

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- February 14, 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  
Howard E. Brunson\*  
A. C. Bryant  
S. P. Kinser  
Emil Spillmann  
\* Left at 9:05 p.m.

Absent

Pericles Chriss  
W. Sale Lewis

Also Present

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

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting February 7, 1961:

C14-60-171 J. H. Duncan: A to LR  
E. 14th and Chicon Sts.

DIRECTOR'S REPORT: The applicant proposes to maintain an existing cafe and permit future replacements. The present property has a vacant building on the rear which was formerly used for a cafe, with a portion of it now being used as a beauty shop and there is also a dilapidated residence in the north-east corner. The area is generally developed as single-family. In the block to the south there is an "LR" zone where there is a beauty shop and at 13th and Chicon and extending down to 12th Street is "C" and "C-1" Commercial. 12th Street is the primary east-west thoroughfare; 14th Street is a residential street. In view of the nature of the development in the area and this being currently a non-conforming use, if the building is torn down, he will not be permitted under the Ordinance to rebuild for commercial use. He would have to convert it back to "A" Residence use. In view of the fact that the area is primarily single-family, the use would not be in conformity with the general character of the neighborhood. I would have to recommend against the change, but I think the Commission should consider what zoning would be proper along Chicon Street in this area. Local Retail presents problems here but "O" Office might be considered at least on each side of Chicon Street around 14th Street.

C14-60-171 J. H. Duncan--contd.

Mr. Duncan appeared at the hearing and stated that he is requesting the zoning change so that he can put up a nice building in the place of this dilapidated building.

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

Earlie Chambers (1907 East 14th Street) appeared in opposition and written objections were filed by two nearby owners, one being from Henry G. Sanders (1817 East 12th Street) who gave his reasons as follows: There are plenty commercial buildings one block from this property, tailor shops, grocery stores, night clubs, etc. This mentioned property faces on a residential street.

The Commission discussed the zoning and development in this area and noted that this property does not join any other "C" Commercial or Local Retail zoning and concluded that the zoning change would not be in accordance with other development in the area and would definitely be spot zoning. Some felt that if other property were included and the area would join other commercial property, there might not be objection to the change. In response to a question by Mr. Brunson as to whether there is a chance of a residence being built on the property if this is denied, Mr. Osborne said there is already one residence on the property. The Commission then unanimously

VOTED: To recommend that the request of J. H. Duncan for a change of zoning from "A" Residence to "LR" Local Retail for property located at the southeast corner of Chicon and East 14th Streets be DENIED.

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

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

C14-61-1 Mrs. Julia B. Clark: A to O  
San Bernard and Cotton Sts.

DIRECTOR'S REPORT: This is an undeveloped tract, however there is a residence on the tract which was included for hearing purposes between this property and the present "C" Commercial District. The change is requested to permit operation of an insurance office. The surrounding area is developed as single-family or duplexes. There is an office about a block to the south, apparently a non-conforming use which has been there for quite a while, there are two churches in the immediate area, just north of the property there is a quite attractive and expensive dwelling, approximately valued between \$25,000 and \$30,000, around it are widely varied houses ranging from shacks to very pleasant homes. Tears Funeral Home is at the northeast corner of East 12th and San Bernard.

C14-61-1 Mrs. Julia B. Clark--contd.

Mrs. Julia B. Clark appeared in support of her request and stated the following: I had an offer to purchase this property from the Atlanta Life Insurance Company who would like to establish their office on this corner and that is the reason I applied for the zoning change. I would like very much to get it changed because I think in this section an office would be quite an asset to the community. As I observe in certain residential sections, office buildings are much more desirable than residences, especially of people of certain natures. An office is where people only work during the day and of course you don't have the disturbances at night, and that is one of the reasons I think this would be a nice place for an office.

Mr. J. W. Norris, Sr. (1215 East 12th Street) asked if this would be considered spot zoning if the remainder of this block is included. He stated that in some places there are offices on the second floor and the first floor is turned over to some kind of business or amusement places and if that is not permitted he would not oppose the change.

A notice was received from Olivet Baptist Church (Reverend J. M. McChristian, Pastor), that the church would favor the "O" Office zoning only. Two other replies were received favoring the request.

Replies to notice were received from eight nearby owners objecting to this proposed change, some stating that this is a residential area and a change in zoning can become very unsatisfactory to permanent residents.

The Commission reviewed the existing zoning in this block and the surrounding zoning and development. It was agreed that 12th Street generally is used for business and, since a majority of this block is zoned "C" Commercial and no one is working to change it back to residential, it will be developed for commercial some time in the future and to grant this change, including the intervening area, will complete the zoning for the block and will be a logical buffer zone between the commercial and residential areas. It was therefore

VOTED: To recommend that the request of Mrs. Julia B. Clark for a zoning plan change from "A" Residence to "O" Office for property located at the northwest corner of San Bernard and Cotten Streets be GRANTED; and that the area known as 1192-1194 San Bernard Street be included in the change.

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

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

DISQUALIFIED: Mr. Kinser (owner of property in the area)

C14-61-2 Mrs. Virginia Munson and C. E. Munson (owners): A to O  
Ruth New and Insl Varnell (purchasers)  
Duval and E. 38th Sts.

DIRECTOR'S REPORT: The purpose of the application is to remodel the lower portion of a garage apartment for a beauty shop. This is a corner lot with a little over 7000 square feet with a single-family home and a garage apartment with one or two apartments on the rear of the lot fronting on East 38th Street. The surrounding area is principally developed with single-family homes and duplexes and to the south there are several apartments in the area. At the present time Duval Street has 60 feet of right-of-way with 40 feet of paving and carries 7300 cars per day. It is designated as a secondary thoroughfare. East 38th Street has a right-of-way of 60 feet with 40 feet of paving and carries 4200 cars per day. It is designated as a primary thoroughfare.

There are two problems. One is that it is very definitely a spot zone since it is one lot in an entirely "A" Residence area. Secondly, the location of the proposed development on this corner lot on a very narrow street relative to the traffic it has to carry. This normal traffic movement that occurs in the area is primarily for those people continuing west on 38th Street must be using the right-hand lane to cross Duval at the off-set intersection and for those people turning right on Duval Street. On such a street as 38th, we usually recommend 100' to 120' right-of-way, but on this one we hope to get 80 feet because many of the houses are built quite close to the line, some of them often 15 to 20 feet. I would assume that the paving itself will have to be only 44 feet and the intersection will have to be straightened out when the thoroughfare is connected.

One question is whether or not the present property could be developed with adequate off-street parking space which would not inhibit or impair the use of the street. I recommend against the change.

Mr. Horace M. Glass (agent) represented the applicants at the hearing and also present were Mr. C. E. Munson, Mrs. Insl Varnell, and Mrs. Ruth New. They were joined by Mrs. C. A. McAden (5000 Crestway) who favored the change and written comments were received from two owners favoring the request, one basing his approval on the inclusion of the 3500 block of Duval Street. Statements by the applicants may be summarized as follows:

1. We checked and there are no deed restrictions. I think this should be granted since Mrs. Varnell and Mrs. New operate a very reputable and successful business on West 6th Street and there is ample parking space with a little preparation on the lot. There are about 5 or 6 parking spaces there.
2. There is a beauty shop a few houses to the north on Duval Street and this type of zoning is really not commercial in my opinion. I think a doctors' clinic or a beauty shop would be very appropriate in this community.

C14-61-2 Mrs. Virginia Munson et al--contd.

3. The traffic light being at the corner would make it easier for traffic to cross here.

Mr. George R. Haberlin (owner of property in this block) stated that he felt the entire block should be included if this change is granted. Five owners of property in this area appeared in opposition and written objections were filed by four owners. Reasons given were:

1. In view of the fact that this is possibly a spot zone and Duval is remaining a residential or semi-residential area, I am wondering if it would be wise at this time to make the change. The question is are we going to open Duval Street all the way through to this kind of development.
2. Mr. Osborne has brought out some of the very important points in regard to traffic. 38th Street is very narrow and carries heavy traffic and so does Duval.
3. The ample off-street parking is questionable. There is a double garage entryway and it appears that it is not ample off-street parking for the beauty shop and there is an unusual traffic hazard here where these streets intersect because of the offset.
4. We who have some newly purchased homes here, while they are old homes, would hate to see the trend toward commercialism in this block but would like to keep it residential. Some owners put their life savings into homes and we would certainly hate to see this neighborhood become commercial because we like it here. There are pretty homes in the neighborhood and we would like to keep it that way.

