in which the street is definitely overloaded. Kenwood is a 30-foot paved street. We feel that 600 cars are as much as a 30-foot street can carry. Some streets are carrying as much as 800 in good residential areas, but this is a disability to a certain extent. If a street is added in here, again on the basis of estimates, we feel that Mariposa would be running in the neighborhood of 530 cars instead of 850 and that Kenwood would be running in the neighborhood of 950 cars with about a 1000-car drop and that the new street would be carrying about 420 cars, the street having 50 feet of right-of-way and 30 feet of paving. We think that these drops are to the point of some significance. They are at least keeping this down some 10 or 15 per cent on Kenwood and more on Mariposa. The increase in traffic is only a part of this. 104 families could induce 108 trips which is a low figure that is calculated on the lowest per cent. Most of that will be on the Interregional and Mariposa. You will also have the traffic from the "GR" zone on the south. This is the problem of development of the entire area on top of the existing street plan. While it is not a good street development, it has worked for a good many years as it is.

Mr. MacDonald said this plan is well and good, and we do have some problems.. First of all I would question the over-all basis for arriving at these figures. Mr. Osborne showed me how at another location they had projected the figures and estimates in an area that did not have an expressway of this nature. I don't accept these estimates since we have a new type of development that he did not show to be a relative traffic count. I think the Expressway changes the whole pattern of living. Figures are hard to get here because it is a relatively new type of projection development. An expressway of this nature could tear down or break down the area around it. There is no question that there will be some increase in traffic, but if you check this Expressway going north, it would be much quicker to go south and cross over and then come back north.

3. People going north could go to Woodland and then east to Interregional if the street is constructed. Some people going to the western area will still be using Kenwood but we can't stop that when the Interregional has a one-way frontage road. If the zoning is granted at the present time this virtually closes the door on developing this street. Although, if they should come in with a special permit, you could also require a street in connection with that; however, I think it is best to start in initially with the question of zoning. I have suggested several possibilities on this. One that I feel personally might be worked out is the street being developed on the joint line but there is a creek that has to be crossed. Because of some trees on the corner the street could

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either go to the east or west to cross the creek since this lot would be valuable to either owner. Mr. Struhall has submitted a final plat and most of these lots were intended for duplex development. With single-family development it would increase the traffic but most of the increase would be from the General Retail when it develops.

In response to a question by Mr. Spillmann, Mr. Struhall and Mr. MacDonald both said they did not want a street through this property and did not think it would benefit either one. Mr. Struhall said he originally had in mind the same development Mr. MacDonald is trying to have.

Mr. MacDonald said the bridge across the creek is the "straw that breaks the camel's back" and that this street would not help Kenwood as much as it would hurt him. We have a tremendous creek through this north tract and I don't know when the Steiners ever plan to develop their area. If we could develop it commercially we could develop it but if we cannot then I want it dropped. This property has to bring in enough revenue to develop it. This street would be nice, as Mr. Struhall has already pointed out, but would require a boxed culvert and the cost of the street, which is going to serve only a few, is hardly worth it to the City and is especially not worth it to the land owners or residents of the area. We particularly selected this site and purchased the property and had an architect to design the development. We found the property that would have the flow of traffic around it but not through it. Mr. Struhall felt that this is the proper development for both properties where we do not have north-south traffic through the area. It would be a problem for the City to maintain it.

4. Another problem in connection with this is the extension of Fairmount, which dead-ends there, to connect this proposed street. Mr. Struhall's statement to us was based on dead-ending this street on the north line of his subdivision with the possibility of later extending that street to the north, but if this property is developed for apartments he would prefer to develop without the street and with a special permit. He would ask the same privilege as the adjoining owner. We definitely approve the development but the only difference is in the street plan. If this property on the north continues to be "A" Residence then it would be more proper to provide this street. At that time it would be the problem of the City to acquire and develop the street through there. This leaves us with the proposition that the public would have to participate in the street and participate in the drainage situation.
5. If Mr. Struhall's property is developed as planned it would give him some shallow lots. If it were possible to develop a street on the property line, the first advantage would be providing the street. Secondly, with the private development on each side, it would be providing deep lots on Mr. Struhall's property which we would definitely recommend, together with the rezoning of his property or a subdivision, whichever he prefers.

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6. The site plan for this property provided a driveway on the east and west sides but it did not connect at the north side. The Fire Department recommended that this driveway be extended to form a connection so that fire protection could be available for the north units of the development. Mr. MacDonald said they would work together with the Fire Department to provide the desired plan.

Mr. MacDonald summarized the discussion with the following: This would not provide a fire hazard, neither would it crowd the limit per unit. The only thing we are asking for is the right to go in and provide a higher class apartment unit where we would not have any traffic. We have a piece of property that does not readily lend itself to residential development. Because of the noise we cannot develop it properly as residential. Probably the best development along the expressway is apartment uses. The best thing to do is not to clutter it up with a lot of through traffic but develop it from an aesthetic standpoint. We submitted the north tract to be more or less planned to be developed jointly with this property, with the possibility of developing it commercially, but it is not going to work that way because I have since had too much opposition to commercial. I would like to withdraw this zoning request temporarily until we can come up with another idea and plan for this property, but I do not want these to be similar because they are two ownerships now.

The Commission reviewed the statements presented and the staff report. Mr. Barkley felt that the request should be granted for the reasons that the street which has been proposed may never be developed and if the tenants of the proposed apartments find it too difficult to get in and out of the area to other sections of the city they will not live there and it will be the owner that is penalized. He said he would favor the street if it could be constructed without excessive expense. Mr. Lewis was in favor of granting the request due to the fact that it is not possible now to require the through street and to deny the change is to deny the use of the property at this time, and because it is not known at this time when the street will be available. He said he was not sure that this development would increase the traffic. Mr. Baldridge and Mr. Chriss felt that the proposed development would be good but that it does bring up a traffic problem that they could not ignore because these people would have to get out of the area some way. They felt that, as members of the Commission, the best interest seems to be that the street be established as proposed. The Commission then

VOTED: To recommend that the request of T. C. Steiner for a zoning plan change from "A" Residence to "B" Residence for property located at 1210-1306 Mariposa Drive be GRANTED.

AYE: Messrs. Barkley, Lewis and Spillmann

NAY: Messrs. Baldridge and Chriss

ABSENT: Messrs. Brunson, Bryant and Kinser

DISQUALIFIED: Mr. Barrow (owner of property across the street)

C14-60-166 T. C. Steiner, Jr.: A to LR
 Woodland Ave. and S. Interregional Hwy.

DIRECTOR'S REPORT: This tract of land is adjoined on the west by a part of Travis Heights which is well maintained as a residential area and on the south by a tract of land which has been submitted as a residential subdivision and approved pending completion of fiscal arrangements, and by a tract which is proposed for apartment development (C14-60-165), and by another tract bordering the Interregional Highway which is zoned for residential use. It is proposed to develop a shopping center on this tract. The small tract in the northwest corner was included in the original hearing notice but is excluded from the zoning since it is owned by Mr. Herbert Ash. We feel that Travis Heights is established and should be given some protection. These properties all have similar problems in that there is drainage through parts of all of the tracts. Along with that, of course, is the need for a street plan layout for the properties, including a north-south street between Mariposa and Woodland and a tie-in with Fairmount Avenue. Our recommendation would be to hold a hearing of testimony this evening and pass it to the full Commission, at which time we would have a more definite recommendation.

Mr. George MacDonald (agent) and Mr. W. R. Coleman (architect) represented the applicant at the hearing and were joined by three nearby owners who favored the request. Statements presented by the applicants may be summarized as follows:

1. Mr. MacDonald had sold this tract to Mr. Wm. H. Farmer and Mr. Coleman has drawn plans for this and the adjoining area development. The Steiners engaged Mr. MacDonald to develop this property and to work out an area here for a community center as they felt this would be the highest and best use for the property. They had some thought on it and would like at this stage to get some idea from the adjacent property owners as to their thinking. The owner has a tentative purchaser in mind for the shopping center and has had several people interested in leasing this for a convenience center. This would not compete with the big shopping center but would be something to meet the needs of the community like a service station, possibly a 7-Eleven Store not including the sale of beer, and possibly a physician's office, dry goods store -- something small with sufficient parking area.
2. It is felt that the Steiners would go along with a buffer zone on the west side of this tract and change the zoning on part of the area to "B" Residence for apartments and "LR" Local Retail for the remaining portion of the 10-acre tract, but the entire acreage has been submitted for the Commission's approval as "LR" Local Retail. It is also felt that it might be worked out with the Commission how streets could be brought into the property where Mr. Struhall could possibly have ingress and egress through his property and possibly zone that for "B" as Mr. Struhall has suggested, with the remaining property developed for business uses.

C14-60-166 T. C. Steiner, Jr.--contd.

3. This is the main cross-over on the Interregional Highway until you get to West Live Oak Street and it is felt there is a demand and some market for a community center here because of the people who are interested in leasing the property. We did want to develop it in cooperation with the neighborhood and the directions and recommendations of the Planning Commission.
4. Anything here would be fine development. Mr. MacDonald is a developer and said he has put on several developments which have been very successful. There would not be things that would be unsightly. They do have the drainage problem in the middle of the property and it is not feasible to put a culvert there for residential development. It is not suitable for residential development yet we have something there that is too valuable for people to live there. The property has a tremendous amount of traffic. It is not suitable for residential development. To the north on the Interregional there is fast traffic and it is felt that the highest and best use of the property would be the proposed development. The only thing that would make it worthwhile for development would be either a motel or this proposed shopping center which is planned. The owners would develop it as far as possible in harmony with the neighborhood in relation to the streets, which they would develop in accordance with the Commission's desires.

