

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- April 11, 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
Fred C. Barkley
Howard E. Brunson
Pericles Chriss
S. P. Kinser
W. Sale Lewis

Absent

Doyle M. Baldridge
A. C. Bryant
Emil Spillmann

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 April 4, 1961:

C14-61-26 Edgar S. Daugherty: A to C
6208 Burns St. and Rear 6221 North Lamar Blvd.

DIRECTOR'S REPORT: The applicant is proposing future commercial development on the lot which is actually a through lot from Lamar Boulevard to Burns Street. The portion of the lot for a depth of about 130 feet from Lamar Boulevard is already zoned "C-1" Commercial. The remainder of the lot for a depth of 439.86 feet extending back to Burns Street is currently zoned "A" Residence. The land use along Burns Street is zoned and developed as residential, as well as the area to the east. The property along Lamar Boulevard is developed with some business uses. In view of the surrounding development, I would recommend that the portion of the lot for a depth of about 200 feet from Burns Street remain residential.

Mr. Daugherty appeared at the hearing and presented the following statements in support of his request: I propose to extend my venetian blind factory to the back of the lot. I thought it was all zoned commercial because the front part was commercial. I do need the entire lot for the operation. Burns Street is only one block long. My business is not an unattractive business. The parking would not be a problem. This would be for the extension of my present business and entrance would be from Lamar Boulevard. I would not need an entrance from Burns. There are two houses being constructed next to me by Mr. Reeves and I understand that he at one time tried to commercialize his property.

C14-61-26 Edgar S. Daugherty--contd.

One reply to notice was received favoring the request.

Reply to notice was received from Mr. Jessie C. Fair (621 Hammack Drive) opposing the request but stating no reasons. Mrs. Mary Moser (619 Hammack Drive), Mr. Dale Hester (614 Hammack Drive) and Mrs. Gladys Brown (2301 Red River Street) appeared in opposition for the reason that this is all a home area and children going to school use this street; there would be no parking area and cars would be parked in the street; the extension of commercial zoning would lower the value of surrounding property which they hope to keep residential.

Mr. W. K. Chapman (700 Denson Drive) presented the following objections to the change: I object to this all the way. I don't see any advantage to any of the people who have homes in this area. Denson Drive is very much of a thoroughfare and Burns is a short residential street where children can ride bicycles and play and they are in less danger. There are two new homes going up adjoining this property. It seems that people would check before going into an area. I checked before I bought my home and decided on this area because it was residential. It would make my property worth less unless I intended to have it changed to business.

The Commission discussed the recommendation of the Director that the east part of the lot be zoned "B" Residence rather than "C" Commercial. It was noted that two new houses are being constructed at the rear of the existing appliance shop but Mr. Osborne reported that there is a very nice 6-foot concrete wall behind the appliance business to obstruct the view from the houses to the east. It was concluded that the extension of the business zoning to include the west 150.54 feet of this lot would be logical, especially since it would adjoin the present appliance shop on the south, but that the east 139.32 feet should be given a "B" Residence classification as a buffer zone between the business and the existing "A" Residence development along Burns Street and to the east. Therefore, it was unanimously

VOTED: To recommend that the request of Edgar S. Daugherty for a change of zoning from "A" Residence to "C" Commercial for property located at 6208 Burns Street and the rear of 6221 North Lamar Boulevard be DENIED; but that a "C" Commercial classification be established for the west 150.54 feet of the tract and that the east 139.32 feet fronting on Burns Street remain "A" Residence.

C14-61-27 Bullard Company: LR to C-1
2801-2805 Manor Rd. and 2209-2215 Curtis Ave.

DIRECTOR'S REPORT: This is for the purpose of selling beer in connection with a drive-in grocery. Manor Road has a right-of-way of 60 feet with 44 feet of paving. The areas to the north and to the west and south are developed with single-family residences. Adjoining on the east is an undeveloped "C" Commercial tract except for a drug store and beyond that is an "LR" Local Retail

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C14-61-27 Bullard Company--contd.

District. There is about a full block of industrial zoning to the east of that where the Texas Quarries are located. The reason for the "LR" zoning here is probably for a buffer zone between the "C" Commercial and the residential. In view of the fact that there are surrounding residences and the fact that this would not conform to the policy of the Commission, in that this is not a well-developed commercial area, I recommend against the change and against "C" Commercial in this particular location.

Mr. Dan Priest (agent) represented the applicant and presented the following information: What we are in a sense doing is trying to plan usage for several pieces of property which we own. If the City does not feel it wise to grant this change, could I amend the application to request only "C" Commercial? We own two drive-in groceries, one of which is leased to Town and Country and the other to U-Totem. We plan the usage for the property and then secure a tenant. There is a lot of time wasted if we cannot get the zoning changed before we get our tenant. (Mr. Osborne explained that the trouble with "C" Commercial is that it permits so many other intensive uses which could be objectionable in a residential area, such as warehousing, contractors' storage yards and other operations involving a great deal of trucking operations and other similar uses. It appears that this area is very transitional, with industrial zoning to the east and grocery stores and probably every type of retailing operation along this street between here and the Airport Boulevard. This would be an extension of the present "C" Commercial zoning. I would like to upgrade the application as much as possible. If the Commission would not consider "C-1", I would like some recommendation and get some idea how high a use we could establish here.

Replies to notice were received from two owners who favored the request, both giving mailing addresses in San Antonio, Texas. Written objection was filed by Mr. and Mrs. Pete Schneider, Sr. (2800 East 22nd) for the reason that too much commercial has been created here and the tin shack of the drug concern next to their property is objectionable.

After considering the zoning and development in the area and the recommendations of the Director, the Commission concluded that the property should not be zoned as "C-1" since it would not conform to the policy of the Commission but that it should be "C" Commercial as an extension of the present "C" Commercial zoning. The owner's representative indicated the "C" Commercial would be satisfactory but did not change the application. Therefore, it was unanimously

VOTED: To recommend that the request of Bullard Company for a zoning plan change from "LR" Local Retail to "C-1" Commercial for property located at the southeast corner of Manor Road and Curtis Avenue be DENIED; but that a "C" Commercial classification be established for the property.

C14-61-28 W. H. Bullard Company: B to C
1601 Sabine St. and 700-704 East 16th St.

DIRECTOR'S REPORT: This is for the purpose of future commercial development. In view of the fact that this area to the south is partially developed in commercial uses, as well as Brackenridge Hospital, to the east is partially residential and commercial, and the area to the west is only occasionally residential, the basic pattern of the area being commercial, I would recommend that the request be granted.

Mr. Dan Priest (agent) appeared for the applicant and, in addition to the statements presented by the Director, said that "B" Residence zoning does not give any flexibility in apartment house development. One reply to notice was received favoring the request.

The Commission reviewed the surrounding development and the general character of the area and concluded that this would be a logical extension of the present commercial zoning. It was therefore unanimously

VOTED: To recommend that the request of Bullard Company for a change in the zoning plan from "B" Residence to "C" Commercial for property located at the northeast corner of Sabine and East 16th Streets be GRANTED.

C14-61-29 W. K. Jennings Electric Co.: C & 1 to C & 2
Maple Ave. and E. 22nd St.

DIRECTOR'S REPORT: The applicant proposes to erect a structure on a property line to be used as a storage yard in connection with an electrical contracting business. This property has two buildings, a chain link fence, and a fair amount of equipment and other materials connected with an electrical contracting business. There is a considerable amount of outside storage besides the two buildings. The applicant proposes to construct a structure on the property line which is not permitted under the First Height and Area which requires a setback. Under the Second Height and Area the setback is waived along Maple Avenue. In view of the development to the south of this property, this would constitute a spot zone and I would have to recommend against it.

No one appeared at the hearing to represent the applicant or in interest of this request, however Mr. Jennings appeared before the Commission and requested to be heard, explaining that illness had prevented his appearance before the Zoning Committee. This request was granted and Mr. Jennings then presented the following reasons for requesting the change in Height and Area:

1. When I previously applied for a change from residential I thought I was getting the type of zoning I needed, but I find there are restrictions on setbacks. My only interest in this is in the interest of good house-keeping so that we can actually make the place neater. At this time we

C14-61-29 W. K. Jennings Electric Co.--contd.

are a little light on equipment but we will have more equipment and we would like to build some storerooms for this equipment. This will obstruct the view of the material yard.

2. The fence is one foot from the property line and there is a gate on 22nd Street. Maple Avenue is not a desirable street for an entrance since it carries a lot of flood water.
3. I plan to build open sheds on Maple Avenue and possibly along 22nd Street and to locate them on the street lines. You already have a blind corner at Maple Avenue and Manor Road where the mattress factory is located. A solid wall as required would create a blind corner. It would handicap me seriously to set the buildings back and I don't have the room as the present buildings are arranged. If I had moved the present shed further to the north I possibly would have had space.
4. I would store equipment such as pick-up trucks, barricades, and other material in the sheds. This would enclose our material with these open sheds and would obstruct the view from the residential area on the south.

In the discussion by the Commission, Mr. Osborne explained that this is a non-conforming use under the present Ordinance which requires that storage yards be enclosed with a 6-foot solid fence to screen them from surrounding property. He noted that this would create a bad intersection but he felt it would be a better situation with the screening. He said he realized that there is a practical problem here but would recommend denial since there is no sound basis for making the change. Mr. Barrow felt that if he is changing the use of what he is doing now he should comply with the Ordinance requirements and that the request should be considered from a zoning standpoint. The Commission also noted the effect of the change to Second Height and Area and the fact that this would permit a building to be erected on the street line at the intersection of these two streets and concluded that this area and the streets would not justify the intensity proposed. Also, it was felt that this is not the highest and best use of the land and that the setback should be required to avoid creation of a hazardous street intersection. Therefore, it was unanimously

VOTED: To recommend that the request of W. K. Jennings Electric Company for a change of zoning from "C" Commercial and First Height and Area to "C" Commercial and Second Height and Area for property located at the northwest corner of Maple Avenue and East 22nd Street be DENIED.

C14-61-30 W. E. Thompson: C to C-1

1000-1002 W. 33rd St. and 3300-3310 Lamar Blvd.

DIRECTOR'S REPORT: This is for the purpose of selling beer for off-premise consumption in a drive-in grocery. It is currently developed as a fruit and flower stand. The property along Lamar Boulevard is generally developed

C14-61-30 W. E. Thompson--contd.

for commercial uses. There is existing "C-2" Commercial at 34th Street and Lamar and across the street from this property. To the south and west there is residential development and about one block to the west is a City park. This appears to conform to the policy of the Commission regarding "C-1" in a well developed commercial area. It should be noted to the Commission and to the Council that in connection with any change of zoning and any redevelopment of the lot, off-street parking should be provided which they do not have on the lot, and such off-street parking should not permit any backing out into Lamar Boulevard since it carries about 18,000 cars per day and this is one of the most difficult intersections we have in the area. We have a 54-foot street here and the parking of an automobile here is a hazard. The difficulty is that the parking area on this property is unimproved and there is no indication that it is a parking area. I think this should be improved in accordance with the Zoning Ordinance which would encourage people to park there rather than on Lamar Boulevard.