The Commission reviewed the statements presented and the staff report. It was considered possible that straightening the intersection of Duval and 38th Streets would probably take some property from the southwest corner and some from the applicant's lot. It was felt that this is a too heavily congested location for further activity. Because of these conditions, the fact that this would be spot zoning and would tend to increase a hazardous situation at this intersection, it was concluded that the request should be denied. Therefore, it was unanimously

VOTED: To recommend that the request of Mr. and Mrs. C. E. Munson (owners) and Ruth New and Insl Varnell (purchasers) for a change in the zoning plan from "A" Residence to "O" Office for property located at the northeast corner of Duval and East 38th Streets be DENIED.

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

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

C14-61-3 Roy F. Beal: A to C  
2317-2409 Thornton Road

DIRECTOR'S REPORT: (Including the Linscomb tract, C14-61-11) We prepared a plan locating the properties affected and the surrounding area. There are located on Thornton Road 31 residences at this time with the addition of two trailers. Thornton Road is paved 30 feet to the south part of Mr. Beal's property. Below that it is not developed. Ravey Street is opened tying in to Kinney Road but dead-ends into a lot where there is a house. One question that has come up would be the development of any reasonable street pattern in the area which might supplement or support intensive commercial development.

There is a non-conforming use on the Beal tract and, of course, the other tract is undeveloped. In view of the fact that there are some 30 houses on Thornton Road, generally in good condition -- there are a few in sub-standard condition but the majority are in good condition; in view of the other fact that there is only a 30-foot paved street and the area is susceptible to subdividing, I would recommend denial.

I cannot figure any street system which would not work severe hardship on any of the residences in the area. I cannot figure any way to cross the railroad track to tie into the street on the east which is undeveloped. We are showing it as a secondary thoroughfare and we have some severe problems in this area in getting across West Bouldin Creek. Our original recommendation was based on the fact that we could not see how wholesaling and warehousing uses could be developed in the area.

Mr. Earl F. Evans represented the applicant at the hearing and stated that he is presently doing heating and airconditioning duct work here and he could keep on operating as a non-conforming use and if the zoning is changed he would continue the same use but could not make any necessary improvements or alterations. He said the purpose of the request is to make this use a conforming business and permit him to make any needed alterations.

One reply to notice was received from Mr. Walter W. Schmidt (2311 Kinney Road) favoring the request but stating no reasons. Written comment was received from Mr. W. P. Ludwig, Jr., stating that the Missouri Pacific Railroad Company, owner of adjacent property, favors the granting of this zoning classification change.

Written objections were received from Mr. Herman H. Gunn (2408 Thornton Road) and Mr. John Watson (2406 Thornton Road) for the reason that this is an "A" Residence area and a quiet neighborhood with a dead-end street. They did not want their homes to face into "C" Commercial property.

At the meeting of the Commission, Mr. William Yelderman (attorney) and Mr. Harry Nolen presented an additional plea that this request be granted. They reviewed the nature of development in this area and the difficulty of plan-

C14-61-3 Roy F. Beal--contd.

ning a street pattern for the area because of the various sizes of the tracts. They felt that the property should be changed to commercial because it abuts the railroad and would legalize a non-conforming use and make possible expansion of the present use. They also felt that the owners would be willing to widen the street if that is necessary. Mr. O'Hara (owner of adjoining property) thought something should be done on Mr. Beal's property.

The Commission reviewed the statements presented and the Director's report and concluded that no change of zoning should be made until a street pattern is worked out and some members were in favor of recommending against the request unless some plan is worked out. Mr. Yelderman then stated that he would request that this application of Mr. Roy Beal be postponed for 30 days rather than have it denied at this time and until they could offer something in relation to the over-all plan. The Commission then unanimously

VOTED: To DEFER action on this request for 30 days at the request of the applicant.

C14-61-4 Richard G. Avent: A to B  
2401-2413 West 12th St.

DIRECTOR'S REPORT: This is a tract of land consisting of about one and three-quarters acres and it is proposed to build garden type apartments. What Mr. Avent is proposing, as I understand it, under the Ordinance, I believe you can put in 10 duplexes if you can get 10 lots out of this area, but you are required to have 7000 square feet of land area for each duplex. To do this would require a subdivision and as I can figure it now he could get 8 lots out of this. It is hard to subdivide a square with a cul-de-sac and get a maximum number of lots. This would permit from 8 to 10 duplexes. The surrounding area will be hurt anyway because of the size of the tract of land. Normally, you can put one structure on a lot. Under a "B" zoning he could come before the Commission and apply for a special permit to put several apartment buildings on this one tract. At that point the Commission could determine the arrangement of the buildings, the site layout, and other features which he lists. The tract has a frontage of about 269 feet on West 12th Street and a depth of about the same. It is one lot away from Wayside Drive on the west and approximately one lot from Possum Trot on the east side. The surrounding area is developed primarily as single-family homes and some duplexes, and to the northwest there are apartment areas. In general, the streets in the neighborhood are 50-foot streets with 30 feet of paving, with some smaller, Possum Trot varying in width of right-of-way. To the southwest is the O. Henry Junior High School. The nature of the zoning in the area follows rather a peculiar pattern. There is a "B" zone to the northwest while the remainder of the area is "A" Residence. The "B" zone in this immediate area is developed with single-family dwellings. Under the requested zoning, the applicant could build 35 or 36 apartments, however I do not know the intention of the owner with regard to the number of units he

C14-61-4 Richard G. Avent--contd.

proposes. Since this is an interior lot and is surrounded by "A" Residence except across 12th Street, I recommend against the change. I am in favor of doing what is best for the people who live in this area.

Mr. Avent appeared in support of his request and replies to notice were received from four owners of property in the area favoring the request. Statements presented may be summarized as follows:

1. The reason this came about is that I am trying to do something with the land here and want to build some rent property. I consulted with an architect and, after examination of the property which is very rough and would permit about 10 duplexes with a cul-de-sac, he suggested getting the zone changed to "B" Residence and putting in garden type apartments. This type is where you group two or three units together, where you can landscape them and be governed by the terrain and most natural way of locating them.
2. With a turn-around where you put in ten duplexes, it would be a rather austere situation and there is not much you can do with this property. In view of that, I made application for the zoning change. I am perfectly willing to limit myself to the number of units that I could build under the "A" Residence zoning. It would be far more attractive to do it that way. I would not do anything that I am not allowed to do now except instead of building duplexes I would build garden type apartments. There would be five units with four apartments in each.
3. There will be as much traffic if not more the way it is zoned now. There would be no cars parking on 12th Street whatsoever, but each group of apartments would have its own parking area. I am requesting the change so that it can be developed in an architecturally desirable manner. I don't think there are enough nice apartments, or any nice apartments that are vacant. It is not a question of whether you could put duplexes here but as to how they could be put in.
4. Some nearby owners felt that the type of development proposed will improve the appearance and value of property in the neighborhood. Certainly anything would be better than the unkept, disreputable cedar lot there at present. There are other multiple units near this property and improving vacant property is to the best interest of the city and the owner.

13 owners of nearby property appeared in opposition and written objections were filed by 14 owners. Reasons given were:

1. People bought homes in this area because it was a quiet neighborhood of homes with no large apartments in it. Some have seen what units of apartments have done to other neighborhoods in Austin and we certainly



C14-61-4 Richard G. Avent--contd.

do not want our neighborhood ruined in this way. Most bought homes here because the zoning was "A" Residence and expected the area to remain strictly residential. Since the present zoning will allow duplexes he should have no objection to the zoning remaining "A". Once the restrictions are lowered it is the beginning of the end of a residential area. Although there is a "B" Residence zone across 12th Street, it is developed with homes which are well maintained. Values of single-family or duplex dwelling areas are never enhanced by apartment houses. Also, in this block there are not more than two duplexes.

2. People in the proposed apartments would probably be single couples with no children and would not take an interest in the neighborhood as do the home owners. Proximity to transient-type living quarters will detract from the value of the surrounding property. Rent property is not as well maintained as homes and this development would lower the value of homes in the area.
3. It is difficult to understand how the applicant could build 10 duplexes on this tract. If the apartments are built here there would be from 12 to 15 homes on the south that would be directly affected with their back yards adjoining this tract. Because of the terrain, the development would tower over the surrounding area and the rear of the apartments would not be a pleasant view for nearby residents.
4. It is not felt that the proposed zoning change is needed and the change of zoning would not benefit the neighborhood, especially the other property owners involved. This is a very good residential area and is limited already. There are ample apartments in this area and there are vacancies at all times. The property should be divided and sold as lots to be developed.
5. The proposed apartments would create a traffic problem, especially since the O. Henry school is about one block away and many children walk to school on the sidewalk and in the street. Possum Trot is a very narrow street and carries quite a lot of traffic because of the school. The City has recognized that Possum Trot must be a hazardous street because they have limited the speed to 20 miles. Also, even though off-street parking spaces are provided for the apartments, experience has shown in relation to existing apartment houses in the area that tenants still park on the streets. The streets around the existing apartment houses are filled on each side with parked cars all of the time and it is very dangerous, especially to the children. If you had 20 cars parked on 12th Street it would create a dam in the traffic. Duplexes would at least limit somewhat the traffic around the school and in the neighborhood, and also would limit the number of units. There has been a growing traffic congestion on Hearn Street between 6th and 9th Streets and also on Enfield Road and Lorrain Street around apartment houses.