Six nearby owners appeared in opposition and written objection was filed by three other owners. Reasons given were:

1. Owners moved into this area, some a number of years ago, because they were attracted to it as a quiet residential area. Fairmount is at the present time a dead-end street at this property. There are in one block about 15 to 20 small children and opening a street would endanger the children since there would be an increase of traffic on the street. Some owners would not interpose objection if a suitable buffer zone were put in and a traffic pattern worked out, and the plat submitted for the approval of the neighborhood, but giving a free ticket, or writing a ticket for approval of this zoning as it is submitted now would be derelict on the part of the Commission as well as those people that are around here if we stand by and let it go through. Two or three lots zoned for duplexes between residential and the shopping center would be desirable.
2. Some owners objected to their developing the area for the request they are making, either as commercial or even as duplexes. Almost the entire area is in one-unit homes. There are adequate shopping facilities for the area and most residents have automobiles and do not have to walk to the store any more. As to the service station, we have plenty of them up and down the Interregional very near us. The buffer zone would not eliminate the noise or the traffic. It would not eliminate the unsightly

C14-60-166 T. C. Steiner, Jr.--contd.

condition which exists behind shopping centers such as garbage litter. There is no room for people -- business is taking over. People should be taken care of and business will take care of itself.

3. The south Interregional Highway approach to the city is very beautiful now and an asset to the city of Austin due to its many trees, particularly in this area, and also to its non-commercial zoning. By zoning this area retail, it would detract from this beautiful approach. This is the first step in the direction of making it look like a bunch of litter in the approach to the city. This is one attractive approach to the city and we are about to destroy it. Twenty-five years from now we are going to miss it and will be sorry it will be in the condition it will be then.
4. If this shopping center would open up on Woodland Avenue it would be a very serious hazard to the few pedestrians who do walk there and to the fact that the automobile traffic that comes over the brow of the hill comes at such a terrific pace that if anybody comes out of this parking place there is almost sure to be someone spread over the street.

Five owners appeared but offered no comments regarding the request.

The Committee Chairman reported that the Committee had referred this request to the Commission without a recommendation pending further study and recommendation by the Department.

At the Commission meeting, Mr. MacDonald requested permission to withdraw this request in view of the opposition which had been expressed and the discussion relating to the proposed development on adjoining property (see C14-60-165). The Commission therefore unanimously

VOTED: To permit the applicant to withdraw this request of T. C. Steiner for a change in the zoning plan from "A" Residence to "LR" Local Retail for property located at Woodland Avenue and South Interregional Highway.

DISQUALIFIED: Mr. Barrow (owner of nearby property)

C14-60-167 Bradfield-Cummins, Inc.: Interim A and 1 to

Tract 1: B & 2

5800-5902 Highland Pass and 3700-3712 Bull Creek Road

Tract 2: LR & 1

3714-3720 Bull Creek Rd.

DIRECTOR'S REPORT: This is a fairly large tract of land that is divided into two tracts for the purpose of this application. Tract 2 is for "LR" Local Retail to establish a local retail operation. The remainder of the property (Tract 1) is to establish "B" Residence and Second Height and Area

C14-60-167 Bradfield-Cummins, Inc.--contd.

for the purpose of erecting apartments. This subdivision, including property across Highland Pass, was approved in April of 1960. Highland Pass is one of the main entrances into this area and into the subdivision to the north and northwest of this site. We feel that since this property is somewhat elevated above Bull Creek Road and will be on an access street to a subdivision, and the "LR" portion would be spot zoning, this would be an intrusion into a well-planned subdivision. For these reasons we recommend against the change.

Messrs. W. L. Bradfield and Tom Bradfield (applicants) appeared in support of this request and presented the following information:

1. This is a part of Highland Hills subdivision and this request is made in connection with the planning for a portion of this area. We have several problems. In the first place, on the property for which we are proposing the erection of garden apartments which will be very attractive in that line, the building line on the lots is some 15 feet below the street; the building line across the street is about 30 feet above the street. Therefore, we have a difference in elevation in houses on opposite sides of the street of something like 40 feet.
2. Then immediately to the west is property that belongs to Mr. Barrow, which with our full knowledge and approval, is to be used for commercial purposes. So, we have the situation of topography and we are backing up to a commercial area. We are faced with two choices -- one is to downgrade our residential development by putting in cheaper houses which we do not want to do because we are building from \$31,000 to \$35,000 houses across the street. We own all of this subdivision. We do need some sort of buffer between the subdivision and adjoining property. We also own the small tract adjoining the requested "LR" next to Mr. Barrow's property, and we have agreed with Mr. Barrow that he will have a 50-foot buffer strip between his property and ours. We are in full understanding with what he is proposing to do and he has said he agrees to our proposal. (The staff explained that Mr. Barrow's property is outside the city limits but is in the process of being annexed.)
3. A third reason is the scarcity of property in our area on which we can build apartment buildings and we believe that a good subdivision should cover all phases of development. We believe we should have some less expensive houses than we have up to the east. We intend to develop this for apartments when it is ready but we want to get it zoned now so that people that buy around this will be on notice that it will be apartment development.
4. We do have access from Bull Creek Road over a portion which is on grade and it would not be difficult to enter from there. From a development standpoint, this is our most expensive property. We can have an entrance

C14-60-167 Bradfield-Cummins, Inc.--contd.

nicely from the north part of the apartment tract. (In response to a question by Mr. Brunson "Would you consider having access only from Bull Creek Road and not from Highland Pass?") I think it is necessary that we tie this in with our residential area because people like to be in a nice residential area. We think this will more or less complement what Mr. Barrow proposes to put on the adjoining property. This is something we have talked about at length among ourselves.

Mr. George MacDonald (Highland Park West Development Company) appeared in favor of the request and stated: I own the property across the street on the south. I think this is the best way you can develop the property involved and many times the only way you can develop it. All I have seen Mr. Bradfield develop has been a credit to the city. We are probably going to develop our property residentially and we are going to have to develop part of it on a hillside a part at a time. This proposal would not hurt our operation and I am in favor of it.

The Zoning Committee reported the following discussions and actions by the Committee:

The Director noted that this was planned for single-family development and the streets were planned for this type of use, with a narrow street entering Bull Creek Road and located on a steep grade. He said they have residential lots backing up to the shopping center but these are higher than the shopping center and the difference in grade and depth of the lots makes it very suitable for single-family development. Mr. Osborne also felt that the "LR" zoning presents a problem of access since it is on the curving portion of a thoroughfare. Some members of the Committee felt that Mr. Bradfield would not do anything that will work a hardship on the neighborhood and that there must be a need for this type of development; that although this would be spot zoning within the city it was felt that the "LR" zoning would fit in with what is planned in the area. Mr. Brunson stated that when the subdivision was approved, he felt that the street should be of greater width and pointed out that the subdivider was leaving out an area which he has acquired subsequent to the platting of the subdivision but prior to this application (the purpose being to include it for rezoning in connection with Mr. Barrow's property when it is annexed to the City), and now he has requested a zoning change for an intensive dwelling use at the bottom of this hill, with the only access on a steep hill from a narrow street. It was then agreed that for the reason of safety and the dangers caused by speeding cars down the hill and the blind corner, the request should be denied. Therefore it was unanimously voted to recommend that this request be denied.

The staff reported to the Commission that a letter had been received from the applicant requesting permission to withdraw this request pending application at a later date to change the zoning for a larger area. The Commission then

VOTED: To permit the applicant to withdraw this request.

C14-60-168 Burke Matthews: D to C-1
East 7th and Gonzales Sts.

DIRECTOR'S REPORT: Most of the property in this area is developed residentially but there are several business uses in this block and also two "C-1" zones. Since this conforms to the Commission policy because of development in this block, we recommend that the request be granted.

Mr. Burke Matthews appeared in behalf of his request and presented statements as follows: The person who has been operating a cafe and selling beer next door to this property has rented my building and when he started to move here he found out that the sale of beer was not permitted. This is an expensive building and there are several other "C-1" uses in this block.

Reply to notice was received from Mr. Rosendo O. Zamarripa (2605 Gonzales Street) favoring the request but no comments were made.

The Commission concluded that this request would conform to the policy of the Commission in that this is a well established "C" Commercial area. It was therefore unanimously

VOTED: To recommend that the request of Burke Matthews for a zoning plan change from "D" Industrial to "C-1" Commercial for property located at 2612-2614 East 7th Street and 2607 Gonzales Street be GRANTED.

C14-60-169 Bonifacio Alba: A to LR
2310 (2312) East 9th St.

DIRECTOR'S REPORT: This application is for one lot and, since this is the third lot from the corner where there is an existing "LR" zone, the intervening lot was included for purposes of hearing. The corner lot is developed as a grocery store and the application is for the purpose of selling groceries also. Since this is a residential area and this would be an enlargement of an existing spot zone, we recommend against granting the request.

No one appeared to represent the applicant but Mr. Daniel Guzman (1313 Perez Street) stated that the applicant told him he was not able to work because of arthritis or some similar trouble, and he proposes to sell hamburgers and groceries to help make a living. He said he does not oppose the request.

A majority of the Commission concluded that this would be a logical extension of the present "LR" zoning and that the intervening lot included in the notice of hearing should be included in the change of zoning. Mr. Chriss opposed the request for the reason that this is spot zoning. The Commission then

VOTED: To recommend that the request of Bonifacio Alba for a change in the zoning plan from "A" Residence to "LR" Local Retail for property located at 2310 (2312) East 9th Street be GRANTED; and that the property located at 2312 (2314) East 9th Street be included in the change.

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

NAY: Mr. Chriss

ABSENT: Messrs. Brunson, Bryant and Kinser

Cl4-60-170 Herbert Bohn and J. D. Willis: A to LR
Jefferson and West 38th Sts.

DIRECTOR'S REPORT: A previous request was considered for a change of zoning on this and the adjoining property to the south and this portion was recommended for denial at that time because there was no immediate need. It is again recommended that this request be denied at this time.

Mr. C. T. Uselton (agent) represented the applicants and presented statements as follows: A major oil company proposes to develop a service station on this corner. This is an ideal location for a station and the property is almost surrounded by business zoning and uses.