Mr. T. B. Kellum (attorney) represented the applicant and submitted the following: The tenant using this property is the one that is actually asking for the change of zoning. He says his business is not what it should be and he thinks with the change it would improve the picture as a whole. Eventually a new building will be built here when business will justify it. The parking would come with the new building. At the present the only building there is rather inadequate but for the business they have had up until now it will fulfill the purpose. As business increases it will justify higher rental and this will justify new buildings, and that is what Mr. Thompson is looking forward to. For the time being your suggestion for in and out parking would require a bit of a job since there is a difference in grade between the street and the lot. It would be a major undertaking to grade it down to where they could get in and out. There is ample space for inside parking to drive in and out and head out as they leave the premises, and for the time being we would like to leave it as it is. At the present there is parallel parking on Lamar.

Mr. W. E. Thompson (applicant) then presented statements summarized as follows: The parking does not have to be on Lamar since the building has been set back according to City specifications. They can pull in off of 33rd Street where there is ample parking and two or three cars can be parked at one time and leave by the alley or 33rd Street. The tenant has already put a new building there and he wants to make a kind of 7-Eleven type store. I formerly asked for "C-2" zoning on this and was denied, but then they changed the property across the street from me. If this change is granted, this tenant intends to change this parking area where you can head in and drive out without ever parking on Lamar. He is in the process of graveling the front part of this lot. (The Director explained that it must be a paved area.) He doesn't want to go to that expense if this request is turned down. If it is changed, he will improve the parking area. This parking is between the curb and the building on 33rd Street.

C14-61-30 W. E. Thompson--contd.

Reply to notice was received from Mr. Nelson Puett (5425 Burnet Road) approving the request. Mrs. C. A. Clayton (1004 West 32nd Street) stated that until such time as they do improve the property she didn't see that it should be zoned for this use.

The following objections were presented by Mr. and Mrs. Charles Armstrong (3703 McDonald Avenue): I wasn't objecting on account of my property. I was objecting because it is in such close proximity to the City park and I don't think it would be wise to have that type of use there, and I don't believe that the present setup allows for 25-foot setback. It doesn't appear that there will be enough parking area and there will be enough parking area and there will be a congestion that will not be the best thing for the neighborhood.

In the discussion by the Commission, the Director recommended granting the request with a memo to the City Council that one requirement be that off-street parking be provided in such a manner that cars do not back into Lamar Boulevard. The Commission concluded that the request conforms to the policy of the Commission in that the property is located in a well developed commercial area. It was therefore unanimously

VOTED: To recommend that the request of W. E. Thompson for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at the northwest corner of Lamar Boulevard and West 33rd Street be GRANTED, and that a memo be sent to the City Council recommending a requirement that the parking area be provided in such a manner that cars do not back into Lamar Boulevard.

C14-61-31 O. E. Zenkner: A to O

4400-4404 Red River St. and 814-818 E. 44th St.

DIRECTOR'S REPORT: The surrounding area is developed almost entirely with residences. The only commercial zoning is Local Retail one block to the north about one-half of which is developed with a nursing home. In view of the fact that the existing pattern in the area is "A" Residence and single-family development and this would constitute a spot zone in an "A" Residence area, I would have to recommend that it be denied. In connection with this area, with the zoning that occurred on the Hancock tract, along 41st Street on the south side for about half of the property has been recommended by the Planning Commission for "O" Office. About half the lots are undeveloped at this time. We realize that doctors' and other offices are moving out and they need to find a coherent space with lots grouped together where cooperative zoning would be better.

Mr. T. B. Kellum (attorney) represented the applicant and Mr. and Mrs. Zenkner were also present. Mr. and Mrs. John Wilson (4301 Red River Street) appeared in favor of the request. Mr. and Mrs. Leonard Scott (1311 Northridge

C14-61-31 O. E. Zenkner--contd.

Drive) were present but offered no comments. Statements by Mr. Kellum may be summarized as follows: This is a proposition that we are faced with more and more. Dr. Joe Love is interested in this property. He has been crowded out of the Littlefield Building because of the space situation. He moved to another location and found the same situation there. He has now found this property that he can buy which is large enough to provide the office facilities that he will require. It will give him a parking area entirely on his own grounds without bothering his neighbors and where a patient could reach him without walking half a mile after parking. I am sure the building plans will be in keeping with the neighborhood and there could be no objection there. I don't believe that the added traffic will be any burden to the adjacent neighbors. This will be a convenience to the neighbors to have a doctor available and with a break already made in the strict residential character of the neighborhood with the installation of a big rest home a block to the north I don't think this would be any burden at all on the area adjoining this particular piece of property. (In response to the comments of Mr. Swenson) Dr. Love, after he gets the property, would like to see 44th Street paved as well as the other owners. It would be to his advantage as well as theirs. As far as the local population is concerned, it would be more appropriate to have one doctor here in the neighborhood.

Mrs. Erna Seeliger (809 E. 44th St.) stated in writing that she objected unless East 44th Street is paved from Red River to Caswell Avenue.

Mr. Weldon M. Swenson (807 East 44th St.) appeared and presented statements as follows: I do not object to the doctor's office as such. As Mr. Kellum pointed out, he is planning to put in off-street parking which would make the situation all right. The biggest thing we have in our particular area is that 44th Street dead-ends about two blocks to the west and that means the owners in this area will be faced with an additional increase in traffic. It will triple the traffic over what it is at this time. 44th Street west of Red River is the only block in the area that is not paved. Part of the property owners have curbing there but some don't. We have six rent houses and five homesteads between Red River and Caswell Avenue. I don't think our particular neighborhood was intended to be commercial at any time as is stipulated in our deeds. We have very little commercial here. The home owners I have talked to only have the objection that the street is not paved and it will increase the dust menace. I believe that if steps would be taken to pave 44th Street for one block the property and home owners would go along with that particular rezoning.

Mr. Kellum also appeared before the Commission and repeated his previous arguments, and added that they have a set of plans for proposed development that will not conflict with residence buildings in the neighborhood. Dr. Love also appeared and stated that several people have called him and said they were not opposed to this. He thought this would not be much of a spot zone because within two blocks there is a grocery store, a beauty shop, and a rest home, and that this is an area which is bound to be developed as

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C14-61-31 O. E. Zenkner--contd.

office. He noted that this property has been vacant for years and he felt it will continue to be vacant unless someone builds something like he plans here.

The Committee reviewed the arguments presented, the character of the neighborhood, and the staff report. Some members felt that the area is in a period of transition, with the uses mentioned above and the nearness of the recently-purchased Sears tract and that, while these are old homes, they are well kept. They felt that this would be an improvement to the area. Mr. Kinser said he would be opposed to grocery stores but he is in favor of the doctor's office. Mr. Barrow said it would be illegal to zone this property unless you had something to show that the neighborhood is changing and that the Commission should not consider what is proposed for the present time for once it is zoned there are other office uses that would be permitted here. Mr. Brunson opposed the change because it would be an intrusion into a well-kept residential area. A motion to recommend granting the request failed to carry by the following vote:

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

It was therefore recommended that the request of O. E. Zenkner for a change in the zoning plan from "A" Residence to "O" Office for property located at the northwest corner of Red River and East 44th Streets be DENIED.

C14-61-32 Ada B. Turner: A to O
 5200-5202 Huisache St. and 700-702 Zennia St.

DIRECTOR'S REPORT: This is an application for a change of zoning for the purpose of maintaining operation of a nursing home. The area along Lamar Boulevard one-half block to the west of this adjoining the property is presently zoned "C" Commercial or "C-1" and is developed with commercial uses. Along Huisache Street the zoning is entirely residential. Immediately behind the "C" zoning south of Zennia Street is an "O" Office zone which was created several years ago for the purpose of enlarging the present nursing home on Lamar Boulevard. There is single-family as you move a half-block away from Lamar. This property would front either on Huisache or Zennia. The zoning pattern in the area is entirely "A" Residential, with streets developed with 50 feet of right-of-way and 30 feet of paving on Zennia and gravel surfacing on Huisache. There was a very small area between the property requested for change and the "C" zoning on Lamar included for purposes of hearing. It is presently developed with a printing shop. In view of the fact that there is existing single-family development adjacent and across the street from this and an "A" Residential pattern in the area, I would have to recommend that the change be denied as an encroachment into an "A" Residence area.

C14-61-32 Ada B. Turner--contd.

Mr. Phil Mockford (agent) appeared for the applicant and presented information as follows in support of the request: Mrs. Turner is presently operating a rest home on Lamar Boulevard and at 702 Zennia across the street. There is no street between this property and Lamar Boulevard and you back directly to commercial uses, and everything up to this property is zoned commercial. Across the street is "O" Office which was zoned for the purpose of expanding the rest home on Lamar Boulevard. This proposed rest home will face on Zennia and not on Huisache. Mrs. Turner owns this property, which has a home on it now, and she desires to further expand her facilities in the area in which she is already operating. On the number of units that could be accommodated, I think the area of the property would control that regardless of the zoning.

One reply to notice was received favoring the change on the grounds that this would greatly improve the value of property in the area. One property owner appeared favoring the request but made no statements.

Mr. J. C. Hinsley (attorney) represented Mr. C. F. Goodenough who owns the adjoining property and also filed a petition signed by about a third to a half of the owners receiving notices. Mr. Hinsley presented the following statements: In view of the excellent statements made by Mr. Osborne I only want to point out one or two facts. I would like to call to the Commission's attention the fact that this would be a use that would be appropriate either in "B" Residence or "O" Office, the only difference being that in "O" Office there would be no limitation in the number of patients that could be accommodated in the facility, whereas in "B" Residence you could only accommodate 13 patients on this particular tract which is more than two average lots in the City of Austin and smaller or no larger than one lot in the current subdivisions which are being developed. As has been pointed out, the prime use of this area is residential except for the half-block which fronts on Lamar. I think it is obvious that Lamar is not developing commercially since the opening of the Interregional Highway and there seems to be no further call for the encouragement of commercial uses in this residential area. Huisache is a dead-end residential street and Genard Street does not extend through to Lamar. With no limitation on the number of patients, it would undoubtedly increase the traffic on these dead-end and other residential streets. I have heard from some of the residents of the area that many of the families have found that even the present operation of the rest home is disturbing to the children in the area.