C14-61-4 Richard G. Avent--contd.

6. This change could also result in further changes leading up to possible commercial zoning extending into this area.

The Commission considered the possibility of the applicant erecting an apartment development which would be much better as far as appearance is concerned than duplexes might be but concluded that, since this is primarily a single-family area with only a few duplexes, the duplex development would be more appropriate. It further concluded that this would be spot zoning and an encroachment in an "A" Residence area and that the request should be denied. Therefore, it was unanimously

VOTED: To recommend that the request of Richard G. Avent for a zoning plan change from "A" Residence to "B" Residence for property located at 2401-2413 West 12th Street be DENIED.

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

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

C14-61-5 Mrs. John L. Murtha and Mrs. Alma Ann Lasseter: A & BB to B, 1 to 2  
Leon and West 23rd Sts.

DIRECTOR'S REPORT: This site is currently developed with an apartment house and a rooming house. The additional area included for hearing is developed with two single-family dwellings. The surrounding area is primarily residential "A" with some single-family homes and duplexes and some dormitory and rooming house uses. Immediately to the northeast is the Women's Federation building at San Gabriel and 24th Streets. On the north is an "O" Office zoning extending along 24th Street, however this is still developed as "A" Residence and there is one vacant corner lot. In view of the fact that this is an existing "B" Residence area developed with highly intensive uses and with tracts of the same size or smaller, I recommend this request be granted, including the additional area.

Judge Mace B. Thurman represented Mrs. John L. Murtha and presented the following information regarding the request: Mrs. Murtha is the Independent Executor for the estate of Glen W. Courtney. The surrounding area is mostly "O" Office. This particular residence was the home of Mr. Courtney and all the rest of the property gradually developed into "B" Residence except this one location which is almost spot zoning in reverse. Now that Mr. Courtney is deceased, the Estate wishes to sell the house. The only use to which it can be put is for rooming house facilities. Mrs. Lasseter, who lives on the corner, and also is applying for a change of zoning, is going to purchase this property from the Estate, and she desires to have this as an additional rooming house to the one she now occupies on the corner. That is the reason for the request.

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C14-61-5 Mrs. John L. Murtha et al--contd.

Written objections were received from two nearby owners for the following reasons:

1. The property at 1012 West 23rd Street now has a "BB" rating which permits Mrs. Lasseter to carry out the business of renting rooms to University students. Since she is purchasing the property from Mrs. Murtha, this will permit her to carry out the same business on that property. This zoning change would destroy the livability and home atmosphere now present in this area by the addition of noises and other disturbances.
2. It would be absolutely impossible and impractical from a traffic standpoint to have the entire block of property comprising the four places purchased for a fraternity or sorority site and this could be done if all four places are changed to "B" zoning. Mrs. Lasseter's problem could be solved easily with a "BB" rating for her two houses and the other left as it is now.

Upon review of the zoning and development in this neighborhood, a majority of the Commission concluded that the proposed use of this property would be conforming to uses in the area and that the request should be granted. Mr. Barrow felt that changing these two small areas would increase the intensity in the area and would be extending a bad situation beyond what it is now. It was then

VOTED: To recommend that the request of Mrs. John L. Murtha and Mrs. Alma Lasseter for a change in the zoning plan from "A" Residence and "BB" Residence to "B" Residence and from First Height and Area to Second Height and Area for property located at the northeast corner of Leon and West 23rd Streets be GRANTED; and that the property located at 2303-2305 Leon Street be included in the change.

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

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

PRESENT BUT NOT VOTING: Mr. Barrow

C14-61-6 Thomas C. Wommack: GR to C-1  
5301-5305 Cameron Rd.

DIRECTOR'S REPORT: This is a request for a change of zoning on a portion of a tract of land, being a rectangular, interior tract, to permit the sale of beer in conjunction with a drive-in grocery. In that the zoning is for the handling of beer, the way it is feasibly applied in a spot zone, it was requested that this interior lot be defined out of a larger General Retail area so that the sale would be restricted to approximately the building area rather than leave it for the entire lot. This area is along Cameron Road which is intensively developed as commercial, including Cameron Village,

C14-61-6 Thomas C. Wommack--contd.

Capital Plaza, and other shopping areas. There is a single-family dwelling next to this, then a florist, service station and other business uses. In view of the fact that this is located in a well developed "C" area and conforms to the policy of the Commission, I recommend the change.

Mr. Wommack appeared at the hearing and explained that he is applying for this zoning change at this time because he has a pending lease with a grocer who wants to sell beer here. He said they limited the area upon recommendation of the Planning Department and that the sale will be for off-premise consumption in connection with the grocery store.

The Commission concluded that the request should be granted since it conforms to the policy of the Commission and the property is located in the midst of a well developed "C" District and also that the area should be confined to approximately the building area. It was therefore unanimously

VOTED: To recommend that the request of Thomas C. Wommack for a change of zoning from "GR" General Retail to "C-1" Commercial for property located at 5301-5305 Cameron Road be GRANTED.

C14-61-7 Arthur N. Levien: C-1 to C-2  
5501 Airport Blvd.

DIRECTOR'S REPORT: This is a similar case in its general nature. This is part of a commercial building that is nearing completion and the change is for the purpose of the sale of beer, wine and liquor for off-premise consumption. The entire tract of land is zoned "C" Commercial and adjoins "C" Commercial on the south where the Safeway Store and other commercial operations exist. There are two "C-1" Commercial tracts adjacent to this property. Since this is in a well developed commercial area and zoned "C" Commercial, and the application is restricted to 750 square feet for the building area and is in line with the policy of the Commission, I would recommend it.

Mr. Trueman O'Quinn (attorney) represented the applicant and presented information as follows:

1. I represent Mr. Reuben Kogut who operates the Bottle Shop here in Austin, and who has a lease arrangement on this. This is a typical carving out of a small area from a large commercial area for maximum control of a liquor store. It is a small area out of the 67,000 square foot area. The structure itself will be in the nature of a square "U" with all of the products within the "U" and with the cash register in front of the "U" so that they can control who buys liquor and because of tax reports. The place is so small that they do not plan to sell anything in the area except liquor and possibly some wine.

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C14-61-7 Arthur N. Levien--contd.

2. Most of the liquor sold there will possibly be in fifths. No beer will be sold because they will have no refrigeration area. If it works here, they will put it in other operations they plan in other cities in Texas. This affords maximum control and it does follow the policy of the Commission is going to the shopping area and carving out the small area you want under maximum control.

Mr. Reuben Kogut (lessee) was also present but added no statements. Reply to notice was received from OK Building Properties, Inc., by J. M. Odom, President, approving the request.

Mr. Arthur Jansen (902 East 55 $\frac{1}{2}$  Street) appeared in opposition for the following reasons: I have contacted the people in this area on 55th and 56th Streets and we are opposed to this. There is already one bottle shop at 51st, Cameron Road and the Interregional Highway intersection and there is no need for another one. A group in this area is very definitely opposed to a bottle shop here.

Replies to notice were received from eight nearby owners who objected to this request, one stating that they did not want liquor around their children and home.

Upon review of the case it was found by the Commission that this property is located in a well developed "C" District and conforms to the policy of the Commission, and it was concluded that the request should be granted. Therefore, it was unanimously

VOTED: To recommend that the request of Arthur N. Levien for a zoning plan change from "C" Commercial to "C-2" Commercial for property located at 5501 Airport Boulevard be GRANTED.

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

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

C14-61-8 O. D. Denson: B to C  
1205 Baylor St.

Mr. Alvis Vandygriff (attorney) represented the applicant at the hearing. Mr. Denson was also present and also Messrs. Steve and Eddie Simmons (purchasers). Statements presented may be summarized as follows:

1. Mr. Vandygriff: This is a proposal to change an area that actually backs up to and is adjoining commercial development throughout this area. Mr. Denson, who is the owner of the property and has been for many years, will answer any questions that might be in the minds of the Commission, and also testify to the character of the present usage. It

C14-61-8 O. D. Denson--contd.

is actually in an area that is adjacent to and adjoins the development of a more recently established pest control bus ness. There is a filling station on the corner of 12th and Lamar and other commercial uses along Lamar. The only area lying between 12th Street and this property has three dwellings, two of which could not be rebuilt under the present restrictions because the area is too small. It is proposed by Mr. Denson to sell this to the Simmons Motor Company for the continuation of their development and expansion there. I think that anyone passing this area will take cognizance of the fact that they have developed the area extensively and have been successful in their operation; and this would be a further expansion. They have continually operated a business here for about 15 years.