At the Commission meeting, the Director presented an additional report as follows: Mr. Uselton, agent for the property, discussed this with me and the question came up as to the extension of 38th Street and he asked if this street is still in the planning stage, when it will be developed and when the final location will be determined. I told him it was in the budget and had been worked on but had been delayed over a number of months because there are some serious engineering complications as to how the route would be oriented and about the grade separations involving other streets, which have still not been resolved completely. We are intending, certainly, to get this underway by next fall. Mr. Uselton did state the definite problem in terms of his option on the property and I told him I would still have to recommend denial, that I was going to talk to Mr. Eskew and Mr. Williams but I could not get in touch with either one. I did discuss this a very little with Mr. Fowler but got no indication on what could be worked out. To that end, we would still have to recommend denial on this.

Mr. Uselton then requested and was given permission by the Commission to present additional information pertaining to his request which was not included at the hearing:

1. I appreciate the City's position and particularly the Engineering Department. In talking with Mr. Osborne today he explained to me that the Engineering Department has not had sufficient time or at least they had not yet come up with a definite position as to where they would bring 38th Street into Jefferson Street and Bull Creek Road and for that reason he felt that to grant this change of zoning at this time, would be a handicap to the City. I told Mr. Osborne and I also say to you, that to me it seems you have two taxpayers here -- one a heavy taxpayer in the City and two taxpayers who are wanting to sell their property. They are asking for the same zoning they have next door and across the street from them. You have a key to the lock within the City Hall here and the City Hall here and the City Council could pass a resolution that a building permit not be granted on this property until such time as this route has been determined, and my client who is buying this property should not build and would not want to build on it until he can conform to the City's requirements on it.

C14-60-170 Herbert Bohn and J. D. Willis--contd.

2. My clients are more interested in the traffic on 38th than the City of Austin because they are going to make a living from that traffic. They are more interested in getting as much traffic from 38th Street into the filling station as they possibly can. They wouldn't want to build until this street is here.
3. The second key is eminent domain. Mr. Osborne said he didn't know whether it would be necessary for them to go in there and take some of this property on this side or some on the other side of the street but if they do they certainly have eminent domain. But to me it does not seem logical that you would deny this change of zoning that is in conformance with the surrounding area just because the City Engineering Department has not determined the route of 38th Street. When the owners bought, they bought with a street in front of their property. At the time they bought it, they did not know that 38th Street would be extended across here.
4. I have a contract on this property and on the lot to the south of it which is already zoned. My client is buying three lots and they need all three but we only had to have the change of zoning on these two lots in order to conform. I have an option that was originally for 90 days between Mr. Willis and Mr. Bohn and the owner on the south with the Phillips Petroleum Company and they have to exercise their option in the 90 days, but their option is subject to securing a zoning change on these two lots. Mr. Phillips' representative came down and discussed 38th Street with the Engineering Department and they are familiar with the extension of this street and they are familiar with the fact that the lines have not been definitely ascertained but Phillips is more anxious for that traffic than anybody and they are willing to conform to any requirements of the City. Bull Creek Road veers more to the north to the property on the north side than to this property. Mr. Osborne said they might want to curve around the back part of this property. That might be an advantage to my company since it would allow the traffic to flow into this property. I see no reason why they would object to something like that.

The Commission then discussed this proposal. Mr. Barrow said he has consistently taken the position that where the City's plans are more or less indefinite and they think they want to put a street through, I take the position they should make up their minds and not interfere with the public. The plans for doing this are more explicit and I think definitely the City has a right to deny the client the privilege of putting business in a location where they don't know now whether or not it will fit. I think the applicants' recourse, if they have any, is to court rather than to the City. We know that 38th Street is going through this area. I do think the City has a right to wait until this is settled. If this street is extended through here they might

C14-60-170 Herbert Bohn and J. D. Willis--contd.

not even be able to use it. I see a definite possibility that you might be zoning property which might never be possible for use and development. There may be a narrow part of it which cannot be used and the characteristics of the property will be changed.

Mr. Chriss felt that it would be logical to consider the welfare of the general community against the interests of the applicant.

Mr. Lewis felt that if we change the zoning for the property then the value of the property changes and if the City had to take it by eminent domain and improvements had been placed on the property, it would cost the City more money. He asked that, if this were granted, could the condition be imposed that no development be made until this matter is settled. Mr. Osborne explained that the City could not impose such a restriction except that the Council has, in the location of the Expressway and Ben White Boulevard, denied the issuance of building permits which were held up until they were reviewed by the Council, and they could do that in this case. He also said, however, that the City has no provisions in effect on this street at the present time and the Building Inspector could not legally recognize the Commission's recommendations on this.

Mr. Osborne said he had talked with Mr. Uselton about the possibility of postponing this request and had suggested that the best way was to go to the Council and request postponement or referral back to the Commission and explain the situation to them. Mr. Uselton then said he will get a letter from the general manager of the Phillips Petroleum Company to this Commission or the City Council that they will not make application for a permit until 38th Street plans are completed, and that if the City has to take the necessary property by eminent domain they pay the same price the Petroleum Company is paying for it.

A majority of the Commission concluded that to grant this request would be contrary to the public welfare at this time. Mr. Lewis felt the request should be granted since the applicant has stated that he will get a letter from his clients agreeing not to build on or change the status of this property until the alignment of 38th Street has been made. It was then

VOTED: To recommend that the request of Herbert Bohn and J. D. Willis for a change of zoning from "A" Residence to "LR" Local Retail for property located at the southeast corner of Jefferson and West 38th Streets be DENIED.

AYE: Messrs. Barrow, Baldrige, Barkley, Chriss and Spillmann

NAY: Mr. Lewis

ABSENT: Messrs. Brunson, Bryant and Kinser

SPECIAL PERMITS

CP14-60-12 City of Austin: Utility Plant
South 2nd and Center Sts.

At the public hearing, the following written statements filed by the Street and Bridge and the Electric Distribution Departments were presented:

Street and Bridge Division: The Street and Bridge Division proposes to station at this service center, the men and equipment necessary for the maintenance of the South Austin District. This would include a complement of approximately 10 men, consisting of supervisory, skilled, semi-skilled, and laborers. The vehicles will consist of one pick-up truck, 2 maintainers, 2 gravel trucks, one sprinkler truck, and one front-end loader.

The employees and equipment will be housed in a painted metal building.

The material storage bins will be constructed with concrete and the material kept will consist of road gravel, pea gravel, sand, asphaltic concrete, #5 and 10 cover stone. The material will be kept in an orderly fashion.

The normal working schedule will be from 7:30 a.m. until 4:00 p.m.

Electric Distribution: The Electric Distribution proposes to station at this center the men and equipment to take care of the overhead line construction in the South Austin Area. This includes a complement of approximately 50 men. These men are skilled craftsmen, from supervisory capacity through line-men helpers. The vehicles will consist of six 2-ton line trucks, six pick-ups, and 9 various types of cable trailers. It is proposed to house these facilities in an enclosed painted metal building, and to keep the building neat and orderly. No appreciable amount of materials or equipment will be out in open except 10 or 12 small distribution transformers that will be stored in a neat and orderly manner.

The normal working schedule will be from 7:30 a.m. to 4:00 p.m., Monday through Friday.

At the hearing, Mr. E. I. Purser (Street and Bridge Superintendent) presented the following oral statements:

The City of Austin goes into these outlying districts like it has done on Koenig Lane and North Loop since we feel the services of the City of Austin need to be extended as the city grows to take care of the districts and this is one of these particular cases. We plan to beautify this place now. The water tower is located here now and the rest of the property is vacant. It is planned to provide a 10-foot buffer zone on the east and north to extend to 2nd Street and this can be extended to surround the water tank property. There will probably be a 7-foot Chain-link fence and also shrubbery around the property. The water tower and pump house have existed here for several

CP14-60-12 City of Austin: Utility Plant--contd.

years and we feel like we will be able to improve the area considerably, especially when the road is brought into the property from Center Street. I have discussed this with Mr. Victor R. Schmidt (Water Distribution Superintendent) and we propose to clean up this area. No posts would be stored on the site in the open.

In relation to the traffic situation, we have encountered no difficulty with traffic on Koenig Lane where we have the high school students in the area and do not anticipate any traffic troubles in this center.

Mr. R. L. Hancock (Assistant Superintendent Electric Distribution) also appeared at the hearing and presented statements as follows: We plan to move into this area to provide better service. We plan to station service and line crews here. The larger trucks will be stored here overnight. The vehicles will be away from here during the day. The only time they will be here is in the morning just before starting time and in the evening as they come in. The purpose of moving here is to get into the area where our work load is. We think we improved the area in North Austin and it was in need of some improvement. We propose to provide a similar planting strip around this property. I feel that the area needs improvement and I feel that we can contribute to this improvement.

Messrs. W. A. McAngus (Administrator Dave McAngus Estate) and Jesse McAngus (Guardian Estate of Margaret McAngus) appeared in opposition but gave no reasons, only explaining where their property was located.

Mr. Robert C. Sneed (attorney) and Mr. Milton Turner (3608 South 1st Street) appeared in protest and presented statements which may be summarized as follows:

1. Mr. Turner's property consists of about 1.78 acres of land and adjoins in part on the south of where this property is located. He is bounded on the west by the property which is proposed in this application. Mr. Turner lives on this property with his wife and children, who are in the process of going to school at about the time the equipment will be taken out of this yard. The cross streets are thoroughly residential and not thoroughfare streets, and they will be coming home from school just when 15 or 20 pieces of equipment are being brought back to their home base of operation. I think, though, speaking not only for myself and Mr. Turner, that these people in this area have great admiration for the City of Austin and the particular services involved in this application. We sincerely believe that there is no city in the United States that furnishes any better service or does any better job for its people than the City of Austin but think a mistake is involved here. I think there is a problem on the one hand granting what is in reality a zoning change. As I understand the theory of the special permit, in an "O" Office District filling stations are prohibited unless a special

CP14-60-12 City of Austin: Utility Plant--contd.

permit is granted - giving more control or the regulatory body more control over the way the project is laid out and to review the over-all area to see whether or not a fitting relation should not go in this area, and this board has very discreetly and very finely exercised and weighed the surrounding circumstances to determine whether a filling station would go in an "O" Office or would be denied, or a library permitted under special permit. This is a fundamental concept of special permits. This is what was thought by the Commission to be the better approach to give latitude so that you can exercise more control over what goes in but nevertheless it is a zoning change if it does not comply or meet all of the requirements such as not being spot zoning; then a special permit is just the same as a variance or zoning change would be subject to being stricken by the courts.