Mr. and Mrs. Goodenough (5204 Huisache Street) also appeared and added that they are familiar with the type of buildings Mrs. Turner is building and that her present development is deteriorating and a number of the neighbors have been worried about their children going to the store on Zennia and North Lamar. They felt that this would not be an improvement.

C14-61-32 Ada B. Turner--contd.

Two replies to notice were received and the petition signed by 16 owners was filed by Mr. Hinsley, all opposing the request. Also, seven owners appeared in opposition in addition to Mr. Hinsley and Mr. and Mrs. Goodenough. Reasons given may be summarized as follows:

1. Most of the homes are owner-occupied and from just driving in the area, it is shown that the owners take pride in their homes. They have circulated a petition to get Zennia Street paved, Huisache is already paved, and a petition has already been turned in for Genard paving. Although there is not too much traffic on Zennia Street, commercial business, with commercial deliveries and parking in the street, would obstruct the passage along Zennia. This would create a traffic hazard. We like this residential area and do not want it changed.
2. We do not want this zoning change. We feel that it will lessen the value of our property. If the existing property Mrs. Turner now owns on Zennia and North Lamar were developed properly it would improve the neighborhood and serve her needs amply. Mrs. Turner said the building she now owns on Zennia Street she plans to move to the back and moving that type of building there would ruin the neighborhood.

The Commission considered the location of the property adjoining commercial zoning and it was suggested that this might be a desirable location for a nursing home and that there are other areas which are not desirable. It was also noted that this would not be an extension of the present business on the adjoining property on Lamar Boulevard but would be an encroachment of a new use into the residential area. It was then concluded that the request should be denied because of the encroachment into the residential area. The Commission therefore unanimously

VOTED: To recommend that the request of Ada B. Turner for a change of zoning from "A" Residence to "O" Office for property located at the northwest corner of Huisache and Zennia Streets be DENIED.

C14-61-33 Aaron Whitener and J. B. Upton: A to GR
Mills Ave. and W. 35th St.

DIRECTOR'S REPORT: The applicant is proposing to erect and operate a T. V. sales and services establishment. The surrounding area is partly developed with residences, including single-family and duplexes. Immediately west is a beauty shop and about a half block west on 35th Street is a filling station and other business uses at Jefferson Street. The zoning pattern in the area is basically residential except the above mentioned commercial uses. To the south about one block away there is a lot zoned "O" Office and along Shoal Creek there is a tier of lots zoned "B" Residence. In recommending on this case I wish to give some background on it. The City of Austin has planned since 1950 the connection of 38th Street into 35th Street by a bridge and

C14-61-33 Aaron Whitener and J. B. Upton--contd.

also a connection into Bull Creek Road. At the present time a preliminary plan has been approved for the 38th Street-Bull Creek Road connection. A tentative plan has been developed for the 38th Street-35th Street connection, but this has not been made into a final proposal.

Next, we have a proposal along the west side of Shoal Creek for a development of apartments. We also have a tentative proposal for apartment development on both sides of Shoal Creek up to 38th Street. We have to take that into consideration plus the street plan. If this is done, "B" zoning would have to be approved there. Tentatively the Department is working on the development of the two thoroughfares and in doing so the very definite problem is the connection of other streets to these thoroughfares, a study of the thoroughfare location from 38th to 35th, the land use pattern that will be left, the street pattern that will be advisable to develop, and the zoning pattern that would give appropriate development to the area, which may change the entire character of the neighborhood. I think it would be six months before we could come up with any definite recommendation on the street and zoning pattern. The connection of 38th Street will be quite an expensive project and will have to be worked out for the least expense possible. The 38th Street bridge has been budgeted for this year but the other connection is much trickier. In view of the fact that these plans are under way and at the present time this would be spot zoning since it is isolated by one full block from any other commercial zoning, I would have to recommend that the request be denied. I would rather see a zoning plan established rather than going through piecemeal or spot zoning.

Mr. Odas Jung (agent) represented the applicants and presented statements as follows: We would like you to consider this because this is more or less a continuation of 34th Street and there is heavy traffic here. Due to the non-conforming uses around this and the tremendous curve in the street here, it would lend itself to commercial use rather than residential in our opinion. Also, we want a very small building and we can handle the parking and ingress and egress in any way that would be approved by the City. We have a nice building planned here which I think will help the neighborhood. We held off asking for this possibly six months. Mr. Upton is in very bad health and we are anxious to go one way or another. I don't think you should make an apartment area to the east of this. It would be a disadvantage to them because we will have ample parking and it would be an attractive building.

Mr. H. Warren Smith (purchaser) also appeared and stated the following: I am for it because I will own the building. I was told by Mr. Rountree over 18 months ago that the City already had the right-of-way plan settled and the right-of-way bought at that time. (Mr. Osborne explained that the right-of-way for 38th is settled but there is no decision as to the connection with 35th Street.) We plan to build a building fronting on 35th Street which would not affect Mills Street. We thought it would improve the neighborhood and the intersection especially since we thought this had all been settled.

C14-61-33 Aaron Whitener and J. B. Upton--contd.

This involves a lot of trouble for me and the people who own this property. Mr. Whitener has lived here 40 years and is in financial stress and nearly blind. He wants to sell this property and move somewhere else. Mr. Upton also wants to sell his. I don't see why this corner should affect the street, and why can't we get some kind of proposal where you can let me build a building on these two lots? My financial stress is paying rent somewhere else. I intend to build a building that will be nicer than the beauty shop next door and it will not be as noisy nor as ugly as the filling station a block away. The property and area is changing. It is not a good location for an office and I don't know of anyone who would want to put an office across on the tentatively-planned apartment property across the street. It will be quite a burden to wait until the City can make up its mind.

Three replies to notice were received favoring the request, one owner stating that this entire block should be changed to General Retail.

Three replies to notice were received opposing the request because this is a residential area and they want it to remain so.

Mr. R. H. Chapman (3703 Kerbey Lane and 1508 West 35th Street) stated that he felt Mr. Osborne's suggestion is a wise one. He said some of the owners do object to the change but he doesn't object because he feels this is going to be commercial eventually, but he thought any change should wait until the final plans are made for the street and zoning pattern.

During the review by the Commission, Mr. Osborne stated that a great part of this area is divided into small lots, most of it already developed, and inquiries recently received have indicated that people are leaning either toward apartments or offices in the area. Some members felt that it should be denied since it will possibly be several months before any studies are completed and it has not been determined whether or not this lot will be affected by the street pattern.

Mr. Barrow said he could not vote for this request because the area is too small to be considered a zoning area for change of use and would be spot zoning. He did feel that the area is in the process of being changed, but he didn't think it has changed, but he would not know now what the proper zoning of this property would be until the zoning pattern is developed. He said that the nature of the application may be that when the plan for the streets is settled it would be the proper zone for the property. He did not oppose the change on the basis of the City plan that is under study but because it is spot zoning.

Mr. Brunson said he recognized that the area is in a period of transition and it is a temptation to zone it something else so that a use might be established more quickly, but for a small portion of land to move from "A" to "GR" is taking too much of a chance on what will happen in the neighbor-

C14-61-33 Aaron Whitener and J. B. Upton--contd.

hood. He felt that "B" Residence or "O" Office might be suitable when the street pattern is established but for the reason that at this time this would be spot zoning, he would vote to deny the request. Mr. Lewis said if it were not for the fact that the Department is making the studies, he would vote against it as spot zoning. It was then

VOTED: To recommend that the request of Aaron Whitener and J. B. Upton for a change of zoning from "A" Residence to "GR" General Retail for property located at the northwest corner of Mills Avenue and West 35th Street be DENIED.

AYE: Messrs. Barrow, Barkley, Brunson, Chriss and Lewis

NAY: Mr. Kinser

ABSENT: Messrs. Baldridge, Bryant and Spillmann

C14-61-34 Paul O. Simms: B to C
702-706 (704-710) East 9th St.

DIRECTOR'S REPORT: There is an application at the southeast corner of this block which has been approved by the City Council and preparation of an ordinance is pending. This would be an extension of the existing zoning. The lots included in the area are part of a block which is surrounded by commercial and the lot at the southeast corner was included for purposes of hearing to complete the south half of the block. This block and area is mostly developed with substandard homes; otherwise, there is commercial development along the Interregional Highway. In view of the fact that it is located near the Highway and adjacent to a well developed commercial area and the fact that I feel that this would be an improvement in the area, I definitely recommend this change.

Reply to notice was received from the Earl E. Simms Estate favoring the request. Mr. Jon N. Coffee represented the applicant and stated: Just to reiterate what Mr. Osborne has said, about a month ago you recommended the property on the corner. This property has been sold and I don't know what is planned there but we simply want to be in line with the evolution of this street into a commercial area. East 9th Street dead-ends into Waller Creek at the west end of this block.

In view of the location of this block on the Interregional Highway and in an area which is already mostly developed commercially, the Commission concluded that the requested change would permit logical development of this area. It was therefore unanimously

VOTED: To recommend that the request of Paul O. Simms for a change in the zoning plan from "B" Residence to "C" Commercial for property located at 702-706 (704-710) East 9th Street be GRANTED; and that the property known as 700 East 9th Street and 901-905 Sabine Street be included in the change.

C14-61-35 Everett H. Givens: A to B
Rear 1612 Greenwood Ave.

DIRECTOR'S REPORT: This is for rezoning a lot containing about 59,000 square feet. The applicant proposes to operate a nursing home. The tract is actually located about 500 feet west of Redwood Street and just beyond the north end of Greenwood Avenue south of East 19th Street. There is a so-called 50-foot road easement leading to the lot which is currently not a dedicated street and I am not sure how it is maintained, although it is open on the ground and passable. The lot in question has three vacant and rather dilapidated buildings located on it. The adjacent areas to the east and south are single-family development and the area to the west and north is in very large tracts, mostly undeveloped. In view of the fact that this would constitute a spot zone in a developed residential area, particularly that to the south which is a very good subdivision recently developed, I would have to recommend against the change.

Mr. Kenneth R. Lamkin (attorney) appeared for the applicant and submitted the following information in support of this request: This land is a little more than an acre. The barracks on this property have been here about ten years. Greenwood dead-ends into this tract of land. The rest of the area is undeveloped to the west and north. The next street is Redwood Street which is about 500 feet away. I believe it would be an improvement in the neighborhood. Some of the property in East Austin develops very slowly and I think this would be an ideal place for a rest home for the aged. There will not be very many people visiting this and it will not create a traffic hazard. We have the problem of the owner trying to develop it to get the most out of it. That is the reason we have proposed it for a rest home so we will get some reasonable returns from it. This property has been here for a dozen years without the owner receiving any revenue from it. In view of the descriptions given of the neighborhood by Mr. Osborne, I think if someone would spend some money on this tract of land and possibly on some of the other vacant tracts it would be a definite improvement to the neighborhood. In response to a question by Mr. Osborne regarding the status of the road easement: I don't see how anything could have developed south of this without getting some sort of dedication.