2. Mr. Denson: Presently there is a five-room frame house on this property. One woman lived there five years and moved because there was so much business here. I ran an ad for a month and then put a sign on it for about a month and then some Spanish boy moved into it, but it seems that it is going to be a lot of trouble to keep this rented and I would like to sell it to Mr. Simmons. I have had several notices of zoning requests in this area in the past few years and I did not object to them because this is going to be commercial and there is no way to stop it. Commercial is moving in that direction.
3. Mr. Steve Simmons: I propose to buy this property from Mr. Denson. We expect to make a continuation of our expansion. We need more room and parking space and in order to do so without commercializing some of this property, we would have to move down the street quite a distance from us since it is all about commercialized on the main street anyway. The only possibility of expansion is going back as others have done. All around Parkway and out Enfield Road there are doctors' offices and other non-residential uses.
4. Mr. Vandygriff: I think there has been a drastic change in this area in the past year or two. Mr. Eddie Simmons has some statistics to show how the traffic has increased on Lamar Boulevard in the past few years and how this is being continually converted into a commercial area.
5. Mr. Eddie Simmons: The Council tentatively approved a left turn here until the Traffic Engineer indicated there were some 20,000 cars per day going north and south on Lamar and about 12,000 on 12th Street. That was one of the reasons they would not allow us a left turn at 12th and Lamar because this is one of the busiest intersections. (Mr. Osborne said there has probably been a 5% increase in the number of cars on Lamar Boulevard in the past few years.)

Four nearby owners appeared in opposition and written objections were filed by 10 owners. Reasons given were:

C14-61-8 O. D. Denson--contd.

1. Baylor Street, from West 12th Street to Enfield Road, consists solely of residences of average to excellent quality. There are 17 houses in this block. These houses, as well as the separate yards, have always been maintained in a manner that makes this neighborhood an attractive place to live. It is due to this, in no small measure, that we have met with marked success in renting our property in this section. The residents are a real credit to the City of Austin inasmuch as they take pride in their property and maintain it with excellent standards. Picture now the introduction of a place of business in the heart of this neighborhood and you can only conclude that this request for a zoning change should not be granted. Other owners have no trouble renting their property on Baylor Street. If Mr. Denson would paint his house and fix it up he would have no trouble in renting his property. A lovely new brick home has just been built on West 12th and Castle Hill because it was thought this would be a residential section. This would greatly depreciate this property.
2. The commercialization of this lot will detract from the surrounding property and a number of citizens will suffer loss for whatever gain might incur to the owner of 1205 Baylor. There is a community driveway and garage between this property and the adjoining lot to the north and if this zoning is changed, the owner would insist on protection of her interests.
3. Baylor is a narrow street and while adequate for residences it is inadequate for commercial property. Business use would only add congestion to a street that is now only barely adequate for its traffic load. The noise and congestion that would be caused by the customers of this proposed business would detract from the desirability of rental property next door. This street is narrow and has a bus line and if we had commercial use there it would not be suitable. This would also increase traffic.
4. While the Simmons Motor Company has a nice business, there is a place for everything. There are other properties that would be more suitable than expansion into residential areas.
5. This problem came up in the month of December when Mr. Denson applied for rezoning of his property for the pest control business. Mr. Youngblood (Terminix Company) at that time commented that he would do two things if the zoning could be changed -- (1) he promised that the building would be presentable and resemble as much as possible a residence and he has almost kept this promise; (2) he promised that no ostentatious signs of any sort would be placed on the property, but it would be granted by anyone that his "revolving bug" is scarcely unnoticeable. They stored pipe and other material there which has destroyed the beauty

C14-61-8 O. D. Denson--contd.

of this area. We said then the next thing Mr. Denson would seek would be a change of zoning for the property to the rear facing on Baylor Street. At that time the Commission and the City Council said they did not think they would zone anything on Baylor since it was all residential. When the City Council had the hearing they promised us we would get another letter before this was changed but we did not receive a notice nor have a chance to come back and oppose it, and then a Special Permit was granted for the pest control center. Since that time we have found out that Mr. Perry had an interest in the Terminix Company. (Mr. Brunson said to his knowledge Mr. Perry had discontinued his connection with this company several months prior to the zoning request.) So many of the people said it was useless to come here after they were treated like they were in this case.

The Commission concluded that the request should be denied on the basis that this would be encroaching into a well established residential area and the business would front on a street that is more or less hazardous from a traffic standpoint and this operation will definitely increase the traffic conditions. It was therefore unanimously

VOTED: To recommend that the request of O. D. Denson for a change in the zoning plan from "B" Residence to "C" Commercial for property located at 1205 Baylor Street be DENIED.

AYE: Messrs. Barrow, Baldrige, Barkley, Bryant, Kinser and Lewis

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

C14-61-9 Mrs. Beatrice Cockrell: B to O  
Lorrain St. and Enfield Rd.

The Zoning Committee reported that a letter had been received from Mrs. Cockrell dated February 6, 1961, requesting that this application be withdrawn. The Commission then unanimously

VOTED: To permit Mrs. Beatrice Cockrell to withdraw her request for a change of zoning from "B" Residence to "O" Office for property located at the northeast corner of Lorrain Street and Enfield Road.

C14-61-10 Robert A. Cowan: A to O  
Northland Dr. and Montview St.

DIRECTOR'S REPORT: This request is for "O" Office to permit a beauty shop. The site is presently developed with a single-family dwelling. I believe they intend to retain the present residence and maintain a duplex-type use here. To the east and south and extending west along Northland Drive is developed with single-family dwellings. To the north and northeast is the



C14-61-10 Robert A. Cowan--contd.

Allandale Shopping Center. Directly across the street is the North Austin Bank. At the corner of Burnet Road there are several commercial operations, however immediately across the street to the east there are three small houses, postal substation and an office building. Northland Drive has 50 feet of right-of-way and about 30 feet of paving. It is defined as a collector street primarily serving the residential area leading into the commercial area. Montview Street has 44 feet of right-of-way at this point and widens to 50 feet further south with about 26 feet of paving. In view of the fact that this would constitute an encroachment into a residential block and one in which there would be the question of where you could stop the encroachment of commercial into the residential block, I would have to recommend against the change. We have some excerpts from the deed and abstract that no structure shall be altered, placed or permitted to remain other than a single-family dwelling, garage or accessory uses incidental to the principal use on the lot. As I understand, the residence will be moved to another location on the lot and the new building will be a beauty salon on the front and apartment above and the two buildings connected.

Mr. Cowan appeared and presented the following statements: At the present time we are in business about one block from this location. Also our present home, prior to our removal to this location, is within one block of this property. I have been paying rent on a home and also on a business place within a two-block area. What I seek to do is put my home and business together. A beauty salon type of establishment is a very clean type of use. There are no late hours. It is generally a 4½-day operation, being closed Saturday afternoon, Sunday and Monday. A beauty salon and residence can be under "B" zoning but due to the fact that we have a shampoo girl and a receptionist there would be too many people employed to allow us to have a "B" zoning and therefore we are requesting an "O" Office zone. That is the only purpose we have. We will eliminate the rent in two places in combining our home and business. We have abandoned our former plans and I had planned to purchase the additional lot and place this house on it but we are not going to move it, but are going to leave that for parking.

Mr. Earl Combs (5600 Montview), Mr. H. L. Arns (5612 Montview), Mrs. Edith Bartleson (5604 Montview), and Mrs. E. S. Johnson (5501 Montview) appeared in opposition to this request for the following reasons:

1. When we bought our homes, we were told that it was protected by zoning from commercial encroachment and also had a restriction in our deeds. This is a quiet street only three blocks long and is a good place for children and pets. Some bought here knowing it was near a business area but this has not been a disturbance. This business would be one step into this residential neighborhood.
2. The applicant's property has been maintained as an attractive home and it is possible that perhaps a hedge could be planted to screen out the noise from Northland Drive.

C14-61-10 Robert A. Cowan--contd.

The following persons appeared but made no statements:

Mr. and Mrs. William S. McIlvain: 2119 Northland Drive (in favor)

Mr. William J. Gist: 2605 Twin Oaks Drive (no opinion)

Mrs. H. L. Owen: 5612 Montview (no opinion)

Written objection was received from Mrs. Edith Hazelwood (5516 Montview) on the grounds that this is a fairly nice quiet street with minimum traffic and she would like to see only homes on this street.

The Zoning Committee reported that, upon review of the statements presented and the staff report, it had concluded that the request should be denied since this is spot zoning and would be an encroachment into a residential area and had then unanimously voted to recommend that the request be denied.

At the Commission meeting, the staff presented a letter from the applicant requesting permission to withdraw his request as he had investigated and found that the deed restrictions on the property would prohibit his placing his business here and were in effect until 1965. The Commission therefore unanimously

VOTED: To permit the applicant to withdraw this request.