What we have here is a tremendously large residential area that has developed and exists as residential. The City of Austin, or its various departments, is coming in now and requesting a special permit. A library is not offensive to a residential area, but a storage yard is a particular kind of special permit and as pointed out by the City it exists on Koenig Lane, but this is in a commercial area where commercial property is all around it. This is an industrial use and there is no other concept of it, so we would like for you to consider that as you put this industrial improvement up against a residential area you are changing this tract of land and a residential piece of property to permit at least the contractors' yard which this would be, permitted in a "C" Commercial area, if there is enough area, or an industrial usage. Materials have been stored on the outside at Koenig Lane and there will come a time, not intended but of necessity, that any storage yard where material must be stored outside.

What we must do is look at this residential area and determine whether or not the health and welfare will support a spot zoning change or an industrial usage in a residential area which will be served by streets which are only residential streets. Many is the time I have been before this Commission or the Council and we were required to give additional land for the widening of a street where the uses were something other than residential. I think that is a fine and splendid program but there is no way that this traffic can be fed unless the City of Austin will widen South 1st, Center, and South 2nd Streets. (Mr. Fowler explained that South 1st Street has been widened to 80 feet with 40 feet of paving.) There is no other way that the traffic generated by this amount of equipment can be flowed.

Mr. Turner and his family have lived with the water tower, and the City of Austin has not maintained lateral support which has been required as a matter of law. Mr. Turner's property is sloughing off by excavation which shows that when we open up industrial uses we then face this problem of this not being compatible with residential uses. Consequently, we urge that you consider this in your judgment and in your wisdom, taking into account that you will be throwing heavy equipment right at Mr. Turner and his children, keeping

CPI4-60-12 City of Austin: Utility Plant--contd.

in mind the hours of school and equipment travel. We urge that you deeply consider that certainly a spot zone should not be granted even if it is for the City of Austin, and that the Commission in the past has never seen the wisdom of granting a spot industrial zone in the midst of a residential area.

Mr. Cecil C. Rotsch (attorney) and Mrs. Waldo Forster (3612 South 1st Street) also were present in opposition for the following reasons:

1. I am representing Mrs. Forster as a friend. She owns property which will be directly affected if this request is granted. I do have a personal interest in this property in this respect. My wife and I have been personal friends of this family for many years. Mr. and Mrs. Forster decided on this area for a home about 15 years ago, in an area which is the highest residential district. They were particularly proud of the Live Oak trees and they bought the place for their home. Mr. Forster died and she is living there now, having a life expectancy of about 25 years. She is proud of the fact that her home is paid for and she hopes to live here the rest of her life.
2. Before he died, the City acquired a piece of property right behind him for the purpose of putting up a big water tank. They were disturbed about this but they did not make any active opposition at that time but inquired about it. Mr. Forster was told that the premises would be kept up around it and that the premises would be a nice lawn and there was no reason to object to the water tower. What resulted from these promises was that they dug an ugly hole so close to this land that it is sloughing off and she would be entitled to sue the City of Austin for damages but she won't do anything about that. They can tell you now that this is going to be beautiful and they are going to do a nice job but it is no answer to say that "this is the Water Department here now".
3. This zoning matter involves two considerations insofar as the person who is adversely affected. It impairs the value of their property by virtue of the change of zoning; there is a personal element involved in that it might make their property less desirable to them personally because they purchased this and it is their home. They are entitled to expect the right to continue in existence. It will affect the property if she has to sell her house for less value than she would get if she did not have these truck yards back here.
4. Center Street is a comparatively narrow residential street and it is impractical for trucks to go running up and down that street. It is not morally right to make it a truckway when it is not intended to be in the first place.

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5. The City of Austin should be bound by the same rules of morality the same as any other individual, and you would not let an individual make a service yard in the center of a residential area and use a residential street. It is true that the City of Austin has to render these services but why do you pick a residential section when you could go a half block down on the railroad track and acquire vacant land where it is not zoned as residential. These people have been mistreated by the City of Austin because the promises made before have not been kept and what assurance have we that the promises made tonight will be kept?

The Zoning Committee reported that it had reviewed the statements presented and the site plan and concluded that the request should be granted since the water tower is already located on this site and the City departments intend to improve the area, but felt that some written agreement should be filed with the Commission regarding the intentions of the departments. It had then voted to approve the site plan subject to the following conditions and to recommend that the special permit be granted if these conditions are met:

1. Receipt of a written agreement from the City departments regarding improvement of the property,
2. Extension of the buffer zone to include the water tower,
3. Paving of South 2nd and Center Streets adjoining this site,
4. Erection of a retaining wall around the water tower to prevent sloughing off of adjoining property, and
5. Maintenance of the entire property in reasonable condition.

As requested by the Zoning Committee, the following proposal of improvements in developing this service yard were presented in writing by the Director of Public Works:

1. A Chain Link Fence with the wire fabric being 7' high will be erected around the complete yard, including the water reservoir.
2. The fence will have 10 L.F. buffer zone consisting of arborvitaes 7' high planted on 8-foot centers. The 10' area will be sodded.
3. Concrete rip-rap 110 L.F. long will be constructed on the north side of existing reservoir to make a 10' planting area between existing property line and bluff line.
4. The entire site around the reservoir will be sodded and leveled with existing slopes sodded.

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5. Center Street will be excavated and paved with a temporary double asphalt surface from west gutter line of South 2nd Street to WPL of South 1st Street. This paving is understood to be a temporary paving in that should the street later be brought in for permanent paving, no compensation will be allowed for the paving.
6. South 2nd Street will be paved from north line of roadway from lot to intersection of Center Street. This will be classed a temporary paving.
7. An ivy will be planted around existing water reservoir.
8. There will be approximately 67 vehicle trips in and out of the lot daily.
 - a. The Street and Bridge Division leaves the yard at about 7:15 daily and returns at 3:45; the Electric Department would leave the yard at 7:30 daily and return at 4:00 daily. This would reduce conflict and traffic at a given time.

Mr. Dudley Fowler then spoke as a representative of the City of Austin Public Works and the Electric Departments, explaining the present situation and the proposed improvements as follows:

1. The present development is a large cylindrical water tower which has been here for several years. This is an 8-million-gallon concrete water tank. At the hearing before the Zoning Committee, there were a number of objections raised as to this utility storage yard in this area. They revolved around depreciation of property values in the area. Specific comment was made about the traffic hazard in the area which would be created on Center and South 2nd Streets. Specific comment was again made with reference to a sloughing condition. There is a cut of something like from 5 to 10 feet all around the water tank. This is essentially a caleche type of soil, but the property owners on the east and northeast complained of a sloughing condition. There was either direct or inferred complaint about dust that would be raised by the increased traffic.
2. The idea of the Public Works and Electric Departments is to make this as sightly a unit as they possibly can. They have tried to overcome as many objections as they possibly can. It is planned to put a 7-foot Chain Link fence to completely enclose the area, including the water tower. After the fence is in place or when it is built, there will be a buffer zone also. The fence will be 10 feet inside the property line partly to provide additional right-of-way for Center and South 2nd Streets and partly to make it more sightly. There will be a hedge area planted outside of the fence around the entire project, this hedge material being cedar trees with an original height of 7 feet on 8-foot centers.

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3. The Public Works Department has stated in the letter addressed to the Planning Commission that, in the area of the water tank site which was excavated and where there is sloughing condition which the property owners complained of, the Public Works agrees to put in 10 feet of concrete riprap which will take care of the sloughing. The plan is for the entire reservoir site to be improved with top soil added to the calche.
4. With reference to the dust problem, and in order to improve the appearance of the over-all plant, the Public Works has a plan whereby South 2nd from the north line and abutting this tract and Center Street on to South 1st Street will be shot with a maintenance paving. It is not a permanent-type paving but it will be the same type paving the County uses -- just a double-squirt type of penetration paving. This paving is good for possibly 7 to 10 years as a general rule and we want to emphasize to the Commission that it is not intended to be a permanent type paving but it is a good pavement that will be adequate to improve the site and appearance of the area. It will also be necessary to do some work on basic material on the streets.
5. With reference to the 8-million-gallon water reservoir, it is proposed that the same type of ivy plant which has been planted on the Filter Plant No. 2 building will be planted around this reservoir to improve its appearance.
6. With reference to the traffic that this area will generate, there was quite a bit of concern on the part of the property owners as to the number of vehicles and the amount of traffic generated. Public Works has presented us with the figure of 57 vehicles in and out of the site daily and as near as they can tell the total number of trips for Electric and Public Works Departments. The traffic will be leaving the yard at about 7:15 in the morning. About half will return about 3:45 in the afternoon and the other half about 4:00.
7. There will be some materials stored here but basically it will be patching material for streets, excluding such things as light polls and the like.
8. The present location of the water tower here has some bearing on the location of the other improvements here but it is also based on the fact that there will have to be some expansion of the facilities in this area.

The Director reported that Mr. Odas Jung is in favor of this because he proposes to develop his nearby property as commercial.