Reply to notice was received from the New Hope Primitive Baptist Church favoring the change.

The Committee reported the following: It had reviewed the nature of development along Greenwood Avenue and felt that nothing should be done to hurt this development and that this type of use should be encouraged in the area. It was suggested that something should be done to extend this street to the north for eventual residential development. It was also felt that there is no assurance that the tract would be developed so that it would be a benefit to the neighborhood since anything permitted in a "B" Residence District could be located there once the zoning is changed.

C14-61-35 Everett H. Givens--contd.

The Committee had also discussed the status of the road easement. Mr. Fowler said he had occasion to look into this about a year ago and had found that this is not a dedicated way and the public has no right to this 50-foot easement, but that it is privately owned property. He noted that Dr. Givens bought this property with the right of ingress and egress over the road. Mr. Osborne said he believed that when this subdivision along Greenwood Avenue came up there was a request for facing lots on this easement and they were refused because it was not a dedicated street. He noted that once the nursing home is established here, with ingress and egress over the easement, the owners would not be interested in whether or not it is a street or remains an easement. After considerable study and consideration, the Committee concluded that this would be a spot zone encroachment into a well developed residential area and had therefore unanimously voted to recommend that the request of Everett H. Givens for a change of zoning from "A" Residence to "B" Residence for property located at the rear of 1612 Greenwood Avenue be denied.

Dr. Givens appeared before the Commission and explained that he owns the street easement adjoining his property but the remaining portion is owned by Mr. Smith. He said when Greenwood Avenue was developed with homes they never made any attempt to cut a street through here and no request was received for an easement to extend that street to the north, so there is hardly any likelihood of any residential development extending north, and he would not be able to do it. He stated that he had talked with Mr. George Hoker in the Public Works Department regarding this street easement and had been told that if it were made a street it must be curbed, guttered and asphalted and all utilities installed. This was a roadblock he cannot overcome. He said a church is being allowed to use the barracks without charge at this time. Mr. Coleman suggested that a cul-de-sac might be constructed at the end of Greenwood Avenue. He explained that Mrs. Wright now has a rest home on 6th Street but the building is very much in need of repair and the State has recommended that the second story be taken off, and for that reason they felt that a new building would be more suitable.

The Commission reviewed the statements and information presented and the status of the access road easement. Mr. Kinser said the reason the subdividers along Greenwood Avenue did not face the lots on this easement was that the City wanted them to pave the easement and they turned the lots to face Greenwood Avenue. Mr. Brunson said in view of the drawings shown of the proposed development, he would not be opposed to it if the street easement were dedicated, and he thought it would be an improvement to the neighborhood. It was suggested that the applicant could request the City Council for a postponement of this request and referral back to the Commission for further consideration if a dedication of the street easement could be made. Dr. Givens then stated that he would request the City Council to take that action rather than withdrawing the request. The Commission then unanimously

VOTED: To make no recommendation on this request until the applicant has considered dedication of the street access easement and the case has been referred back by the City Council.

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C14-61-36 Carlton E. Buske: A to GR
Bailey La. and W. 34th St.

DIRECTOR'S REPORT: The applicant proposes to make an addition to an existing commercial building which is a novelty shop. The area along 34th Street is generally zoned "GR" General Retail, "C" Commercial, and some residential. There is some commercial development to the east and south. Behind the property to the north is single-family and duplexes. In view of the fact that this is in a developed area I would certainly recommend a change but there is one consideration on this and a question which should be considered by the Commission, and that is the provision for any off-street parking on the site. I don't believe that there is any provided there for any commercial use.

The following information was presented by Mrs. Buske who appeared in support of her request: The purpose of requesting this zoning change is to add to the existing building, with the thought of eventually tearing down the old structure which is probably 50 years old and which we bought some three years ago. The owner lived out of town and it was in very bad condition. We have improved both the commercial and residential buildings. The addition would be between the commercial building and our residence, facing toward Bailey Lane since this is the side that would best render itself for parking and people coming in and out of the building. Bailey Lane has just recently been paved and curbed, allowing for off-street parking for three or four cars, which we intend to pave. It is bad parking on 34th Street and we encourage our customers to park on the Bailey Lane side. This is a light retail business, including party supplies, favors, etc.

The Commission felt that the request should be granted as logical zoning since there is an established business on the property and other business uses along 34th Street, but that a memo should be submitted to the City Council suggesting that the owner provide off-street parking on the property. Therefore, it was unanimously

VOTED: To recommend that the request of Carlton E. Buske for a zoning plan change from "A" Residence to "GR" General Retail for property located at the northwest corner of Bailey Lane and West 34th Street be GRANTED, and that a memo be sent to the City Council suggesting that the owner be required to provide adequate off-street parking on the property for the existing and additional business.

C14-61-37 Walter R. Carrington and William M. Day: B & LR to C
Interregional Hwy. and Mariposa Dr.

DIRECTOR'S REPORT: The property contains about 146,000 square feet, or about 3 acres. It was zoned in 1959 to "B" Residence and "LR" Local Retail for the purpose at that time of developing it with apartments and a cafe at the intersection in conjunction with the apartment development. The surrounding area on the east side of the Interregional Highway is generally undeveloped. To

C14-61-37 Walter R. Carrington and William M. Day--contd.

the south there is a tract zoned "LR" Local Retail, adjoining on the east there is an undeveloped tract of "A" Residence, to the north there is an undeveloped "A" Residence area and a subdivision to the east developed with single-family residences. West of the Interregional there is "GR" General Retail zoning which is undeveloped except for a service station at the northeast corner of the tract. In the previous case presented in 1959, in the sketches for the development of the apartment area and the cafe, it was recommended by the Commission that this would be a sound development and that this property was not susceptible to any sound commercial development, however nothing has been developed on the tract. It has been generally indicated by the Commission and formerly by the members of the City Council of the particular value of this approach to the City of Austin. This is one of the unique access-ways into any of the cities of the United States with regard to the appearance, the skyline, the town lake, the development of the city, and it is really a magnificent drive. Now we are proposed with this proposal in the nature of lighted billboard signs. In view of the fact that I feel this is a contravention of the best public welfare and the zoning that was established two years ago, I recommend against the change.

Mr. Wm. M. Day appeared in support of this request and presented statements which may be summarized as follows:

1. We own this property jointly, buying it about a year ago as an investment. Since that time we have not received too much interest from the people in Austin as far as the property is concerned. We had several offers but we deemed those offers inadequate. We feel that this property, situated where it is, would be ideally situated for a motel for several reasons. First of all, it is on the east side of the Interregional and is very convenient for people coming from San Antonio and the southern part of the State. As Mr. Osborne said, there is virtually little or no development of that area except for the filling station on the west side. Recently Mr. Carrington and I have been in correspondence with a group of people from Houston who are desirous of locating a motel on this site and another group from San Antonio, but due to the City regulations that cannot be done unless the property is zoned commercial.
2. The reasons for our request, insofar as lighted billboards is concerned, is that this property lies directly in the center of an exit from and access back onto the Interregional Highway and is in a rather low valley. In order for people to see any signs advertising this property from the road going north toward Austin, it would be virtually impossible for them to see these signs unless they were very high and preferably lighted to attract the attention of people at night. Therefore, we would ask you for consideration of this matter for these reasons. We feel that negotiating and constructing a motel on this particular site in a virtually undeveloped section of the City would be a great development to the city and would indirectly benefit the city in that people

C14-61-37 Walter R. Carrington and William M. Day--contd.

would stay overnight there and spend more money in town. From a selfish standpoint, we have an investment there and we would like to present the property to the people along the Highway who do not know that it is for sale and development. The signs lighted at night would not detract from the attractiveness of the entrance to the city since the lights of the city at that time would be the attraction rather than the skyline and other features.

3. This is not a permanent thing. It will be only so long as we develop the property and make some kind of a deal. I feel that the only way the city will develop will be with developments of this nature. We would be agreeable to any time limitation for the signs. In response to a question by Mr. Lewis: We would be willing to amend our application for zoning to permit the motel and leave off the signs. I would request that the Committee vote on the original application and then we would determine at a later date whether to re-apply.

At the Commission meeting, Mr. Dick Baker (attorney) represented the applicants and explained that after the time the original zoning was changed, the applicant had purchased this property about a year ago, the land consisting of about three acres. He said that since the original application was made and after the hearing before the Zoning Committee, a sound offer has been received from a group of people out of Houston for the purchase of this property for a motel and plans are on the drawing board of Mr. Bill Milburn. He reported that the proposed purchaser has submitted to the owners a set of stipulations which they must meet prior to the consummation of this particular contract, one of these stipulations setting forth the fact that the property be zoned "C" Commercial and First Height and Area. He called attention to previous testimony that this particular property does not naturally front on the Highway but on the access road and the topographical feature is that this area is in somewhat of a gulley where they have expended some \$6,000 in leveling the property for suitable building purposes. He said there are no motels in this particular area which is virtually undeveloped except for the filling station and he felt that the motel would be an asset to the City of Austin. He recognized the fact that there is no assurance of what will be established here once the property is rezoned, but in this case there is a contract for the motel and, while the plans are not sufficiently prepared to present them to the Commission, this would add a rather substantial structure to the City for taxable purposes. In response to a question regarding the necessity for "C" Commercial zoning, Mr. Baker said if you are in a "C" Commercial zone you can have a much larger motel than is permitted under "GR" General Retail. Mr. Day then stated that their clients' investigation of this matter has led to the conclusion that it would be unacceptable to them unless they have "C" Commercial. Mr. Osborne explained that "C" Commercial would permit three times as many units as "GR" General Retail, permitting 292 units under "C" and 90 under "O" Office, "LR" Local Retail and "GR" General Retail.

Cl4-61-37 Walter R. Carrington and William M. Day--contd.