C14-61-11 H. G. Linscomb: A to C  
2519-2707 Thornton Road

DIRECTOR'S REPORT: (See C14-61-3 for report on nearby property)

Mr. Trueman O'Quinn (attorney) represented the applicant at the hearing and presented information as follows in support of this request. There is a street which gives access to the rear of the Beal property, then as you come down Thornton Road toward this property there are three tracts of land whose owners favor this request. They are in the same block as this property. We have a tract here of nearly  $6\frac{1}{2}$  acres and we front on a railroad. On the other side the very large tract is owned by the Missouri Pacific Railroad who will not sell it nor open up a residential development. It will be for commercial or industrial development. That is adjoining this tract on the south. There are somewhere between 12 and 20 acres in this tract of land owned by the Railroad. We want the change so that we can put in a contractor's operation and some warehousing here. It would have to be for storage of durable goods. Mr. Linscomb has owned the property for some time and has the opportunity now to develop it for the two types of operation as mentioned. There is a "C" Commercial District for several thousand feet along the railroad on the east side. With the presence of the railroad and the type of land it is entirely suitable for the type of development we considered. We first considered making an application for light industrial but after checking into it we saw that "C" Commercial would permit the type of operation we wanted. For warehousing and contracting there is not a lot of traffic. We think this is an ideal location for the type of operation we propose.

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C14-61-11 H. G. Linscomb--contd.

Mr. Linscomb was also present at the hearing and written comments were received from the following owners favoring the request:

Missouri Pacific Railroad Company, by W. P. Ludwig, Jr.  
 Morris R. Kieke: 2509 Thornton Road  
 Winnie L. McCoy: 2505 Thornton Road  
 E. D. Jackson: 2503 Thornton Road

Mr. Linscomb again appeared at the Commission meeting and, in response to the discussion on this case with regard to the Director's report, stated that he could not see where a street pattern for the area would benefit him since he had everyone to agree with his request and it would be difficult to plan a street pattern beyond the railroad. Mr. Barrow explained that the Commission is suggesting that some street layout be decided in some reasonable manner but that did not mean he would favor granting the request unless it appeared good for the area. The Commission agreed that no recommendation should be made until this over-all street pattern is worked out and then Mr. Linscomb requested that his case be postponed for 30 days until this pattern is worked out. The Commission therefore unanimously

VOTED: To DEFER action on this request for 30 days as requested by the applicant.

#### RE-HEARING

C14-60-162 Ruben H. Johnson: B to O

Tract 1: 2704 (2624) Rio Grande and 2705 Salado  
 Tract 2: 2706-2708 (2710) Rio Grande  
 Tract 3: 2707 (2701) Salado St.

DIRECTOR'S REPORT: First was the question of the department making any study of the area or continuing the study that was already started. Secondly, the applicants asked the City Council to send it back to the Commission. The Council is concerned about it because they are concerned with what is the best thing to do with this area. One concern I have and a very practical reason is if you go in here with "O" Office, this gives you one little group of items to force the land prices higher and they are already high. There is a practical point of living next door to an office building or fraternity house. I would rather live next door to an office, but I'm looking at it primarily as to its uses. The other thing is what would constitute a proper office zone? I would say this half block of the area would be the only thing that would constitute a proper office zone and then some would develop it as office and some would develop it as apartments and fraternity houses. A review of the case shows the following:

1. This application is from "B" Residence, which is principally apartment zoning, to "O" Office for the purpose of operating a doctors' clinic. This is just west of Seton Hospital on Rio Grande. The general area

C14-60-162 Ruben H. Johnson--contd.

surrounding it is primarily fraternity houses, rooming houses and some single-family homes. To the north across 28th Street there is "A" Residence zoning and predominantly single-family development. Referral of this back to the Planning Commission was in relation to a study which the Planning Department was making of the area.

2. This study was initiated with the request for change of zoning on Salado Street. Increasingly, however, some four years ago, the planning consultants and Department recognized the serious status of conditions in the University area involving housing and traffic as well as commercial and office locations and in the financial sense of trying to find a parking space.
3. In studying the area, we have delineated a tract of land of about 1000 acres running from just south of 19th Street at approximately 17th Street to 34th Street and between Lamar Boulevard and East Avenue. With the University being the core of the area as public land developed primarily for University use and surrounded by housing; and beyond that the apartment, dormitory uses and single-family homes. At the present time we have living in this area roughly 19,000 people. We have anticipated that within a few years this will increase to 23,000 people, and this is a low estimate; the current enrollment will be increased from 19,000 to 30,000 within the next few years.
4. About 5,000 students will want and find it most convenient to live in this area. There will be married students, some single students, various students living in University housing, with the redevelopment of the apartment area on the Brackenridge tract, but the majority of students will be concentrated in this area. We will need approximately 7,000 more. We have a total of a thousand acres of land. At this time there are about 25 persons per acre. This is compared to the usual new subdivision which runs from 12 to 15 persons per acre. In some places close to the University it runs from 1800 to 2000 persons per acre within a few blocks of the University. There is actually a relatively small available amount of land for private development in "B" or "A" zoning. The commercial areas are pretty well established with commercial and office buildings. As a result we have a need for housing presuming they will live close to the University. (1) we would have to recommend that the primary use of land be used for dormitories and apartment uses; (2) we are suggesting some possible changes in the Zoning Ordinance affecting apartments and dormitories; however, that is not under particular discussion tonight. In the final analysis, we find we wind up with some 300 or more acres of land available for apartment or dormitory development, a part of it being commercial land already developed, and particularly some single-family development and garage apartments.

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5. The areas around the University are intensely critical because the students want to live as near the University as possible. Students living near to or away from the University with automobiles still find it more convenient to walk to the University. In contrasting this, in addition to the fact that the University is the main institution, there is the Episcopal Seminary, Seton Hospital, and St. Davids Hospital, all of which are in the process of expanding. There is a unique situation of a very high competition. In this particular instance the case tonight involves doctors' offices located near hospitals, which is certainly a very logical assumption that doctors should be located near hospitals, yet in the meantime, we have these students. A majority of this block is already developed with multiple-purpose housing, rooming houses of several different kinds, and apartment houses, and because the "O" Office would constitute a spot zone which would bring up the question of whether this would be a true spot zone, this would offer a true competition with the land which I think, within 3 or 4 blocks of the University is more suitable for housing development.

Mr. Dan Felts (attorney) represented Mr. Ruben Johnson (applicant) who was also present and they were joined by Mrs. Daisy Binkley for her mother, Mrs. Net Russell Bateman, former owner of one of the tracts. A petition signed by seven persons favoring the request was received from Mrs. Bateman. Statements presented may be summarized as follows:

1. I presume that the letters filed before will still be available at this time - for instance, the one from Seton Hospital. I would attempt to point out some of the things brought out by Mr. Osborne. What we wish to do on these three tracts of land is to create two separate structures. There is an alley, or you might say a dedicated street, that splits this land. On one side of it we wish to put one building, and on the other side we would erect the other building.
2. We will have ample parking. I know that is one thing that has concerned the City Council and the Planning Commission for quite some time. We will have space for approximately 60 cars parked off the street and the requirements for the city are that we would have 33 cars for this size building.
3. I can't think of a better location for a doctors' office than what we propose here. It is a good thing to hold some land for "B" purposes to house students, but it is another thing to get someone to put up the money to build a multiple housing unit. Here we have a man who is willing, if permitted, to put up these two offices for doctors. It is directly across the street from Seton Hospital and the Nursing Home and we contend it would be a nice service area for the hospital. Certainly the hospital needs a service area as the University needs a service area

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for its facilities. We think we can provide this. We also provide a service area for the students at the University and we don't think the zoning of this land is going to materially affect the housing problem at the University which it is going to encounter for the next ten years.