The Commission reviewed the recommendation of the Zoning Committee and the statements presented. Mr. Barrow said if they did not have the water tower

CP14-60-12 City of Austin: Utility Plant--contd.

there now he would be opposed to this development because he thinks it is a bad location. He noted that there is good residential property on the north with large, nice trees, and a good residential development. Mr. Chriss said he thought the City made a mistake in buying this area and locating the water tower here and he does not think this is a good location for this use. It was agreed by a majority of the Commission that the request should be granted because of the present location of the water tower on the site, and that the site plan as revised in accordance with the conditions stated below complies with all sections of the Zoning Ordinance and is a matter of public necessity and convenience as reflected in the Capital Improvements Program for 1959-64. It was therefore

VOTED: To APPROVE the site plan subject to the following conditions and to authorize the Chairman to sign the necessary resolution issuing the special permit:

1. Receipt of a written agreement from the City departments regarding improvement of the property,
2. Extension of the buffer zone to include the water tower,
3. Paving of South 2nd and Center Streets adjoining this site,
4. Erection of a retaining wall around the water tower to prevent sloughing off of adjoining property, and
5. Maintenance of the entire property in reasonable condition.

(Note additional improvements proposed in writing by the Department Public Works, included in these minutes.)

AYE: Messrs. Barrow, Baldrige, Barkley, Lewis and Spillmann

NAY: Mr. Chriss

ABSENT: Messrs. Brunson, Bryant and Kinser

CP14-60-13 T. C. Steiner: Apartment Dwelling Group
1210-1306 Mariposa Dr.

DIRECTOR'S REPORT: This involves the same property as the zoning application (C14-60-165). We recommend that it be passed to the full Commission at which time we will have a recommendation.

The Zoning Committee reported the following discussions and action at the hearing:

Mr. George MacDonald (agent) represented the applicant and stated: This is a problem property and we have to develop something good. Mr. Coleman and

CP14-60-13 T. C. Steiner--contd.

associates are designers of the development. Mr. Farmer is now owner of the property and we are asking for a special permit to put the apartments here so that we can get the highest and best use for the ground. We will conform to any wishes of the Planning Commission with regard to the layout, and change our parking area that we might have a better access for fire safety. Our thought was how to get the most usage for apartments and have most of the on-ground parking where we would have an asset to the Community. We feel that this is what we want but would revamp our driveway area to suit the requests and ideas of the Commission.

Messrs. Robert Meyer (4603 Tejas Trail) and Frank Green (504 Lone Oak Drive) opposed this request for the same reasons they opposed the zoning change.

In view of the fact that the zoning change request was referred to the Commission, the Committee had concluded that this request should also be referred as requested by the staff and it had so voted.

Mr. Osborne recommended denial of the permit because it does not show the north-south street extending to connect with Woodland Avenue. In response to a question by Mr. Barrow as to his opinion since a majority of the Commission has voted to recommend the zoning change, Mr. Osborne stated the following:

This request is for 6 buildings on this property, whereas under the Ordinance without a special permit only one building would be permitted on the property; otherwise, the owner would have to subdivide this property which would be rather difficult without creating a street. The layout itself is quite acceptable except the turn-around for fire protection for the area. This would involve the location of at least one and possibly two fire hydrants and, secondly, sufficient provisions on the rear of the lot in the form of a loop or a turn-around for the fire trucks. The Fire Chief has specifically recommended that these buildings be denied in this form. I recommend that it be held up until the site plan is corrected to show the driveway loop with sufficient turn-around and maneuvering area for fire trucks. This has been agreed to but nothing specific has been done about it. I understand that there is no urgency on the approval of the site plan. It should be approved as finally designed and not according to verbal statements.

Mr. MacDonald said he would like to have a recommendation as to the minimum requirements necessary to meet the approval of the Fire Chief. He explained that at this state they are only attempting and are ready to start with three buildings, and if it is mandatory for this section to have one or two fire plugs, they would be glad to meet these demands and will bring in the loop between the apartments. He stated that they had planned a beauty area in the north corner but if it is absolutely necessary they can get in the loop.

CP14-60-13 T. C. Steiner--contd.

Mr. Barrow explained that the Commission is not interested in holding this up or interfering with the development but felt that since the Fire Chief has made some requirements it is up to the applicant to work out these plans and if he could get the approval of the Fire Chief the Commission would approve the site plan. The Director explained that there would be no delay if this request is deferred since the special permit cannot be granted until the zoning is changed. The Commission therefore unanimously

VOTED: To DEFER action on this request pending approval by the City Council of the zoning change and revision of the site plan.

CP14-60-14 Warren S. Freund: Apartment Dwelling Group
3203-3207 Old Bull Creek Road

DIRECTOR'S REPORT: This property was just recently zoned and this special request is for apartment development on this land. After having some questions cleared regarding parking areas, vacant areas, and fire safety, I think we are in a position to recommend tentative approval but we would like to request completion of all of the details on this site plan. I think the site does offer difficulty of development for single structures because of the way it is laid out and because the property behind it is already subdivided and there is very little chance of creating a street. The creation of a street within the property would be an undue burden on the property and that is the intent of having the special permit for apartment dwelling groups. I think we could recommend it with the condition that they get the approval of the stairway from the Fire Marshal and show additional information on the site plan.

Mr. Ben W. Greig, Jr. represented the applicant and presented the following statements in support of the request: Mr. Hale Coffeen and I are working with Mr. Freund in developing this property. The strip of property on the north is not included as this is Mr. Freund's home and vacant adjoining property. It was also zoned and development may later be expanded to extend into that property. The portion on the east belongs to Mr. Freund's brother and there is no thought of including it at this time. This plan did take into account additional right-of-way for Old Bull Creek Road and the deed is being worked out now. (In response to a notation by the Fire Marshal in the file that if the buildings are two stories, an additional stairway would be needed on the east end) There is a common stairway between Apartments "B" and "C" and occupants would have to cross the balcony between the two buildings.

Mr. Coffeen (architect) was also present and explained the proposed plans for development as follows: We have a more complete plan showing that there will be parking along the north side of Apartment "A" and extending on down the east side of the property. We can get more cars than we have apartments (Mr. Osborne said it appears there are 40 spaces provided as a minimum.) We have 32 apartments and there would be excess parking on the west side. The

CP14-60-14 Warren S. Freund--contd.

northeast corner would be landscaped and also the area around the pool and the area between the two buildings. We have an alley on the east side if we needed access besides the street. If we needed additional parking we could use the vacant property beside the Freund home. There are two lots at the northeast corner that the Freunds do not own.

The staff reported that the applicant has submitted the following information which satisfies questions raised by the Fire Marshal and the Department of Public Works as to the fire exits, the ramps and the public parking areas, and that the Department is now recommending approval of the site plan as revised to meet these conditions:

First, we have prepared and submitted a letter to Mr. Reuben S. Rountree, dated January 13th, signed by Mr. Warren S. Freund, to request approval for ingress and egress over public property to the above mentioned apartment site. Before the material was submitted, our plans were discussed with a member of the public works division, and we understand that all is in order and that approval will be routine.

Second, we enclose one blueline of the plot plan signed by Mr. W. L. Heaton, Fire Marshal, approving the exit details.

Third, to the drawing of the plot plan we have added information that shows the exact placement for automobile parking. Spaces are available to conveniently park forty automobiles.

The Commission reviewed the conditions imposed and the revised site plan and found that the plan now complies with all sections of the Zoning Ordinance. It was therefore unanimously

VOTED: To APPROVE the site plan as revised with no extra conditions and to authorize the Chairman to sign the necessary resolution issuing the Special Permit.

CP14-60-15 David P. Martin: Office and Studio for Radio Station KOKE
South Lamar Blvd. and Treadwell St.

DIRECTOR'S REPORT: This is a radio station that will be located entirely within Lamar Plaza shopping center. This is a technicality because the primary reason for the Ordinance provision is because of the towers and any question that might arise on the transmission of their high signals, and the transmission tower is located in Westlake Hills which is beyond our jurisdiction. This is for radio station operations only and I think it is all in order.

Messrs. Pearce Johnson (attorney), David P. Martin (applicant), and Mike Fischer (KOKE Radio) appeared at the hearing but offered no statements in addition to those made by the Director.

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CP14-60-15 David P. Martin--contd.

The Commission reviewed the statements of the Director and felt that this would be in conformity with other uses in the shopping center since only office use of this radio station will be conducted here. The Commission also reviewed the site plan and found that the plan complies with all sections of the Zoning Ordinance. It was therefore unanimously

VOTED: To APPROVE the site plan as presented with no extra conditions and to authorize the Chairman to sign the necessary resolution issuing the Special Permit.

CP14-60-16 Cress V. Millican, Trustee: Apartment Dwelling Group
1612-1618 West 6th St.

DIRECTOR'S REPORT: Mr. Hetherly, who is one of the agents on this property, has the flu and could not attend the meeting tonight. We discussed some questions with him regarding the development of this tract and we rather severely criticized the plan that was submitted for the following reasons:

1. The access into the back portion of this site was through a 21-foot roadway where there is no sidewalk space shown in front of the buildings and this 21 feet would probably be narrowed down by a sidewalk.
2. There was no outside usable space shown on the plan although the intention was that this development be used for Young couples. The amount of open space is held to very minimum side and rear yards, and the site is being developed not quite to the maximum usage but was very close and results in this excessive coverage and the lack of open space. In connection with this, in discussing it with them we drew up three alternative plans as suggestions to them. As yet they have not made any final answer as to whether they wish to continue this plan, choose any of the alternates, or some alteration of their plan, or to withdraw completely, and Mr. Hetherly could not give the answer tonight. The Fire Chief has made a very strong recommendation against the plan under consideration because he feels that he cannot guarantee any protection to any of the units either in the immediate rear of the front units or to any of the units in the back. We recommend that it be passed on to the full Commission pending further information.