No one appeared at the hearing in opposition to the request but letters were later received from several nearby owners and several persons appeared at the meeting of the Commission objecting for reasons which may be summarized as follows:

1. The present application indicates that it is the desire of the applicants to construct highway signs and possibly a motel, and other construction of that kind, but "C" Commercial zoning will permit bigger types of construction such as bowling alleys, and those who have invested in nice homes in this beautiful section should be allowed to continue this development under the present restrictions. Years ago, by wise planning and foresight, the developers of the Travis Heights area, which is just west of the location in question, were able to build one of the most desirable residential sections in our city by restricting the area to residences only, and the wooded hills between the Interregional and Parker Lane, from Woodland Avenue to Oltorf Street, should be developed into beautiful home sites without being marred by all sorts of commercial developments. There have been some new home developments here which are most desirable and attractive. Also, the area along Mariposa Drive has been developed with attractive permanent residences because it is close to the town without having unsightly billboards or any general business construction surrounding the area. The property and homes surrounding this property are quite expensive and any commercial construction on this property would greatly decrease the value of these homes. The attractive entrance to the city by way of the Expressway has had a great influence on the class of home construction in the area and the kind of people who have moved here.
2. The owner of a 3-acre tract adjoining this property in question which is zoned "LR" Local Retail stated that his future plans are to use it as a multiple housing development. He felt that all of the land along this section of the Expressway is best adapted to housing of some type.
3. Generally, from the standpoint of the city as a whole, the entrance to Austin from the south along the Expressway is among the prettiest and most attractive of any entrance to any town or city in the State. There is now about two miles of this scenic drive that is devoid of junk storage, beer joints, unattractive and uncluttered surroundings that almost necessarily go with business activities, and most of all unsightly signboards. This approach to the city and the city lake makes a very favorable impression upon anyone entering the city from the south. It is felt that any zoning which would permit the building of any kind of establishments that would detract from this approach to the city would be a great loss to the city as a whole. It is also felt that with proper planning and directing the property along the Expressway in the vicinity of the property seeking commercial zoning can be so developed as to add to the attractiveness of this approach to Austin and at the same time do no financial harm to holders of property along this approach expressway.

C14-61-37 Walter R. Carrington and William M. Day--contd.

Mr. Baker said he didn't think this property on the access road is suitable for residential development and he had found there is very little residential development along access roads. He felt that undoubtedly at some time there will come a change of development along this highway. He thought that this beautiful drive could be appropriately developed and this property must be developed for the growth of the city. He noted that the primary view is to the left of the highway because the business area to the west, and this property is on the east side and has a very limited purpose -- one being apartments and the other a motel.

The Director reported to the Commission that his principal consideration, and he has discussed this with the Commission and with the City Council, is the matter of what type of development generally should be permitted here, and with special reference to the signboards -- not only billboards but commercial signs in connection with businesses. He again called attention to the unique character of the area and noted that any self-imposed controls would be welcomed by the City of Austin, but there have been considered general zoning restrictions to preserve the qualities along this approach to the city of Austin and to the residential area. He said the question asked as to which would be the more preferable, apartments or motels, he would say apartments. He felt that the motel would be somewhat less desirable. He said he had specifically requested that people not ask for "C" Commercial in this area. He explained that attractive signs can be constructed to advertise businesses but this is more difficult to regulate. Mr. Osborne said the pattern he favors for this area would be "B" Residence zoning and it would be most appropriate based on what he had seen in other cities. He did not feel that the property is commercial and apartments and motels would be somewhat of a second choice, with the next lowest "O" Office since it offers the most controllable zoning.

Upon review of the statements and information presented, the Commission discussed this request very thoroughly. Mr. Barkley felt that the land is too valuable for apartment house use and would be more desirable for a motel. Mr. Kinser felt that it is more suitable for commercial rather than residential use. Mr. Lewis explained that it seemed to him that the Commission is setting a precedent on the entire expressway if the zoning is changed which will be a guide to what happens on the remainder of the area. He said he would like to see some kind of a reasonable pattern laid out where the City could control development, that maybe the applicants will build something ideal but the next time zoning is changed this will not be the case, and he was opposed to the motel development here. Mr. Barrow explained that he owns an interest in the property across the street and therefore would not vote on this request. The Commission then

VOTED: To recommend that the request of Walter R. Carrington and Wm. M. Day for a change of zoning from "B" Residence and "LR" Local Retail to "C" Commercial for property located at the southeast corner of South Interregional Highway and Mariposa Drive be GRANTED.

AYE: Messrs. Barkley, Brunson and Kinser

NAY: Messrs. Chriss and Lewis

ABSENT: Messrs. Baldrige, Bryant and Spillmann

PRESENT BUT NOT VOTING: Mr. Barrow

C14-61-38 Mrs. Jno. L. Martin: B to LR
N. Congress Ave. and E. 16th St.

DIRECTOR'S REPORT: This is a small tract of land approximately one block north of the area that is being developed for State office buildings and in the area which is proposed to be developed for State office buildings. This was formerly a filling station which was converted into an office building. The surrounding area is zoned "B" Residence for block and a half on each side. There is one "O" Office and one "C" Commercial zoning in the area. In view of the fact that this is a spot zone in a well developed apartment area, I would have to recommend that the change be denied.

Mr. Joe Lundell (agent) represented the applicant and submitted the following: I have my office at this location, which I lease from Mrs. Martin, and I have previously leased a part of it to others for office use but there is no demand for it now. I have had a request from a laundry firm to establish a pick-up station here. It would not change the appearance of the building in any way and all changes would be on the interior part of the building.

Reply to notice was received from Mr. Harry E. Montandon (109 West 5th St.) favoring the request.

The Commission reviewed the information presented and the staff report and concluded that the request should be denied since this is a spot zone in a "B" Residence area. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. Jno. L. Martin for a change of zoning from "B" Residence to "LR" Local Retail for property located at the northeast corner of North Congress Avenue and East 16th Street be DENIED.

C14-61-39 Joe M. Teague: B to C
East Ave., E. 11th, Branch, E. 12th Sts.

DIRECTOR'S REPORT: This is for a tract of land containing about $3\frac{1}{2}$ acres which is the former location of the Samuel Huston College. It has a very steep grade and a large pipe is being installed to handle the drainage. To the south of the area and across the Interregional Highway there is "C" Commercial zoning. To the east it is "BB" zoning and there is "C" Commercial zoning along East 11th Street. Some of the "C" Commercial is actually residential. In view of the fact that this is located along a major highway and on 11th Street which is a major collector street in East Austin, and the fact that this would be suitable for commercial zoning, I would recommend that the change be granted.

Mr. John C. Foshee (agent) represented the applicant and stated: Mr. Osborne has represented the facts so aptly that I feel I have very little to add. The Interregional Highway with some 4000 cars per day faces this property. As Mr. Osborne pointed out, it is located on these two major thoroughfares and on the east side in the residence area most of the lots are not owned by people living there. There is also a grocery store located across Branch Street.

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C14-61-39 Joe M. Teague--contd.

The applicant also appeared but offered no statements. One reply to notice was received from the Gateway Investment Company approving the request as a logical change.

Mr. Robert King (1204 Olander Street) presented statements as follows and his questions were answered as shown: I would like to know what they plan to establish here. (Mr. Foshee explained that they had only owned this property about a month and their present activities are to fill it in and make it level, but they have no definite plans. He said there would be nothing objectionable or obnoxious but we do not know what will be here. We bought the property strictly as an investment.) Once it is zoned there is no assurance of what would be built. I am not so opposed to the zoning if it would improve the residential area, but my main interest is what will be placed there. As I understand it, after it is zoned "C" Commercial he could put most anything he wanted there. (Mr. Osborne: The main thing is that this is a very valuable piece of property, otherwise it is rather difficult to use for anything. We have anticipated in areas like this that it would be developed as offices or a motel or similar uses. It could be that there might be a filling station on one of the corners, but we cannot assure you that the commercial use would not be bad, but on the other hand we think the value of the property is such that it would have to be a good use there.) What would it do to the value of the property? (Mr. Osborne: The change in value on your property would be what happens to the adjoining property. Yours is different from this for this property has frontage on the Highway. Your property is about a block away fronting on a residential street. As such, it is of different value and I think it would be judged so.)

Mrs. Mary Reeves Nelson (906 Catalpa Street) appeared but offered no statements.

Upon review of the zoning and development in the area, a question was raised as to the need for extending any of the streets on the east through to the Highway. Mr. Osborne explained that their extension would not be necessary nor desirable because that is a residential area. The Commission concluded that this would be a logical extension of the existing "C" Commercial zoning and it was unanimously

VOTED: To recommend that the request of Joe M. Teague for a zoning plan change from "B" Residence to "C" Commercial for property located at 1101-1149 East Avenue, 800-840 East 11th Street, 1150-1196 Branch Street, and 801-835 East 12th Street be GRANTED.

C14-61-40 H. G. West: C-1 to C-2
2409 South 1st St.

DIRECTOR'S REPORT: The purpose of this would be for the operation of a liquor package store adjacent to a drive-in grocery store. There is a "C" Commercial zone across South 1st Street and there is some "GR" General Retail and an "O" Office zone on Oltorf Street. To the east of this is residential and even some residential uses in the commercial zone and to the south is the Gillis playground. In view of the fact that this constitutes a fairly well developed commercial area and this would be next to a grocery store, I think it would conform to the policy established by the Commission.

Mr. West appeared in support of his request and submitted the following reasons: I have just recently built this building. In building the Town and Country grocery store, I felt from the point of economy that it would be wise to extend the building back after we had established the required amount of parking. We had no thought of a package store when we set up the grocery store. We had anticipated perhaps some other type of merchandising but we have not had a request for any other type of business except a liquor package store. I think we have conformed to all of the requirements of the City with regard to parking, and in asking for this change it is simply in order to put some property to work that we have invested in and put it on the tax record.

Replies to notice were received from Mr. Jesse J. Bartlett and Janell Holman favoring the request.

In view of the fact that this property is located in an established commercial area and the request conforms to the policy established by the Commission, it was unanimously

VOTED: To recommend that the request of H. G. West for a change in the zoning plan from "C-1" Commercial to "C-2" Commercial for property located at 2409 South 1st Street be GRANTED.

C14-61-41 A. J. Graves: A to B
Cumberland Rd. and S. 4th St.

The Zoning Committee reported that a letter had been received from Mr. Graves requesting permission to withdraw this request since he had talked with some of the other owners near him and they opposed this change. It was further reported that the Committee had then

VOTED: To permit the applicant to withdraw this request.

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C14-61-42 A. E. Pihlgren and T. H. Montandon: A to LR
Rear 4814 East Avenue

DIRECTOR'S REPORT: This is for an interior tract of land directly behind the offices of Mr. Pihlgren and this is requested for the purpose of providing additional parking for the existing office building which fronts on the Interregional Highway. Immediately north of the area there is a service station and to the northwest there are single-family residences, although the area is zoned "BB" Residence. The area to the south is "A" Residence and then a General Retail zone on which a motel is located. To the west the area is generally zoned and developed as "A" Residence, with an "O" Office zone back of the motel. In view of the fact that this is a small expansion of a "GR" zone and there would be no major encroachment into a residential zone, I recommend the change.

No one appeared at the hearing to represent the applicants. One reply to notice was received from Lenthe and Theodore E. Becker favoring the request.

Upon review of the information presented in the staff report and found on an inspection of the area, the Commission concluded that this would be the proper use of this tract and would serve as a buffer zone between the business development along the Interregional Highway and the residential development on the west. It was therefore unanimously

VOTED: To recommend that the request of A. E. Pihlgren and T. H. Montandon for a change of zoning from "A" Residence to "LR" Local Retail for property located at the rear of 4814 East Avenue (Interregional Highway) be GRANTED.