4. About a month ago, people came before this body and it was then before the Council to put in some 30 to 60 units on West Avenue between 18th and 19th. I believe this was approved by the City Council, so you do have some people who are willing to put in multiple housing units for the students and you have other people who want other types of investments to serve other needs. We think this is a need at this time.
5. Mr. Osborne stated that the report recommended that the major thoroughfares in this area be held or reserved or looked at for the development of commercial enterprises. Certainly we think Rio Grande is a major thoroughfare in this area. I think that is borne out by the fact that it is a one-way street at the present time and has been for a year or so.
6. We also feel in answer to certain objections that I know will be made by people who live in this area and use it for residence purposes only, that this is a changing trend in this entire area. I do not know of any new single dwelling that has been constructed in this principal or immediate area any time within the last few years. Anything that has gone up here has been in the way of apartments, fraternities or commercial enterprises. You will find that there are a few doctors' offices at the present time located around Seton Hospital, one on the corner of 25th and Rio Grande and one on the corner of 26th and Nueces. This area as we propose it will give a concentrated area for ten doctors and these doctors, as you may or may not know, work primarily at one hospital. They have patients at other hospitals but they do most of their work primarily at Brackenridge or Seton and the doctors we have talked to and are interested in going into this project do primarily their work in Seton Hospital and to be housed in close proximity to Seton, they think, is a present need.
7. We feel that the structures we put here will upgrade the entire neighborhood and will have the effect of appreciating the values. It certainly will not detract nor depreciate the value of the land. We show by these pictures what we plan to put on this property. We think you will agree that this will be an upgrading of the neighborhood. One of these lots that is involved in the zoning change, had an old house at the time which could not be used and was torn down. That itself decreased the value of the other lots adjacent to it. We have a layout showing what is going to be on the land. Out of due respect to the adjoining property owners, we feel that what we are planning here will not bother them nearly as

C14-60-162 Ruben H. Johnson--contd.

much as what could go up under the present zoning. One of the things would be a fraternity house. The noise created there would be less desirable than what we would have in the doctors' office. The doctors will be through at 5 o'clock and there will be no noise of parking cars after 5 or 6 in the afternoon, and with the experience most people have with fraternity houses that noise goes on after 5 or 6 in the afternoon. To divide this project from the neighbors we would comply with the Ordinance and build a brick fence or have a planting area which is required by the Ordinance. We do not view this as a spot zone because this particular area is as close to the hospital as it is. We view it as a change in trend in this particular area. The fact that no new residence has been built in this area for some time shows that there is no demand for a residential area here.

8. This will not only be a service to the students in the area, but will also be a service to the general public of Austin. As much as we love the University, we cannot completely turn the heart of the city over to the University in totum. This would be a real asset to the area.

Six nearby owners appeared in opposition for the following reasons:

1. They are seeking a change in the existing neighborhood. No reasons have been stated why there should be a change. Nothing has been shown where Seton says it is not being given adequate service or that physicians are not always there when they are needed, or that any physician made any such statement. Apparently there is no necessity or reason for it, except someone wants to make a little money at the expense of the rest of us by selling this property and improving it. We have a situation here that we brag about when we talk about Austin. We say Austin is a home city. We have a home community here. They are delightful homes where people live, where men are glad to get home at night and children go up and down the sidewalks where these automobiles will cross.
2. There is no necessity for a thing of this kind. This is a good way to spoil a good neighborhood. If you grant this, you may get an office area but you are going to discourage anyone else from making it a home area in the future. No one else would build homes here when you say this can be made an office area. We have our homes here and we would have to wait for someone else to put up an office before we can sell them. There is no reason why we should try to keep up our place and call it a home place because it is going to be an unkept neighborhood, if you grant this change. We do not see any necessity or any particular demand for granting this. This will be a neglected neighborhood for which you will be sorry in a few years. The residents will just continue to hang on waiting for another office demand.

C14-60-162 Ruben H. Johnson--contd.

3. Whenever the University of Texas needs property they can get it. None of us will fight the University. We are not inclined, however, to agree with some one who wants to go in and buy property to make money and that is the only thing involved in this application. One adjoining home is so constructed that it cannot be moved even if the owner buys a lot somewhere else.

The Zoning Committee reported the following action on this request: Mr. Barkley noted that there have been no new houses built in this area lately and the existing development is not well maintained and there is some rental property. He felt that this proposed development would add to the neighborhood and that it is desirable to have a doctors' office near a hospital, calling attention to some changes which have been made around St. David's Hospital. Mr. Brunson felt that the area is going to change and this high type of development would set a pattern for excellence to people that might build apartment houses in the area and they would follow the pattern. Mr. Bryant felt that this location is different from that around St. David's Hospital and he also objected to the entrance from Salado Street which is very narrow. A motion to grant the request failed to carry by a tie vote, with Mr. Baldrige not voting, and the request was then referred to the Commission without a recommendation.

At the Commission meeting and at the request of Mr. Barrow, Mr. Osborne reviewed his former report and added the following information: This area would include the Episcopal Seminary and the Presbyterian Seminary. In addition, there would be members of the University of Texas staff living as close to the University as they could. I would anticipate that within the next ten years about 250 acres of privately owned property for housing University students will be needed. The streets occupy between 25 and 30 per cent of the land. The commercial development will stay close to the major thoroughfares. In the immediate area of this request we have privately owned University houses in the form of boarding and rooming houses and some of the older single-family homes do have some University students. I think that doctors have better facilities in locating their offices than the students do in locating their housing facilities.

Mr. Dan Felts and Mr. Ruben Johnson were present at the Commission meeting and presented the following additional statements:

Mr. Felts: With reference to Rio Grande, this is one of the principal thoroughfares. I think that when it went to a one-way street the City recognized that it was a thoroughfare. I can see where there would be objection if I wanted to place it further west in a residential area or on a narrow street. All up and down this street you have various businesses and I think this is the proper location for this use. The structure will cost from \$160,000 to \$165,000, excluding the land cost, to be added on the tax rolls. We have our plans prepared and tentative bids taken on it. On Guadalupe the



C14-60-162 Ruben H. Johnson--contd.

land cost is out of sight and to justify any building there it would almost have to be a multi-story building and doctors are opposed to multi-story buildings but want one-story buildings. I cannot see how this proposal erected in this area could have any effect whatsoever on the housing of students by 1970 or even later on. We feel that the request is valid in view of the location in relation to the hospital.

Mr. Johnson: I think the doctors' main reason for wanting in close proximity of a hospital is that if they get a patient that has a heart attack they want to get there as soon as they can. I think the office district on 19th Street has been out of the service of Seton Hospital. This hospital has been here longer than any one in the city. An area directly around the hospital would give these people an opportunity to go across the street and get to the hospital. I know the problem we face with student housing, but at the same time we have to consider that we have a multi-million dollar hospital here and we have to have a service area around this hospital. At the same time I can appreciate the problem with students, but I don't see how we can deny this hospital this service area.

The Commission reviewed the report of the Committee discussion and the additional statements presented and a majority concluded that the request should be granted for the following reasons:

1. There will probably be sufficient space to house the University students in this area.
2. Rio Grande is a one-way street and is not suitable for residential development. This is a fast developing neighborhood and, while it is a University neighborhood, and there will be students, this is a logical and reasonable zoning and the Commission should encourage such development.
3. There is a need around a hospital for doctors' offices, especially when it is difficult to get into a hospital during epidemics where patients have to sleep in the hall. The health of the students should also be considered. The medical center on Red River Street is an asset to the city and is a convenience and benefit to the health of the people in the community. Also, the recently-permitted medical center on 19th Street is a very attractive place and takes care of the parking without creating traffic congestion.
4. Patients could enter from Rio Grande Street and leave on Salado Street and this would not create congestion since there would be only a few patients at any one time.

It was therefore

C14-60-162 Ruben H. Johnson--contd.

VOTED: To recommend that the request of Ruben H. Johnson for a zoning plan change from "B" Residence to "O" Office for the following property be GRANTED:

- Tract 1: 2704 (2624) Rio Grande and 2705 Salado
- Tract 2: 2706-2708 (2710) Rio Grande
- Tract 3: 2707 (2701) Salado Street

AYE: Messrs. Barrow, Barkley, Brunson, Kinser and Spillmann

NAY: Mr. Bryant

ABSENT: Messrs. Chriss and Lewis

PRESENT BUT NOT VOTING: Mr. Baldrige

C14-60-73 William P. Hoffmann: A to GR  
931 East 41st St.

The Director reported that the City Council has referred this request back to the Commission with the recommendation that the Commission study "GR" zoning for all lots on East 41st Street from the Expressway to Red River Street. He reviewed his original recommendation and the recommendation of the Commission. The Commission, after reviewing the application, considered the effect of "GR" General Retail zoning on property to the south and re-affirmed their original recommendation, feeling that this would provide more of a buffer zone between the residential on the south and the "GR" on the north, still permitting retail uses along 41st Street in an "O" Office District by special permit. It was then unanimously

VOTED: To re-affirm an original recommendation that the request of William P. Hoffman for a change of zoning from "A" Residence to "GR" General Retail for property located at 931 East 41st Street be DENIED; but that an "O" Office classification be established for this property.

AYE: Messrs. Barrow, Baldrige, Barkley, Bryant, Kinser and Spillmann

NAY: None

ABSENT: Messrs. Brunson, Chriss and Lewis

DEFERRED SPECIAL PERMIT

CP14-60-13 T. C. Steiner: Apartment Dwelling Group  
1210-1306 Mariposa Drive  
 (Deferred 1-17-61)

The Director reviewed the case and recommended that the site plan be approved subject to the following conditions:

1. That the first two culs-de-sac on the east and west sides be provided with sufficient clear space for a 40-foot radius over and above the parking area itself.