Mr. Wells Wright (1605 West 6th Street) appeared and presented the following information: I live very near this property and also own another house at 602 Highland. I have no doubt that the City has valid objections to the layout of these apartments. They know more about that than I do. However, if this developer should change his plan and come in with a revised plan which meets the objections, then I would be heartily in favor of permitting this special permit for the reason that this is not one of these quiet residential areas but this is West 6th Street which is a busy thoroughfare and which will eventually feed into the Missouri-Pacific Expressway. The houses in this area are middle-class houses of \$10,000 to \$15,000 valuation that have been there for 30 years. There has not been a new house built in this area to my knowledge in ten years. Either this area is going down or it is going up,

CP14-60-16 Cress V. Millican, Trustee--contd.

and if you put through the Missouri-Pacific Expressway there is going to be pressure for this area to go commercial. Certainly high-class apartment dwellings would be a finer and better use than going to service stations and beer joints. I think this type of development would tend to pull up or bolster the level of this area and since I have my home and rent property here I am interested in keeping the area from degenerating into a slum area and the residents are not showing much interest in taking care of their development. If this development is properly planned, it would have a good effect on the neighborhood.

The Zoning Committee reported that this request had been referred to the Commission since it was impossible for the applicant to be present as explained by the staff and pending discussion with the developer regarding revisions of the plan.

The staff reported receipt of a letter from the applicant requesting permission to withdraw this application, and explained that a short form subdivision has been filed showing a division of this property into two lots which will be considered later by the Commission. It was therefore unanimously

VOTED: To permit the applicant to withdraw his request.

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of January 9, 1961. The staff reported that no appeals had been filed for review of the Committee's action but that 2 cases had been referred to the Commission without action on:

C8-60-39 Brackenridge Heights (Brinwood, Sec. 1)
C8-60-41 White Plains, Sec. 2

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of January 9, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-60-36 Charles Street Addition
 Gunter St. S. of Goodwin Ave.

The staff explained that the Subdivision Ordinance requires that a street end in a cul-de-sac when it is a dead-end street and that the original plan showed Charles Street with a cul-de-sac on the south side of the street but was revised since this would eliminate one or two lots in order to make the cul-de-sac the required size. The staff recommended that the cul-de-sac be established since the width of the adjoining Rudolph Hennin-

C8-60-36 Charles Street Addition--contd.

ger tract is of insufficient width to permit the extension of the street with adequate depth of lots on each side, and there is a problem as to how this property can be subdivided.

Mr. James T. Watson (engineer) stated that to get the 100-foot cul-de-sac, it would be necessary to eliminate two lots, whether or not the cul-de-sac is on the north or on the south side, and the economical factor is a matter of consideration. He explained that the cul-de-sac would cost an additional \$700 in the cost of developing the street.

Mr. Osborne explained that there is not a sound basis for extending the street because of the problems previously stated to justify the variance. He stated that this entire area has been subdivided into large tracts of land and it would take the cooperation of several owners or one person purchasing and combining several tracts to develop the surrounding land. He further explained that the dead-end street would make it impossible to provide fire protection in adequate time without the cul-de-sac.

Mr. Sanders said they have discussed with Mr. Henninger the possibility of acquiring the adjoining land on the west and the street could then be extended to the west. The Committee felt that if the adjoining land is acquired the cul-de-sac could be omitted and other property be shown in a schematic plan. It was then suggested that possibly the four lots adjacent to Gunter Street could be developed at this time and the remainder of the property developed when a decision is reached regarding purchase of the adjoining land which would justify elimination of the cul-de-sac. Mr. Sanders agreed to this arrangement. The Committee then

VOTED: To APPROVE that portion of the subdivision of CHARLES STREET ADDITION including only the eastern four lots on each side, omitting the remaining area until such time as Mr. Sanders determined if he can acquire the adjoining property.

C8-60-39 Brinwood, Section 1 (Brackenridge Heights)
South Congress Ave.

The original subdivision of Brackenridge Heights was done in 1922 and the present owners propose to resubdivide a part of this property. Mr. Gerald Williamson (Marvin Turner Engineers) said they had shown a 10-foot utility easement within the drainage easement to serve the blocks for electric and telephone service. Messrs. Galbraith, Reeves and Milburn (owners) were present at the meeting. The staff presented the following matters which were discussed:

1. The name of the subdivision should be changed since it does not include all of the original Brackenridge Heights subdivision. A

C8-60-39 Brinwood, Section 1--contd.

revised plan was presented and a request was made to name this subdivision "Brinwood, Section 1".

2. A number of lots in the subdivision are sub-standard in size and, therefore, revisions should be made to provide adequate area and width for these lots to meet the Subdivision Ordinance requirements. The subdividers agreed to revise the plan to enlarge as many as possible of the lots but stated that there were some lots on which a variance would be needed. It was agreed that this could be worked out before the meeting of the Planning Commission Tuesday of next week.
3. Vacation of those streets in conflict with the proposed revisions should be accomplished before a final plat is submitted for final approval, including a portion of Jones Avenue. The staff also recommended that the name of this street be changed because of Jones Road which exists in another section of the city. The subdividers agreed to this change of name.
4. The Water and Sewer Department recommended that a variance not be granted on Frederick Street since this is too long for a cul-de-sac street. The Committee felt, however, that since this street is between Barton Skyway, which is proposed as a thoroughfare, and the drainage easement, and a drainage structure would be required if Jones Avenue is extended to intersect this street, a variance would be justified.
5. It was noted that it will be the subdividers' responsibility to develop and maintain the 8-foot walk easement in Block 3, in accordance with the requirements of the Director of Public Works. This walkway is provided for the convenience of children going to school so they can avoid going from Frederick Street to South Congress Avenue to cross the drainageway. Mr. Williamson said the extension of Jones Avenue would eliminate two lots and the drainage structure would cost about \$800 or \$900.

The Committee discussed the plan and agreed that it is an improvement over the existing subdivision, but felt that some of the problems should be worked out before the plan is approved. It was therefore

VOTED: To refer this plan to the Planning Commission pending a revision of the plan to show an increase in width and area for the sub-standard lots and other changes discussed at this meeting.

The Commission considered the REFERRAL of this subdivision. The staff reported that some problems were encountered as about 13 of the proposed lots were sub-standard in area and/or width. The Committee asked that the engi-

C8-60-39 Brinwood, Section 1--contd.

neer, who had stated that he would work on the plan, present an itemized list of lots that are sub-standard. The subdividers are now asking for preliminary approval of a revised plan and a variance on five lots. Lot 6, Block 6, is a triangular shaped lot which tapers down to a very narrow width. Generally the Ordinance requires that the 50-foot width extend all the way back, but in a case like this where there is an adequate building site we recommend it be granted. Lots 12 and 13, Block 2, are limited in size since the subdivider owns all but Lot 14 and the adjoining property. Lot 15, Block 9, is a corner lot at El Paso and Wilson which has a 50-foot width but narrows to 40 feet. It has an area of only 5850 square feet instead of 5900 square feet but is similar to the other lots. Lot 1, Block 10, tapers down to a 45-foot width but has an area of 6470 square feet. The staff feels that in each instance they are providing an adequate building site and therefore recommends the variances.

The staff then reported that the subdivider has provided a 5-foot walkway between Frederick Street and Coleman Street for pedestrian access to the nearby school and that the Public Works Department requests that the width be increased to 6 feet and that the walkway be paved. The Director noted that most pedestrian easements are 10 feet wide but he is not familiar with the paving width. He said his only question is whether or not two bicycles could pass on the 5-foot walkway and recommended the 6-foot width. Mr. Gerald Williamson said they had felt that the 5-foot width would take care of two-way traffic on bicycles but if it is wider it might encourage some students to drive automobiles on the pavement. Mr. Osborne suggested that the houses abutting this easement be set back further than normal. The subdivider said they have taken the walkway from two of the larger building sites and intend to build gabled houses and keep them as far as possible from the walkway since these lots will be the problem lots to sell.

Mr. Williamson also called attention to their desire for a variance on the length of Frederick Street which exceeds the length permitted for a cul-de-sac street.

The Commission concluded that the variance in length for Frederick Street should be granted because of the utility and drainage easement in Block 3 which would be difficult and expensive to cross, especially in view of the walkway being provided through this block, but felt that the walkway should be 6 feet in width. It was also felt that a variance should be granted for the sub-standard lots named because of the difficulty of resubdividing an old subdivision which has a portion already developed. It was therefore

VOTED: To APPROVE the plan of BRINWOOD, SEC. 1, as revised, subject to the following conditions:

1. That the walkway through Block 3 be made 6 feet in width and paved, and

C8-60-39 Brinwood, Sec. 1--contd.

2. Compliance with departmental requirements;

and to grant variances from the area and width requirements on Lots 6, Block 6, Lots 12 and 13, Block 2, Lot 15, Block 9, and Lot 1, Block 10, and from the cul-de-sac requirements on the length of Frederick Street.

C8-60-41 White Plains, Sec. 2
Westerly Ext. McPhaul St.

The staff reported that the Water and Sewer Department said that sanitary sewer is not available, but water is available from District Number 5, and had recommended plans should be made for a connecting street between Neans Drive and the proposed street which is north of and parallel to Neans Drive. The staff explained that this street proposed in the schematic plan north of Neans Drive proposes a block length of approximately 2700 feet and that the existing subdivision on the north side of Neans Drive has already established a block length of about 2700 feet. For that reason the staff goes along with the Water Department and also recommends that this block be broken by providing a connecting street between Neans Drive and the proposed street north thereof. The problem of getting a street through an existing record subdivision being recognized as the subdivision existing is partially developed. As Mr. Puett owns that part of the schematic plan north of the existing record subdivision, it was felt his schematic plan should propose that part of a connecting street and it was felt by the Committee that they should have some statement from Mr. Puett as to this street extension. The request for this extension was made by the Water Department because of water service to the area. Mr. Cotten explained that they have planned a north-south street about 300 feet west of this subdivision in case they cannot get a connecting street through this section in the schematic plan.