C14-61-43 Edwin London: A to B
Rear 1007 W. 32nd St. and Rear 3110-3118 Lamar Blvd.

DIRECTOR'S REPORT: This is a request for rezoning an interior tract of land for the purpose of establishing parking in connection with a proposed business on the adjoining commercial property facing Lamar Boulevard. The surrounding area along 31st and 32nd Streets is zoned as "A" Residence and developed with single-family residences. All along Lamar Boulevard is zoned "C" Commercial and with partial commercial development. To the north along Lamar there is more intensive commercial development. Before making any recommendation on this, I would like to point out two questions that I have: 1) Involves a technical point concerning a short form subdivision presented to the Department in which the question came up about rearranging the lots which would leave two residences on one lot which violates the Zoning Ordinance, 2) in view of this lot abutting one residence on 32nd Street not under the same ownership and three more on 31st Street. I would like to see generally how this property is to be developed. I think this, in relation to the commercial use, would have some bearing on the case. At the present time this fronts on 32nd Street but if the subdivision is approved it will be a land-locked interior tract.

C14-61-43 Edwin London--contd.

Mr. E. H. Smartt (attorney) represented the applicant at the hearing and submitted information in support of the request which may be summarized as follows:

1. The purpose of this is primarily to get additional parking for the property which fronts 130 feet on Lamar. The depth of this particular property is a little unusual in that when Lamar was constructed it cut off some of these lots and the property itself finally got into one ownership as a single tract having a depth of some 170 feet rather than the usual 150 feet. Revision of zoning on this property was requested about four years ago for the entire property to be zoned "C" Commercial. The Commission at that time recommended that only the front portion of the property be zoned commercial and the rear remain as residential "A", which means that we have a land-locked portion of "A" Residence behind "C" Commercial, which has absolutely no outlet and no practical use whatsoever except to be used in connection and in conjunction with the property fronting on Lamar. We could not use this property for parking unless it were zoned "B" Residence. The two houses on 32nd Street are very substandard. They were on this property originally when the property was all under one ownership and these two houses actually extend about 2 feet over the boundary line onto this particular property and are going to have to be taken off the property before any construction is started on this property. The property on which they are located is owned by Connolly Florist Shop. The use for which this 130 feet is proposed is a commercial development, possibly one story, similar to the ones up the street. There would be sufficient parking space in front and additional parking in the area on this 50 feet. Of course we cannot build on this 50 feet. The only purpose we would have is for parking, and certainly this would be an added buffer to the residences to the rear. We know of no other use to which it could be put. We take the position that the parking area on the 50 feet would not be a detriment to the adjoining residential property as much as the vacant property has been in its unkept condition. I think it would be possible to present plans to the Commission at its next meeting, although they may be prepared in a preliminary state. The businesses would be more in the nature of contractors' and real estate offices, possibly a small retail store. Mr. London might even be interested in moving his development here.
2. In response to a question by Mr. Osborne regarding the possibility of screening this property from the adjoining residential area with possibly a solid wall of some type: I don't think they would object to screening that portion with some type of solid fence.
3. Four years ago when we had a hearing, the rear 50 feet was left residential and the zoning in force at that time permitted parking and since that time the regulations have been changed so that "A" Residence does not permit parking but now requires "B" Residence. In other words, we

C14-61-43 Edwin London--contd.

are asking for what we had four years ago. In the meantime we have done nothing about developing this property and the Zoning Ordinance has changed and we are requesting a change to permit the same privileges.

Replies to notice were received from Mrs. L. L. Saunders (1017 West 32nd Street) and Nelson Puett (5425 Burnet Road) favoring the request.

Six nearby owners appeared in opposition and written objections were filed by four owners. Reasons given may be summarized as follows:

1. This is the second attempt by Mr. London to get spot zoning on this lot and we are still objecting. We also object to being repeatedly called upon to fight this encroachment into our neighborhood to permit a special privilege for one owner. There was a compromise at the first hearing and the front part of this property was zoned commercial while the rear 50 feet was left "A" Residence since it protruded into the residential area beyond the usual commercial depth along business streets. This compromise was allowed with the understanding that this would not come up again.
2. The lot has not been kept clean and clear. There was a bonfire at one time but the bamboo has grown considerably and this is a regular wilderness. This block is maintained with some dignity against some handicaps as it is. To the north one block there is a tumbled-down area and the obnoxious commercialism of Lamar Boulevard, but this is a good block and the owners should not be burdened further. The owners have a petition to pave 31st Street and the home owners would not have spent the money they have improving their homes if they had felt there would be any further encroachment of commercial zoning. There have been several homes built in the area recently. Encroaching business will lower the value of the homes and if this request is granted a fair adjustment in the tax value of the homes should be automatic.
3. There is a playground and a church school in the next block which would be affected by this business encroachment.
4. Rather than by zoning degrade this neighborhood the home owners should be encouraged in their attempt to improve the area.

The Zoning Committee reported that it had considered the information presented and the problems involved and had referred this request to the Commission for submission of a development plan for the property and for further study.

The staff reported at the Commission meeting that Mr. London has submitted a letter requesting that his application for rezoning be withdrawn. The Commission therefore unanimously

VOTED: To permit the applicant to withdraw this application.

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of April 3, 1961. The staff reported that no appeals had been filed for review of the Committee's action but that 3 cases had been referred to the Commission without action on:

C8-61-12 Highland Medical Center
Hancock Drive

C8s-61-30 Patterson Addn., Resub. Lots 4-6, Pt. Lot 7, Blk. 3
W. 32nd and Lamar Blvd.

C8s-61-36 Hunnicutt-Bredlow Sub.
Burnet Road

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of April 3, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-61-11 Walnut Bend

S. 1st St. N. of Stassney La.

The staff reported that the Water and Sewer Department had advised that water service is available from Water Control and Improvement District No. 5, limited sanitary sewer service is available from the City if the subdivision is annexed to the city and if the City is able to obtain permission from the District for the City to serve the area from the City system, and that an additional sanitary sewer easement will be needed along Williamson Creek. Mr. Stevens noted that the City and the Water District officials must agree since they each provide separate services and that the area must be annexed for the City to extend sewerage facilities into it.

It was further reported that the Storm Sewer Division has requested that an easement be shown for Lots 26, 27 and 31, Block J, and that additional easements may be required after detailed study. The Division had further requested that the flood plain be shown on a 25-year frequency basis, noting that crossings of Williamson Creek adequate to prevent flooding more than once per 25-year average are estimated to cost approximately \$50,000 in this vicinity and crossings subject to flooding only once per year average about \$25,000, and that the flood plain for Williamson Creek as shown leaves questionable building sites for Lots 5 and 6, Block L, and Lots 8-11, Block A. Mr. Gerald Williamson explained that the lines shown on the plan indicate both 25- and 50-year frequency areas and that there is a stock tank on Lots 5 and 6, Block L, which will be filled and also that Lots 8-11, Block A, will be filled to make adequate building sites.

C8-61-11 Walnut Bend--contd.

The following notations by the staff were discussed:

1. Show the existing city limit line. Mr. Williamson said this followed Williamson Creek. Mr. Stevens explained that the subdivider would have to request annexation in order to be served with sanitary sewer.
2. That portion of old South 1st Street south of Creekline Drive must be vacated before lots affected can be approved on a final plat. The Director explained that the Department is not recommending the vacation of that portion north of Creekline Drive because of access to other property but is recommending the new alignment to eliminate two creek crossings and to follow an existing water line in the proposed new alignment. The City will build a new bridge at the expense of the City since it involves an existing bridge at the intersection of the old and new streets. Mr. Osborne further stated that there will be 44 feet of paving on the new South 1st Street.
3. Change the name of Yew Circle to Yew Lane if it appears that the street address system would be involved; however, no major problem seems to be involved and the title "Circle" would create less confusion since it would indicate that it was not a through street.
4. Show lot numbers for lots at the west end of Red Bird Lane. Mr. Williamson explained that this property was included in the subdivision but will not be divided into lots but would be left to be sold by metes and bounds to people on the south if they want it. He said if they gave it a separate number it would front on another subdivision which they do not want to do since there would be a different type of development and they propose to keep this subdivision free from the existing one. He said they could extend the lot lines of Lots 9-13 to include this property in these lots.
5. Purchase of the property included in this subdivision and owned by F. & C. Realty Company must be accomplished by the subdivider before final approval of lots affected can be granted. Mr. Williamson explained that there has been an agreement between the owners to use this as a common boundary and to sell to or buy from the adjoining owner these lots when the subdivision is developed.
6. Show a block number and the proposed use for the area between the old and new South 1st Streets and show the intended use of the property between Block A and Alamo Heights, Section 1, to the north. Mr. Williamson said the subdivider has some plans for the area between the two South 1st Streets but it will not be commercial, that he has been approached by a church interested in this area, but they will give it a block number. He said the area in

C8-61-11 Walnut Bend--contd.

Block A is in the flood plain and is not usable at this time, but it can be designated by a block number and later possibly designated as a park when it is usable.

7. Blocks A, J and L, exceed Ordinance requirements for block length but a variance is recommended for Blocks A and L since they back up to the creek and Block L will eventually be extended. No variance is recommended for Block J but it is recommended that Yew Lane be extended to connect with Humming Bird Lane. The Director felt that there should be some connection between this subdivision and the existing subdivision across Humming Bird Lane and that this is a good location for this connection. Mr. Williamson again explained that his clients would like to keep the subdivisions separate. Mr. Osborne also felt that the block length restrictions of the Ordinance should be followed as far as possible, especially in relation to fire protection, water lines, and circulation, and that the Commission cannot isolate one subdivision from another.
8. Connect Old South 1st Street with New South 1st Street at Heartwood Drive to form a better intersection. Mr. Williamson stated that this would create the need for another cross-over which would be near the bridge and would leave a small area which would not be large enough for a building site. Mr. Osborne explained that this is near a rest home and it is possible this realignment would eliminate the existing low water bridge. Mr. Williamson reported that this right-of-way of Old South 1st Street has been established by use but has never been dedicated.
9. Consideration should be given to creating one large commercial area on Stassney Lane rather than the two small areas that are located on both sides of South 1st Street. Mr. Stevens suggested that this area could possibly be excluded from the subdivision until the zoning of this area is settled. The Director said there are three areas of proposed commercial zoning and the staff does not think there is a sound basis for establishing these areas and that they could be planned for residential use if the zoning is not changed to commercial.