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

2. That a 6" water line and a fire hydrant be provided to within 150 feet of the most rear development for fire protection.
3. That, in the development of the first three units on the south part of the tract, a temporary driveway loop be provided, coming off the cul-de-sac into the other drive and left unobstructed by cars or any other objects, and that temporary paving be installed.

Mr. Osborne said he thinks these conditions will clear up the problems and that the site plan can be corrected within the next ten days.

Mr. Coleman explained that the City Council has approved the zoning and that Mr. Osborne has recommended some alternate plans which would meet the above conditions. He said there are various ways that these buildings can be placed on this particular property, that he had worked on some of this without proper contours and had actually located one building in the middle of the creek. He stated that there is a lot of study needed to complete the plan but to fulfill his contract he needs to get an agreement from the Commission that they can go ahead with the three buildings on the south and by the time he goes through the Loan Company and gets bids he would like to come back with a completed plan to meet the Planning Department's recommendations.

Mr. Osborne explained that Mr. Coleman wants approval of the site plan under a special permit which more likely he will not follow after meeting some obvious problems, but this means that he will have an approved special permit and if he wants to build within the next month he will have to build according to this plan; if he wants to modify the plan he will have to come back with another plan. Mr. Osborne further stated that he had used the USGS maps in preparing the alternate plans mentioned by Mr. Coleman. He also explained that it was not until today that he could get clearance of what was required by the Fire Department.

The Commission reviewed the statements presented and it was suggested that the special permit be approved subject to review of the final plan by the Director and the Chairman and leave it to their judgment as to whether or not it meets the requirements under the special permit regulations. It was then

VOTED: To APPROVE the special permit and the site plan subject to its review and approval by the Director and the Chairman.

PRESENT BUT NOT VOTING: Mr. Barrow

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of February 6, 1961. The staff reported that no appeals had been filed for review of the Committee's action but that one case had been referred to the Commission without action on:

C8s-61-1 Lockhart Highway Sub.

U. S. 183 and Bergstrom Spur

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of February 6, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-60-2 Barton Hills, Sec. 5 (revised)

Barton Parkway and Wilke Dr.

It was reported by the staff that this is a third revision of a plan which was approved about a year ago, showing the former church site as four lots and leaving out that property formerly shown as Lots 14 through 19, Block 2, which has been sold to Mr. A. D. Stenger.

Attention was called to a notice from the Electric Department and Telephone Company that additional easements would be required for rear property line build and Mr. Gerald Williamson said this would be shown on the plan. He stated that the street is located to follow the existing sanitary sewer line because it does get deep in places.

The staff reported that the existing city limit lines are not identified and that neither the acreage of the subdivision nor the names of owners of all adjacent property are shown on the plat. The Committee then

VOTED: To APPROVE the plan of BARTON HILLS, SEC. 5, as revised, subject to the following conditions:

1. Showing the acreage of the subdivision on the plan,
2. Identifying the city limit lines on the plan,
3. Showing the names of owners of all adjacent property on the plan, and
4. Compliance with departmental requirements.

C8-61-3 North Oaks, Sec. 2  
Interregional Highway and Berrywood Rd.

The staff called the attention of Mr. Gubbels to a requirement of the Water and Sewer Department that the developer will be required to move an existing 8-inch water line through Lots 24-37. Mr. Gubbels said they planned to locate this line in the street.

The staff further noted that the developer should be advised that this is an urban subdivision because the lots are smaller than those required for a suburban subdivision and this would require permanent paving rather than the type used by the County. Mr. Gubbels said they had planned to construct the type of paving used in the other section of this subdivision but did figure on installing curbs and gutters. He said the County preferred the two-layer penetration paving on caleche base. It was suggested that the size of the lots could be increased when the final plat is filed if the developer still wants a suburban subdivision. It was then

VOTED: To APPROVE the plan of NORTH OAKS, SEC. 2, with the notification to the subdivider that this is more than  $2\frac{1}{2}$  lots per acre and there is permanent type paving required.

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 Committee therefore

VOTED: To ACCEPT the following short form plats for filing:

C8s-61-11 Freewater Addn., Resub. Lots 2 & 10, Blk. 5  
Cardinal Lane E. of S. 3rd St.  
C8s-61-13 J. Grant Webster  
Airport Blvd. and U. S. 290

SHORT FORM PLATS - CONSIDERED

C8s-61-1 Lockhart Highway Sub.  
U. S. 183 and Bergstrom Spur

The staff reported that this subdivision meets the technical requirements of the Ordinance and the owner has a contract to sell these lots. The Director explained that this is on the west side of the Lockhart Highway across from Bergstrom Air Force Base and at the end of the Bergstrom spur. He said the subdivider is cutting this property into some very irregular tracts without providing any streets, that Lots 5 and 6 have a house on each and the other property is vacant, and that there is a pond in the area involved. He thought this leaves a ques-

C8s-61-1 Lockhart Highway Sub.--contd.

tionable situation as to how streets could be put through there and suggested that the Committee ask these people to talk with the Commission about the subdivision since, even though they have met the Ordinance requirements, they have not properly subdivided. It was therefore

VOTED: To refer this subdivision to the Planning Commission and to instruct the staff to request the subdividers to bring in more information as to how they intend to use the property.

The Commission considered the REFERRAL of this subdivision. The staff reviewed the action of the Subdivision Committee and explained that the subdivision does meet the Ordinance requirements and all departmental reports have been received, but there was some question regarding the large and irregular tracts provided. The Director stated that the only thing he could do would be to recommend denial as being unsound subdivision of the land and its effect on access to the abutting area. He recognized that it is a difficult tract to develop because of drainage and because Bergstrom Field creates a noise problem in the area.

Mr. J. Phillip Crawford represented the subdivider and explained that their intention was to sell large-type lots, however the drainage problem changed their thinking and they now propose to utilize the large tract as a rest home and use the entire area, covering the pond which was formerly a stock pond. He said that access will then take only one bridge and there will be a street from the Lockhart Highway into the large tract. The Director said he questioned the use of the property for residential, especially a rest home, because of its location in relation to Bergstrom Field.

Mr. Kinser said he had looked at the property and, while he was not well satisfied with the subdivision, he did not feel it should be held up and he also felt that the remainder of the property seems susceptible to subdividing. He noted that this is adjoining the pumping station and that these lots are 150-foot lots which are adequate in size. Mr. Bryant did not approve of subdividing with an inaccessible tract of land. Mr. Crawford then explained that if they decide to change from their present plan they would have to present another plan. The Commission then

VOTED: To APPROVE the plat of LOCKHART HIGHWAY SUB.

C8s-61-4 Damon A

South 1st and Dittmar

The Director reported that the subdivider has created these small lots and has built two houses only about 10 feet from the road, on land which is not suitable for septic tanks and is not near a sanitary sewer. Mr. Stevens stated that Mrs. Damon said she had worked something out with

C8s-61-4 Damon A--contd.

the Health Department but the Department has not received a report from that department.

The staff further reported that there are additional easements required, that fiscal arrangements for water are required, that there is a need for street widening, and there should be a 25-foot setback on the lots. The Committee therefore

VOTED: To DISAPPROVE the plat of DAMON A subject to the following conditions:

1. Showing of additional easements,
2. Completion of fiscal arrangements,
3. Rearrangements of the lot lines to provide larger lots, and to meet Health Department requirements for operation of septic tanks,
4. Provision for widening Dittmar Street, and
5. Provision for 25-foot setbacks on the lots.

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

VOTED: To APPROVE the following plats:

C8s-61-16 Sherwood Oaks, Sec. 3, Resub. Lots 13-21

Little John Lane

C8s-61-18 Oertli Addition

Oertli Lane

The staff reported that Oertli Lane is only 30 feet wide but the subdivider is giving his 10 feet for widening in front of his lot, making it only a 40-foot street instead of the required 50 feet. The Committee then

VOTED: To grant a variance from the Subdivision Ordinance on street width requirements.

C8s-61-20 Greenwood Forest Annex

South 3rd St. N. of Philco Dr.

#### ADMINISTRATIVE APPROVAL

The staff reported that 4 plats had received administrative approval under the Commission's rules. The Committee therefore

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

- C8s-61-14 Pemberton Heights, Resub. Lot 18, Blk. 27  
Gaston Ave.
- C8s-61-15 Taulbee Street Addn.  
Taulbee St. E. of Watson
- C8s-61-17 Campbell and Francis Sub.  
Cullen La. E. of Burnet Rd.
- C8s-61-19 Pipkin Sub.  
Vernon Rd. and Hidalgo St.

#### SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

- C8-60-2 Barton Hills, Sec. 5  
Barton Parkway and Wilke Dr.  
Mr. Gerald Williamson reported that this was approved as a preliminary about a year ago but it has been re-worked and is to be constructed as soon as possible. The staff reported that the departments have reported verbally on this plat but no formal reports have been received.
- C8-60-19 Highland Hills, Sec. 6, Phase 1 (Revised)  
Highland Hills Parkway  
Mr. Williamson said the original plat has been approved and this is a revision.
- C8-61-4 Assumption Cemetery, Sec. 16  
South Interregional Hwy.  
The staff reported that a street was dedicated for cemetery purposes on the over-all layout, but this street does not show on this section, nor have tax certificates been filed, but this can be worked out before the subdivision is submitted for approval.

#### SUBDIVISION PLATS - CONSIDERED

- C8-60-39 Brinwood, Sec. 1  
South Congress Ave.

It was reported by the staff that fiscal arrangements have not been completed nor all departmental reports received and that notice be taken that recording will be held up until the vacation of Jones Avenue in this part of the subdivision has been approved. It was then



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

VOTED: To DISAPPROVE the plat of BRINWOOD, SEC. 1, pending completion of fiscal arrangements and receipt of necessary departmental reports, and that the staff be authorized to withhold filing of the plat until that portion of Jones Avenue through this part of the subdivision has been vacated.

C8-61-1 Garden Oaks, Sec. 2

Barton Skyway W. of Garden Villa Dr.

The staff reported that fiscal arrangements have not been completed, that additional easements need to be shown on the plat, and that drainage easements have not been satisfactorily negotiated according to the Public Works Office Engineer.

Mr. Gerald Williamson explained that there are some easements that the Electric Department would like to have but they said they were not absolutely necessary. He said he had told them if they need these easements, and they will line them up, he will show them on the plat. He also said he has secured from the Public Works Department a 5-foot easement in the street for drainage and 5 feet from the adjoining owner which has been approved by the owner but needs to be approved by the lien holder.

The Commission therefore

VOTED: To DISAPPROVE the plat of GARDEN OAKS, SEC. 2, pending completion of fiscal arrangements, showing of additional electric easements, and provision for the required drainage easement.

C8-61-2 Huntland Heights Street Dedication Plat  
Huntland Drive

It was reported by the staff that fiscal arrangements have not been completed nor all departmental reports received.

Mr. Williamson explained that there is a problem involved in that when Huntland Drive was laid out on the preliminary plan and approved, there was a cross-over on the Interregional Highway at Atkinson Road but since that time the Highway Department has completed plans and are not providing that crossing. He said his clients are trying to work with Mr. Rountree and decide the best location for Huntland Drive. The Commission therefore

VOTED: To DISAPPROVE the plat of HUNTLAND HEIGHTS STREET DEDICATION PLAT subject to completion of fiscal arrangements and receipt of all departmental reports.

## SHORT FORM PLATS - FILED

C8s-61-12 Ernest Williams Subdivision  
Spicewood Springs Road

The staff reported that Mrs. Williams requested water service for this tract of land about six months ago, having at that time sold off a larger tract on the east to Mr. Brockman and also selling her water rights with that property since her home was served from that area. This property of Mrs. Williams is served with access only by 16-foot lanes, one extending to Spicewood Springs Road and the other at the rear of her property, a part of which is impassable. It was suggested to Mrs. Williams that she discuss this with the adjoining owners and see if something could be done to provide adequate streets but she was unsuccessful and is now submitting this plat with no frontage except on the 16-foot lanes so that her home will be established as a building site and she can have water service.

In response to a question by the Chairman, Mr. Fowler said that it would appear Mrs. Williams has sold an illegal subdivision and that is the reason water service has not been provided. He explained that the Commission should make the decision as to whether or not they will approve the subdivision as it is but it appears approval would require some rather sizable variances.

Mr. Barrow said he was very familiar with this area and the situation is that none of those people are going to do anything about widening the road to 50 feet and there are from 15 to 20 people with access only by 16-foot lanes to Spicewood Springs Road. He felt that at some time one person will acquire all of this property and improve it.

After considerable discussion as to the proper way of handling this situation, Mr. Fowler said he would like to have an opportunity to look at the area and see if something can be worked out without the Commission approving this kind of subdivision and would appreciate any comments from the Commission as to what might be done to get it straightened out. The Commission then

VOTED: To ACCEPT for filing the plat of ERNEST WILLIAMS SUBDIVISION and to request the Legal Department to study the situation.

## SHORT FORM PLATS - CONSIDERED

C8s-61-4 Damon A (Revised)  
South 1st and Dittmar St.

The staff reviewed the action of the Commission at the last meeting and explained that, as a result of the Health Department's comments as to the condition of the soil, the plat has been revised to eliminate some short lots, extend the depth of Lot 7 and decrease the depth of Lots 1, 2 and 3. It was further reported that a report from the Health Department on the revised

C8s-61-4 Damon A--contd.

plat was received today, stating that this revision will be acceptable provided Lots 1, 2 and 3 are divided into two rather than three lots. The Department concurred in this statement and noted that Dittmar has a width of only 41 feet in width but the subdivider is providing his half for the widening.

Mr. Schoolfield asked if the Commission would accept the plat if he extended Lots 1, 2 and 3 to take in the rear of Lot 7. Mr. Barrow said one of the objections is to the narrowness in the rear and the Commission would not know what the recommendations of the Health Department would be. Mr. Schoolfield explained that the Health Department had first told him they would require a 500-gallon septic tank, with 150 feet of drainage field and 9,000 square feet in the lots. They discussed the possibility of taking some area from Lots 6 and 7 to increase the size of the other lots but Mr. Schoolfield did not feel this would help but would force him to change lot lines again and push Lots 4, 5 and 6 further north and if he shortens those lines he would have to widen the lots. The Commission then

VOTED: To DISAPPROVE the plat of DAMON A as revised.

C8s-61-21 Harry Menn Subdivision  
Springdale Rd. S. of Rogge La.

The staff reported that all reports have been received but there are two problems involved, one being that it does not meet the filing requirements of the Subdivision Ordinance but Mr. Metcalfe has requested by letter that a variance be granted so that the entire 187-acre tract will not have to be surveyed. The other problem is that water is not available to this property and it cannot be served by the City since it is not in the city limits nor in a water district. The Health Department stated that a septic tank would operate satisfactorily on this property but there is no water available so this would be subject to a proposed well. The staff called attention to a note on the tracing regarding availability of water and that they felt this should be checked thoroughly by the Legal Department prior to the approval of the plat.

Mr. Metcalfe explained that there are at present improvements on the property and people living in the house now, with a septic tank and lights, but he does not know the source of their water supply. He said this property is being bought by the Telephone Company and that is the reason for the subdivision.

Mr. Barrow asked for comments from the Director regarding the plat and the effect this one-acre tract might have on the other part of the property and its subdivision at a later date. Mr. Osborne said he would recommend a variance from the filing requirements since the surveying of the entire property would work a hardship. He said it is possible that the subdivision could

C8s-61-21 Harry Menn Subdivision--contd.

cause some problems in the future but there could possibly be a street along the south line of the Telephone Company lot and lots provided behind that. He felt, however, that this is a chance that people would have to take and the question of layout on this property at the present time would be that the City cannot serve it with water or sewer and there are no immediate plans for annexation of this particular area.

Mr. Metcalfe stated that this tract has been sold several times and an easement was given to serve it with electricity, that at one time one man owned the entire tract but sold off this acre. He further stated that it is his understanding that the taxes have not been paid on the remainder of the property and they now amount to several thousand dollars.

The Commission reviewed the factors presented and felt that it should be approved subject to the approval of the Legal Department and a restriction on the plat as to the supply of water. It was therefore

VOTED: To APPROVE the plat of HARRY MENN SUBDIVISION subject to the following conditions:

1. Approval of the plat and its usage by the Legal Department, and
2. A restriction being placed on the plat that the property will not be used for residential purposes until an adequate supply of water is available;

and to grant a variance from the Subdivision Ordinance on filing requirements.

(Staff note: Mr. Fowler later approved the following revised restriction regarding water supply: "The lot in this subdivision is hereby prohibited from occupancy until water satisfactory for human consumption is available from a source on the land, a community source or a public utility source, in adequate and sufficient supply for family use and operation of a septic tank and system.")

OTHER BUSINESS

C10-61-1(a) STREET VACATION

Jones Avenue at Havana and Coleman Sts.

The staff reported that the subdividers of Brinwood, Section 1, have requested that the portion of Jones Avenue which extends through this subdivision be vacated since they have revised the original layout of a part of Brackenridge Heights and relocated the streets. The Commission felt that the request is justified because of the resubdivision. It was therefore

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C10-61-1(a) Jones Avenue Street Vacation--contd.


VOTED: To recommend that the portion of Jones Avenue which extends through Brinwood, Section 1, be VACATED, and that the staff is authorized to hold the request until the final plat of Brinwood, Section 1, is approved.

ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

  
Hoyle M. Osborne  
Executive Secretary

APPROVED:

  
Chairman