The staff called attention to the 60-foot width of the extension of McPhaul Street and the 80-foot width of this street in the adjoining E. S. Barrow subdivision to the east and noted that the 20-foot strip on the south side of this street proposed to be vacated should be done before this plan is approved. It was brought out by the staff and Mr. Cotten that after the previous subdivision was approved it was discovered that McPhaul Street included a portion of Mr. Puett's lumber yard building on the south. Mrs. Butler explained that since Kramer Lane is a proposed thoroughfare street, the Department feels that McPhaul would be too close for a major collector street. There are existing commercial or industrial uses on the north side of McPhaul Street. The staff further noted that if this property in the Barrow subdivision is to be used industrially, the 80-foot width would be needed but that the 60-foot width would serve commercial or residential uses.

C8-60-41 White Plains, Sec. 2--contd.

The Committee reviewed a sketch prepared by the Department showing possible development of the adjoining property on the west also owned by Mr. Puett and felt that this should be shown on the plan as a schematic plan.

The Committee discussed the problems presented and it was suggested that Mr. Cotten obtain some statement from Mr. Puett regarding his intended use of the existing Barrow subdivision to enable the Commission to determine whether or not reduction in the width of the street would be recommended. It was therefore

VOTED: To refer this subdivision to the Planning Commission for further information as to the use of this property and inclusion of the schematic plan for the adjoining area on the west.

The Commission considered the REFERRAL of this subdivision. The staff called attention to a revised plan which has been submitted, the problem being the working out of the preliminary with a request that McPhaul Street, which is an east-west street, coming in the subdivision with a 60-foot width. This street going through the E. S. Barrow Subdivision is 80 feet. It is understood that they had attempted prior to this to get the County to vacate the south 20 feet of McPhaul Street and the County had agreed if the City would approve it. The Committee raised the question that if this street is vacated, it depends on what the lots are used for and if the use is industrial it should remain 80 feet. The Committee also felt that the north-south street should be extended in the schematic to tie in with Neans Drive on the south which is an existing long street and needs to be broken.

Mr. Cotten stated that they had checked the E. S. Barrow Subdivision in the files and found that Lot 1 is designated as commercial and that was the only lot that was mentioned in that subdivision. The balance of those lots on the south side of the street now belong to the Luling Public Schools and to tie down the usage on that, Mr. Puett and the Luling Public Schools wrote the Commission a letter explaining that they had written the County Commissioner's Court a letter (these letters being written for evidence of intention) requesting this 20-foot vacation of the street and requesting that these lots be designated as commercial or residential. Mr. Cotten said Mr. Puett had just told him that he already has permission of the County Court to vacate this 20-foot strip which would reduce McPhaul Street to 60 feet in the E.S. Barrow Subdivision.

Mr. Stevens said that at the Committee meeting Mr. Cotten said that on the north side of McPhaul Street there are two storage lots, an electricians' business further to the west, a lumber yard on Lot 1, and the rest of the lots are vacant.

Mr. Puett said that on the corner lot Ward Smith has only a bunch of old equipment stored and he has tried to move him. One of the other buildings

C8-60-41 White Plains, Sec. 2--contd.

has about a 3000-square-foot tin building, that there is an electrician's building on another one of the lots, and he thinks there is a small building on another lot. He said Mr. Doak Rainey surveyed the subdivision after the lumber yard was there and the subdivision cut 15 feet down the building and that is the only reason he wanted to vacate that part of the street; all he really wants vacated is just the street next to Lot 1 where he will not have a title blemish. Mr. Cotten thought it might just as well be vacated all the way. Mr. Puett said that actually the street could be 65 feet but Mr. Cotten says you do not want a 65-foot street. Mr. Stevens said the 80 feet is of no value unless you intend to use it for industrial use. Mr. Puett said he has already sold the lots on the north side of the street but on the south side he gave away all of the lots.

Mr. Cotten explained that the vacation of this street would indicate whether or not they could extend the north-south street to Neans Drive. Mr. Puett explained that the Presbyterian Church owns part, the Luling Public Schools and he own one acre on the south tier of lots on the schematic plan. He only owns one-eighth part of it.

Mr. Stevens reported that Neans Drive exists for the block length of 2700 feet. The Committee felt that a break should be made in the proposed schematic and that it could be extended to Neans Drive on the west side of the Subdivision. Mr. Puett does own the property on the west and has shown a small schematic showing that they do propose to extend a street to Neans Drive.

Mr. Puett stated that since he owns only one-eighth interest he could not commit the other owners on the south but as far as he knows there is no intention of developing this property now. He thinks it is reasonable to extend the street and said if he still has any interest in it he will be agreeable to what the staff has laid out but he cannot speak for Mr. Archer who has houses on his property and would be affected by the extension of the north-south street also.

The Commission reviewed the information presented and the problems in this area. It was concluded that, since Kramer Lane is proposed as a thoroughfare street and is very near McPhaul Street, there is no need for the 80-foot right-of-way and that the entire 20-foot street should be vacated through the E. S. Barrow Subdivision. It was then

VOTED: To APPROVE the plan of WHITE PLAINS SEC. 2, subject to departmental requirements and to recommend vacation of the entire 20-foot strip on the south side of McPhaul Street in the E. S. Barrow Subdivision.

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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 short form plats for filing:

C8s-61-1 Lockhart Highway Sub.
U. S. 183 & Bergstrom Spur
C8s-61-4 Damon A
S. 1st and Dittmar Sts.

SHORT FORM PLATS - CONSIDERED

C8s-60-125 River Oaks, Sec. 1, Resub. Lots 1-3
Lupine La. and Sunnyvale

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

VOTED: To APPROVE the plat of River Oaks, Sec. 1, Resub. Lots 1-3.

C8s-61-3 Harlan Addition
Manchaca Rd.

It was reported by the staff that tax certificates have not been received for current taxes on Lot 1 and drainage easements need to be vacated. The Committee therefore

VOTED: To APPROVE the plat of HARLAN ADDITION and to grant a variance from the Subdivision Ordinance on filing requirements, and to authorize the staff to hold the plat from filing until the necessary easement has been vacated.

C8s-61-5 Tarrytown, Resub. Lots 46, 47 and 48
Townes La. E. of Hillview

The staff reported that all reports have been received except from the Storm Sewer Division, one of the employees reporting verbally that Mr. Morgan had approved the plat but was not available to sign the report. The Committee therefore

VOTED: To APPROVE the plat of TARRYTOWN, RESUB. LOTS 46, 47 and 48, and to authorize the staff to hold the plat until the favorable report has been received from the Storm Sewer Division.

ADMINISTRATIVE APPROVAL

The staff reported that 4 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:

<u>C8s-60-135</u>	<u>Susan M. Robertson</u>
	West 6th and West Lynn Sts.
<u>C8s-60-136</u>	<u>Stella V. Addcox</u>
	Bluebonnet Lane
<u>C8s-61-2</u>	<u>C. L. Reeves Addition</u>
	Burns St. and Denson Dr.
<u>C8s-61-6</u>	<u>Westfield "A", Resub. Pt. Lot 3, Blk. 17</u>
	Forest Trail

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 for filing the following final plats:

<u>C8-61-1</u>	<u>Garden Oaks, Sec. 2</u>
	Barton Skyway W. of Garden Villa Dr.
<u>C8-61-2</u>	<u>Huntland Heights Street Dedication Plat</u>
	Huntland Drive

SUBDIVISION PLATS - CONSIDERED

The following plats were reported by the staff as having satisfied all the standards of the Subdivision Ordinance and were recommended for final approval. The Commission therefore

VOTED: To APPROVE the following final plats:

<u>C8-60-32</u>	<u>Huntland Heights, Sec. 1</u>
	St. Johns Ave. W. of Interregional Hwy.
<u>C8-60-37</u>	<u>Sherwood Oaks, Sec. 4</u>
	Long Bow Lane

<u>C8-60-39</u>	<u>Brinwood, Sec. 1</u>
	South Congress Ave.

Mr. Gerald Williamson (engineer) asked that, since the preliminary plan of this subdivision has been approved, the subdividers would like to have this final plat approved at this meeting and would like to present it for filing

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C8-60-39 Brinwood, Sec. 1--contd.

tonight. Mr. Stevens stated that acceptance for filing would be subject to receipt of the filing fee and tax certificates. Mr. Williamson presented these to Mr. Stevens but it was suggested that, instead of accepting the plat for filing without its having been first filed with the Department, the Commission could later be polled by telephone regarding acceptance of this plat.

C8-60-40 Southern Oaks, Sec. 4
Jones Rd. and Plumas Rd.

Mr. Stevens reported that all departmental reports have been received and fiscal arrangements have been completed; however, annexation proceedings have not been completed and the subdivider would like to ask that the plat be approved and the Department authorized to hold the plat from recording until the annexation of the subdivision is accomplished. He called attention to the legal problem involved in the tower easement. Mr. Clifford Coffman (engineer) said that after the last meeting on this subdivision he had discussed and worked out the legal problem with the Legal Department. Mr. Fowler then reported the following to the Chairman of the Commission:

The Legal Department has been of the opinion that the Planning Commission was without power to approve the plat of Southern Oaks, Section 4, for the reason that the subdivider could not guarantee the public the continued use and possession of the streets and easements he purported to dedicate to the public on the plat of this subdivision.

This situation is due to the fact that radio station KTBC claims a lease of the tract of land and claims that it has the right to utilize all portions of the surface of the land in accordance with the terms of this lease.

The City of Austin has now been furnished with a title insurance policy guaranteeing the public the right to continued possession of the streets and easements proposed to be dedicated on the plat of Southern Oaks, Section 4, and, inasmuch as this title insurance policy is adequate for that purpose, the Legal Department is no longer of the opinion that the Commission is powerless to approve this subdivision.

The Planning Commission may therefore accept the dedications on this plat at face value and consider its sufficiency on the same basis as it would consider any other plat before it.