The following technical corrections to meet the Subdivision Ordinance requirements were recommended:

1. Additional easements required by Electric Department and Telephone Company for rear property line build.
2. Plat corrections required by Public Works Department.
3. Change names of Walnut Lane and Heather Drive as these names are duplications of existing street names.

C8-61-11 Walnut Bend--contd.

4. Since South 1st Street is being relocated, a new name should be provided for Old South 1st Street north of Creekline Drive.
5. Show street widths for Yew Circle, Aspen Circle, and Shagbark Lane.
6. Show building setback line on Humming Bird Lane.
7. Show existing easements and their widths.
8. Show correct ownership of adjoining properties with full names since it is necessary for notification of interested owners.

Upon review of the various problems presented it was concluded that further study should be given by the engineer and the staff. Therefore the Committee

VOTED: To APPROVE the plat of WALNUT BEND subject to the following conditions:

1. The outstanding problems as outlined in the Planning Department report being worked out to the satisfaction of the Director, and
2. Compliance with the technical Ordinance requirements as listed above, and
3. Compliance with departmental requirements;

and to grant a variance from the Subdivision Ordinance on block length requirements for Blocks A and L.

C8-61-12 Highland Medical Center
Hancock Drive

The staff reported that all departmental reports have not been received and fiscal arrangements are required for gas service, that additional drainage easements are needed, and that the plan does not comply with Subdivision Ordinance filing requirements. It was explained that this is a subdivision where doctors prefer to own their own lots and buildings but do not want streets in the subdivision. The staff recommended that it be referred to the Planning Commission because of these problems. Therefore, it was

VOTED: To REFER this subdivision to the Planning Commission without a recommendation.

C8-61-12 Highland Medical Center--contd.

The Commission considered the REFERRAL of this subdivision. The staff reported that no new plans had been submitted for review and the engineer had orally requested referral to the next Subdivision Committee meeting to enable them to give additional study to this plan. Therefore, the Commission

VOTED: To REFER this subdivision back to the Subdivision Committee.

SHORT FORM PLATS - FILED

C8s-61-32 Williamson Addn. Sec. 2, Resub. Sec. 1
Wilson St. and Ft. McGruder La.

The staff reported that this is a resubdivision of old lots, including one on the corner which was less than 60 feet in width as now required, but this lot width has been increased to 58 feet and some of the interior lots decreased in width but still at least 50 feet wide. It was recommended that a variance be granted because it would be an improvement over existing conditions but that the plat be accepted for filing since all reports have not been received. The Committee therefore

VOTED: To ACCEPT for filing the plat of WILLIAMSON ADDN. SEC. 2, RESUB. SEC. 1.

SHORT FORM PLATS - CONSIDERED

It was reported by the staff that the following plats have been submitted under Short Form Procedures and comply with Subdivision Ordinance requirements except that all departmental reports have not been received. The Committee therefore

VOTED: To DISAPPROVE the following plats subject to receipt of the necessary departmental reports:

C8s-61-24 Isaac Decker League, Sub. Pt.
Barton Springs Rd. and Sterzing St.
C8s-61-25 John Applegate Survey No. 59, Sub. Pt.
U. S. 81 and Neans Dr.

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

C8s-61-30 Patterson Addn., Resub. Lots 4-6, Pt. 7, Blk. 3
W. 32nd and Lamar Blvd.

The staff reported that the Building Inspector says he cannot recommend approval of this subdivision because the plat as proposed has two residential structures on one lot which does not comply with Zoning Ordinance requirements. It was further reported that this property is

C8s-61-30 Patterson Addn., Resub. Lots 4-6, Pt. 7, Blk. 3--contd.

mostly zoned commercial and the problem will probably be resolved as the commercial property is developed, but at the present time it is an Ordinance violation and there is pending before the Commission a zoning change request for "B" zoning on a portion of this property for the purpose of establishing a parking area in connection with the business proposed. The Committee felt that no action should be taken but that both subdivision and zoning problems should be considered together. Therefore, it was

VOTED: To REFER this plat to the Planning Commission without a recommendation.

C8s-61-34 Pannell and Gaffield Sub.
Burnet Rd. and U. S. #183

It was reported by the staff that the owners of Tract 2 have sold Tract 1 on which there is located a drive-in grocery store, and they are now requesting separate water service to their residence. It was further reported that the division of the land leaves Tract 2 with a frontage of only 15 feet at the street line and a width of about 45 feet at the rear of Lot 1, while the Ordinance requires a minimum width of 60 feet for lots served by septic tanks. It was explained that if they moved the dividing line to the middle of the property it still would not provide the required 60-foot frontage and the possibility of Mr. and Mrs. Pannell purchasing a portion of the adjoining property was suggested. Mrs. Pannell said that would be impossible. Mr. Kinser then suggested that if the building line could be established back of Lot 1 to provide assurance that no future dwelling would be located too near the rear of Lot 1, this might solve the problem and provide a width of 60 feet at the building line. Mr. and Mrs. Pannell agreed to this suggestion and the Committee then

VOTED: To APPROVE the plat of PANNELL AND GAFFIELD SUBDIVISION subject to establishment of a building line 30 feet to the rear of Tract 1, and to grant a variance from the Subdivision Ordinance on lot width requirements.

C8s-61-35 V. C. Lynch Sub.
U. S. #183

The staff reported that this subdivision is a part of a 60-acre tract of land and the Commission has not followed a policy of requiring a survey of the entire acreage nor signatures of other owners in similar subdivisions. It was explained that there is access to the 60 acres from the Highway and that Lots 4 and 5 have been made into one lot because of water extension. It was further reported that the plat had been circulated among the other departments and approved by them. The Committee therefore

VOTED: To APPROVE the plat of V. C. LYNCH SUB. and to grant variances from the Subdivision Ordinance on filing requirements.

C8s-61-36 Hunnicutt-Bredlow Sub.
Burnet Road

It was reported by the staff that the definite location of this subdivision has not been determined and no one was present at the meeting. The staff recommended that it be passed to the Commission pending further information regarding the location. The Committee therefore

VOTED: To REFER this plat to the Planning Commission pending further information on the location of the subdivision.

C8s-61-37 Royal Oak Estates, Sec. 1, Resub.Lots 1-3,Blk.N & Lots 9-10,Blk.M
Exeter Dr. and Rogge La.

It was reported by the staff that the engineer has taken this plat to the various departments who approved and signed the plat. It was therefore recommended for approval. The Committee then

VOTED: To APPROVE the plat of ROYAL OAK ESTATES, SEC. 1, RESUB.LOTS 1-3, BLK. N.

C8s-61-38 Brentwood A
Burnet Lane

The staff reported that all departmental reports have not been received but Mr. Doak Rainey (engineer) said he had taken the plat to the various departments and gotten their approval except the Storm Sewer Division where Mr. Morgan was unavailable to sign the plat but his assistant had approved the plat. The Committee then

VOTED: To APPROVE the plat of BRENTWOOD A subject to a signed report from the Storm Sewer Division and final clearance from the Planning Department.

ADMINISTRATIVE APPROVAL

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

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

- C8s-61-31 E. L. Stryke Sub.
Ave. H and 46th St.

C8s-61-33 Georgian Acres, Resub. Lot 10, Blk. C
East Drive

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

SUBDIVISIONS - FILED

C8-61-13 Devonshire Park, Sec. 2
New Manor Rd. and Lovell Dr.

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

VOTED: To ACCEPT for filing the final plat of DEVONSHIRE PARK, SEC. 2.

SUBDIVISIONS - CONSIDERED

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

VOTED: To APPROVE the following final plats:

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

C8-61-4 Assumption Cemetery, Sec. 16
S. Interregional Hwy.

The staff reported that the tax situation was cleared by the Legal Department.

C8-61-6 Heritage Way
W. 12th and Possum Trot

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

The following plats were presented for final consideration and action was taken as shown.

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

The Director presented the following report and recommendations on this plat:

1. The final plat came up before the Commission and was disapproved pending fiscal arrangements and several departmental reports. This plat is in the form of street dedication of Huntland Drive, from Airport Boulevard to Middle Fiskville Road, and Brenda Drive from Huntland Drive to Huntland Heights Section 1. It is a fairly common procedure to dedicate streets in this form. The purpose of the review tonight is that fiscal arrangements have been made; however, final reports from the engineering department on drainage and the final check have not been made.
2. In connection with the layout itself, we will probably recommend a change, but before we get to that you might wish to discuss some of the

C8-61-2 Huntland Heights Street Dedication Plat--contd.

items which have come up regarding the layout. This is an unusual time to bring up the layout question but it has been discussed by the adjoining property owners and the engineers of the St. John's Corporation.

3. The preliminary plan was submitted last fall, covering almost 300 acres of land from Middle Fiskville Road to Airport Boulevard and from St. Johns Avenue almost to Highway 290. A final plat of Section 1 was approved for a portion of the residential section in the northwestern area and now we have these other two streets. The area to the south of Section 1 has been zoned commercial and this is a street plan for this commercial area. An alternate has been proposed by the adjoining property owners but this final plat is in accordance with the approved preliminary plan. It was brought to my attention in connection with the preliminary plan, and also to the attention of Mr. Rountree (Public Works Director), that at the intersection of Huntland Drive with the Fiskville Road and the Interregional Highway, there is a narrow strip of property roughly 20 feet wide and some 20 to 30 feet in north-south length between Middle Fiskville Road and the Highway which is under the ownership of Mr. Lemuel Scarbrough and it is proposed that this be acquired by the City in one way or another to continue this street.
4. Originally it was the understanding of the neighbors, and it was proposed by the subdividers that Huntland Drive be lined up with the crossover that continues on east of the Highway to Atkinson Road; however, it was found later that this crossover was to be eliminated by the Highway Department this summer. It is now indicated that Atkinson Road is not the desirable location for the intersection. There is an existing tunnel under the Highway here for a water main which influenced the intersection location. The question has now been brought up as to whether this is the best place to locate such an intersection, which would be considered in terminology as a five-way intersection. (Mr. H. W. Curington of Marvin Turner Engineers said this tunnel is in place and the centerline is off about 5 feet.) Mr. Scarbrough has proposed the relocation of Huntland Drive approximately 250 feet to the south of this location as this was believed to be an improvement of the intersection and a more appropriate use of the land in the final analysis for both properties.
5. I will make a recommendation following any presentation by the developers or the adjoining property owners. This will be a recommendation for a slight change in alignment.

Mr. Curington said they have met the requirements of the City and would like to hear the other people before he has anything to say. In response to a question by Mr. Osborne if there would be any objection to the relocation of the intersection to the north about 20 feet, Mr. Gerald Williamson (Marvin Turner Engineers) said that was the original location but Mr. Rountree had

C8-61-2 Huntland Heights Street Dedication Plat--contd.

asked them to line up with the centerline of Atkinson Road crossover, which they did, and at that time he said the City would acquire the additional right-of-way. That is the reason it is shown where it is now. Mr. Brunson asked what the relocation will do to the tunnel and Mr. Osborne explained that the tunnel will remain where it is because it is in the Highway right-of-way.