The Commission therefore

VOTED: To APPROVE the plat of SOUTHERN OAKS, SECTION 4, and to authorize the Department to hold the plat until annexation of the subdivision is accomplished.

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 Commission therefore

VOTED: To APPROVE the following plats:

<u>C8s-60-129</u>	<u>Outlot 28, Div. B, Government Outlots</u>
	Harvey Street
<u>C8s-60-133</u>	<u>Travis Hills</u>
	Travis Cook Rd. and Travis Hills
<u>C8s-61-7</u>	<u>Sherwood Oaks, Sec. 3, Resub. Lots 6-15, Blk. 7</u>
	East Side Dr. S. of Long Bow

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

C8s-61-8 Susan M. Robertson Estate
West 6th W. of West Lynn

Mr. Osborne: This is the property on West 6th Street which was under application for a special permit which was submitted to the Zoning Committee. However, that request has been withdrawn. The request of the developer was for 116 units in four buildings. We recommended a change in that because of fire protection problems. That would be 11y units on approximately 2 acres. The "B" Residence would permit that many units under the apartment hotel definition in the Zoning Ordinance. The original subdivision was submitted about a month ago as a portion of the original tract covering 7 or 8 acres at West Lynn and West 6th Streets. At that point is where I feel the Department made its original error in recommending in favor of that subdivision. I think it left a very difficult development situation and now we feel that it is being compounded in view of the current subdivision which is to develop two apartment buildings without going through the special permit procedure, which normally would be desirable by having a building on each lot. However, the nature of the plans that have been presented to the Building Inspector, which have been withdrawn, were for two long buildings with a connection at the rear by a common roof. This subdivision would eliminate the common roof connection. This would still leave this extremely long building with the center and the rear portion in a very difficult position with respect to fire protection and general access. Since the tract is a very narrow tract for what is proposed, there are no specific reasons for the subdivision under the Subdivision Ordinance and there is a matter of public welfare in denying it. It is not what I consider undesirable development but I think the approval of this subdivision would encourage undesirable developments.

Mr. Barrow: asked the attorney for the City if the City would have any basis for denying this - if there is any reason from the standpoint of the City that the building to be placed on it would be unsafe, would it not come under

C8s-61-8 Susan M. Robertson Estate--contd.

the jurisdiction of the Building Inspector. In stating it another way, I don't know that the Planning Commission can pre-suppose what someone is going to do with the property in connection with subdividing.

Mr. Fowler: I don't believe it is proper to make the use for which the property is subdivided a criteria as to the subdivision.

Mr. Barrow: One thing I am not sure about, one of these lots may not be 50 feet wide.

Mr. Osborne: I am not recommending to the Commission that they use this technicality to disapprove it. To me there is a fundamental issue and that is the proper development of the property. There is some provision in the Ordinance concerning the use. This provision was not made in the exact technical sense in the original plat that was submitted to the Department a month ago. No identification was made that it would be used for a single-family dwelling and this is not uncommon.

Mr. Barrow: If something on the adjoining property showed that this would not be something that would fit in, I would be opposed to it, but we have no reason that I know of to deny this.

Mr. Pearce Johnson: There is no other way to develop the property.

Mr. Barrow: Why can't you move the dividing line to the west to make two 50-foot frontages since the property is 118 feet wide?

Mr. Johnson: The only reason for this is that you actually take up some building area from the west lot. The 40 feet is merely for access to the rear of the east lot and there is nothing to be built on that front part unless you want to build a single-family dwelling on it and that would kill the whole rear portion.

Mr. Barrow: To me this is not like other variances we have been granting on width of lots since it is possible here to make the proper width. We would not have any reason as far as I know to grant a variance on this.

Mr. Johnson: The line could be moved over but it will kill some building area and actually the proposed use of this would be essentially for parking where it is 38 feet wide. We have no objection to the line coming straight out but then we would not have the 50-foot frontage.

Mr. Osborne: The problem is not usable building area in the physical sense but it is the Ordinance square footage and the 60 units in each building.

Mr. Barrow: We have a subdivision that conforms to the Subdivision Ordinance.

Mr. Hetherly: Does the street frontage have to be 50 feet throughout the area?

C8s-61-8 Susan M. Robertson Estate--contd.

Mr. Barrow: If you have land where you could not get the 50-foot width we could grant a variance, but that would not be proper in this case.

Mr. Hetherly: If this line were straightened out and it provided a 50-foot width all the way through, then it would comply with the Ordinance. If we change that to 50 feet would we have to withdraw this or could we revise the plat?

Mr. Barrow: You can revise the plat.

Mr. Osborne: I would still have the same objections but there is a question as to whether you can legally apply them to this situation. This will meet with the letter of the Subdivision Ordinance if the line is straightened out. I cannot say this is a sound basis for denial of this subdivision. The question is whether you should be concerned with the Ordinance or the building on the lot.

Mr. Hetherly: We are trying to do something that won't hurt anyone. Mr. Osborne cooperated with us before as much as he could. This other plan we had was for four buildings as Mr. Millican had figured out and that is the way he wanted it. Now he plans to build 60 units on 750 feet. We have 45,000 square feet in this piece of ground. We realize that we are on the border line and we don't want to do something that will hurt somebody else.

The Commission discussed the fact that the eastern lot does not have a 50-foot width where the dividing line makes a jog and felt that the plat should be revised and the line moved to provide this required width. In response to a question by the engineer as to procedure in case the plat is disapproved, the Chairman said they could either appeal to the City Council or revise the plat and bring it back to the Commission for consideration, and that in that case the staff could be authorized to poll the Commission by telephone for approval of the revised plat. It was then

VOTED: To DISAPPROVE the plat of SUSAN M. ROBERTSON ESTATE and to authorize the staff to poll the Commission if the plat is revised to provide the 50-foot width for the eastern lot.

C8s-61-9 Rollins Martin Sub.

E. 12th and Webberville Rd.

The staff presented the following report on this subdivision: It is on the south side of East 12th Street, across the street from the City electrical substation, and south of an elementary school. 12th Street has been designated as a thoroughfare street and in this area is indicated to be 80 feet in width. This subdivision is composed of four lots fronting on 12th Street, two of which are already developed, and Lot 5 facing on Webberville Road on which there is a restaurant. Lot 1 has a service station with a setback of

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C8s-61-9 Rollins Martin Sub.--contd.

25 feet or less and Lot 4 has an office building with a 25-foot setback. There are two ways to handle this -- either the developer provides for the widening of 12th Street 10 feet, which he has objected to doing, or that he provide more than the normal setbacks. We recommend a setback of 35 feet to provide the necessary space in the event the street needs to be widened. Since there are only two lots undeveloped they would be the only lots on which a 35-foot setback could be required as this would create a violation of the setback requirements on Lot 1 and 4 if placed on them. We recommend approval of the plat with the 35-foot setbacks being shown on the lots. Mr. Martin has agreed to this restriction. Since this is a commercial zone and these lots are substandard for residential use, there is a notation on the plat that "Lots 2, 3 and 4 are hereby restricted from any residential use until such time that residential requirements have been complied with".

In a discussion by the Commission, Mr. Barrow asked what would be accomplished by having 35-foot setbacks on only two lots. Mr. Stevens said the only thing would be to keep or prevent any further development in a location which would cause the City to be in the position of having to buy improved areas on more than the necessary lots. The Commission then

VOTED: To APPROVE the plat of ROLLINS MARTIN SUB. subject to the condition that a 35-foot setback be shown on Lots 2 and 3.

C8s-61-10 J. G. Cobb Subdiv.
U. S. Hwy. 183 and Duval St.

The staff reported that all departmental reports have been received but no report has been received from the Gas Company. Mr. Kellersberger (engineer) said they did not think gas is available and they would like to have approval of the subdivision subject to a letter from the Gas Company.

Mr. Stevens explained that the subdivider is cutting Lot 1 out of the original tract, leaving the balance of the original tract without street frontage. He is now proposing to tie this portion to the adjoining property, which is also owned by the subdivider, as Lot 2 to provide adequate street frontage. The subdivider owns additional property but to include it in the subdivision would necessitate a costly survey of a large tract of land.

Mr. Kellersberger stated that the subdivider built a \$20,000 home on what is shown as Lot 1 and has sold it, without knowledge of the procedures required, and has to move as soon as possible. Therefore, he is anxious that this subdivision be approved.

The Commission felt that approval could be given subject to a letter from the Gas Company and it was therefore

VOTED: To APPROVE the plat of J. G. COBB SUBDIV. and authorize the staff to hold the plat from filing until the Gas Company clears it.

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REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

C8s-60-131 Avalon D

E. 32nd St. and Interregional Hwy.

It was reported by the staff that this subdivision was rejected for filing at the last meeting of the Commission because the Board of Adjustment had not reviewed the parking plan previously permitted by that Board and which would be affected by this plat. It was further reported that the Board of Adjustment has now approved the revised parking plan and that the Commission members were polled by telephone on December 21, 1961, and that a majority had

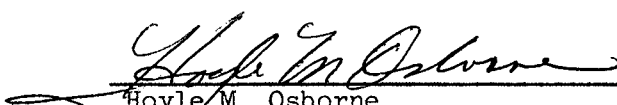
VOTED: To ACCEPT the plat for filing and to APPROVE the plat of AVALON D.

MEMBERS CONTACTED: Messrs. Barrow, Baldrige, Brunson, Bryant, Kinser, Lewis,
and Spillmann

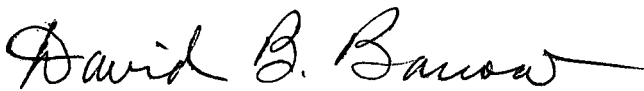
NOT CONTACTED: Messrs. Barkley and Chriss

ADJOURNMENT

The meeting was adjourned at 10:50 p.m.


Hoyle M. Osborne
Executive Secretary

APPROVED:


Chairman