Messrs. John Allen (attorney), E. C. McClure and Isom Hale (engineer) represented Mr. Scarbrough and presented oral testimony in addition to a written communication previously submitted. This information included the following:

1. These petitioners were entitled to formal notice and hearing of their objections to this plan now before this Commission and no formal notice of this hearing has heretofore been given them. They are entitled to sufficient time and opportunity to bring supporting evidence and testimony before this Commission before a final decision by the Commission to extend Huntland Drive to intersect with Interregional Highway, such intersection directly affecting the petitioners' property adjacent and contiguous thereto. The objections to the Brown plan as submitted are in part hereinafter enumerated, to-wit:
 - a. The said proposal as submitted by the Marvin Turner Engineers is impractical from a traffic control standpoint in that said plan anticipates an unworkable traffic ingress and egress to the area on Fiskville Road, on Huntland Drive, and from both of these roads to the west service road of the Interregional Highway.
 - b. The island structures do not provide accessibility to the entrances or exits for a sufficient number of vehicles to prevent excessive traffic congestion at the junction of these roads.
 - c. The area available is much too small for a workable plan of this type and if approved will cause a confused and conflicting traffic control area worse than that presently existing at 51st Street and Interregional Highway, on its east side. Such a plan would necessitate prohibitively expensive traffic control mechanisms that could not function with the best efficiency because of the limited area available. The \$3,000 additional cost in running the water line around this road is very minor in relation to the traffic control cost.
 - d. The intersection of Middle Fiskville Road so close to the intersection of the proposed Huntland Drive intersection with the south-bound service road of the Interregional Highway could but create an untenable traffic control problem which is inconsistent with the projected planning for the anticipated growth of Austin.

C8-61-2 Huntland Heights Street Dedication Plat--contd.

2. The petitioners request the Commission to continue this hearing to a future date, thus allowing them the necessary time to present formal evidence in support of their objections to the Brown plan, and in support of a substitute or amended plan, which has heretofore been filed by the petitioners with the City Planning Department. They further request that the Commission give full consideration to said substitute or amended plan in lieu of the Brown plan.
3. The substitute plan here submitted proposes closing Fiskville Road from its juncture with Huntland Drive to a point approximately 300 feet south of the proposed intersection and at a sufficient distance west of the south- or west-bound service road on the Interregional Highway to allow more efficient ingress and egress to the planned area without the attendant anticipated traffic control problems of the Brown plan. In the submitted substitute plan, only the minimum traffic control devices will be necessary, consisting primarily of YIELD RIGHT-OF-WAY signs off Fiskville Road onto Huntland Drive and off Huntland Drive onto the Interregional service road. This plan will allow operators of vehicles going onto and off of the service road and off of Fiskville Road the necessary distance between intersections which is so vitally necessary to proper traffic control at multiple intersections. The proposed substitute plan will also relieve the necessity of a maze of traffic signs and lights at the intersections of the several roads, thus eliminating the hazard of mistaken route selection by the uninitiated motorist.
4. There are some unavoidable multi-road intersections in Austin, but however expert the planning that has gone into them, they are nevertheless undesirable from a traffic control standpoint and constitute unwanted bottlenecks. This mistake, we propose, can be avoided here by a thorough study from a traffic control basis, which will show a much more smoothly flowing traffic pattern by automobiles and large service trucks by adopting the substitute plan rather than the original Brown proposal before the Commission, which plan anticipates a three-road intersection at a vital traffic control point, and is without sufficient area to maneuver more than one or two vehicles at a time.
5. This same plan was originally presented to the Scarbrough people as an alternate plan. Mr. Scarbrough has offered to donate this right-of-way across his tract of land which would give about 90 feet between a "T" intersection on Middle Fiskville Road and the Highway. This donation will be between \$16,000 and \$30,000 in value and we feel that the use of both properties will complement each other. This would make two "T" intersections which are possibly too close together but it is probably the best that can be done under the circumstances.
6. The cost saved on traffic control devices alone, not to mention the savings in paving costs, will offset any additional costs necessary to

C8-61-2 Huntland Heights Street Dedication Plat--contd.

route the utilities through the right-of-way anticipated in the petitioners' substitute plan. To construct that which it will be necessary to revise and alter when foreseeable growth makes it impractical appears to petitioners to be inconsistent with the best interests of the City of Austin, and the Commission's primary function, which we propose, is to prevent just such bottlenecks as the Brown plan obviously will create. The petitioners here submit that the original plan submitted by the Brown interests is not in keeping with the best interests of the proposed growth of the City of Austin. The substitute plan is in keeping with the projected growth of the City of Austin and is much more workable and much less costly to construct, and involves less square footage of paving and less cost for traffic control devices, than the Brown plan heretofore submitted.

7. The petitioners request that the Commission consider both of the plans submitted from every standpoint, but particularly the traffic flow, before giving final approval to the Brown's plat, that they direct such expert study as may be necessary, and to have further hearings, if necessary, to the end that the best interests of the City of Austin and of all property owners be served by the final adoption of a plan by this Commission. It is understood that this has not been presented to the Traffic Department and we think the Commission should let the Traffic Department study this or any other plan. We think the Commission should look into the future as far as possible in making decisions regarding layouts and intersections of proposed subdivisions in keeping with the best interests of the adjoining property holders.

Mr. Pearce Johnson (attorney) represented the subdivider and stated the following: We have a letter submitted by the Scarbrough interests which outlines the type of proposition they are interested in. It states one thing that the details of working out this plan be done at no expense to the Scarbrough interests. It shows 15 propositions with which we are to comply. In other words they want to change the road across their property and us to bear the expenses, plus the cost of utilities. As to the decision where this road should go, it was made a long time ago since it followed the water line. It appears to me that this is a proper location. I think it would fit the needs of the traffic for the property involved. We would have no objection to moving the road 20 feet to the north as recommended by the Director of Planning since this was moved to the location shown at the request of the City and that 20 feet makes no difference whatsoever.

The Commission reviewed the plat and the suggestions made by the Director and the Scarbrough interests. Mr. Barrow asked for further comments from the Director regarding the fact that the City had selected the location where there was a crossover and the proposal of the Highway Department to eliminate this crossover. Mr. Osborne said he believed this location was selected because of the existence of the water line and to line up with

C8-61-2 Huntland Heights Street Dedication Plat--contd.

Atkinson Road, but this request was not made by the Planning Department. Mr. Barrow then asked the representatives of the opposition if they would have any objection to moving Huntland Drive further north. They said they would have objection, not so far as any particular damage to the property, but if it is moved north you have an intersection with the frontage road going south and headed west on Huntland Drive. Mr. McClure said they would entertain the move north if the subdividers showed cooperation and they had no objection other than to know how it will affect the Scarbrough property.

Mr. Osborne then submitted the following review and recommendation: The first consideration is the water line relocation and cost involved. The proposal to relocate this Huntland Drive to the south would require an additional \$2960 to the City and would also create two right-angle bends in the water line which the Water Department states is undesirable. They have made no more specific statement except that it is undesirable. The second item is with regard to the intersection itself. There have been several designs submitted recently by Marvin Turner Engineers but I found one to be unsatisfactory. We had people in our Department draw one which I also found unsatisfactory. I can present a simplified sketch of what I think would be a simplified intersection which would not involve costly lights. This is primarily due to the fact that there is an existing right-of-way running to the north of Huntland Drive. The old Middle Fiskville Road, which is not in use, extends to this crossover and makes a right hand turn to cross the Interregional Highway. We have in the neighborhood of 100 to 200 feet of existing right-of-way of Middle Fiskville Road running north from there, finally tapering out to nothing, and with a depth at this point of about 50 feet. Therefore, we have a fair amount of flexibility in the intersection design. I grant that the possible preference is the type of design they have shown here. This would, if you were choosing only on the basis of the intersection, have a slight preference over any design that could probably be worked out because you have more space to work with it. It could be worked out so that you could have around 150 feet of storage space at any point in the intersection. I have not discussed this with the Traffic Department. I think I would be on sound ground to recommend the plan as submitted provided the street is moved about 20 feet to the north.

The Commission considered the previous action on the preliminary plan, noting the fact that a part of the plan was given final approval for residential development with the understanding that the subdividers would provide 80 feet of right-of-way for Huntland Drive because of the proposed commercial use, and for this street to connect with Atkinson Road. It was generally felt that this plan is the best possible if the intersection is moved 20 feet to the north to line up with the north line of the Scarbrough property, but also felt that the plan should be reviewed by the Traffic Department before any action is taken. Mr. Curington said they would like to get approval of this plan as soon as possible so that they can install the sewer line. The Commission then

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C8-61-2 Huntland Heights Street Dedication Plat--contd.

VOTED: To DEFER action on this subdivision and to instruct the Planning staff to review the plat with the Traffic Department and to schedule a time for further consideration by the Commission and notify all interested parties.

C8-61-7 Reissig Heights No. 3
Burleson Rd. and Terrilance Drive

The staff reported that since this subdivision was previously considered, the Commissioners Court has generally agreed that the thoroughfare should be located to the east of the subdivision rather than taking a part of this property for right-of-way. It was recommended by the staff that because there are plat corrections to be made the subdivision be either disapproved pending the corrections or be approved and the staff authorized to hold the plat from recording until the corrections are made. The Commission then

VOTED: To APPROVE the plat of REISSIG HEIGHTS NO. 3 and to authorize the staff to hold the plat until the necessary corrections are made before recording it.

C8-61-9 Holiday Hills Sec. 2
Northcrest and Northway Dr.

It was reported by the staff that fiscal arrangements have not been completed and all departmental reports have not been received. The Commission therefore

VOTED: To DISAPPROVE the plat of HOLIDAY HILLS SEC. 2 pending completion of fiscal arrangements and receipt of all necessary departmental reports.

C8-61-10 Braes Ridge, Sec. 2
Braes Ridge Dr. E. of Belfast Dr.

The staff reported that this plat was accepted by the Planning Department last week but in the meantime it was found that this property was not included in the preliminary plan but only on the schematic and that the final plat does conform to the schematic then submitted. For that reason the staff recommended that the plat be disapproved until the preliminary plan is filed and approved. The engineer has gone ahead to the point where he can stake the subdivision and he would like to have an informal consideration so that it will permit him to proceed with that work. Mr. Stevens called the attention of the Commission to the fact that there was considerable interest in the neighborhood and no one has been notified of this additional section. It was further noted that all the land on both sides of the drainage ditch should be shown on the preliminary but the Director said he feels that since this plat shows no crossing of the drainage ditch it will

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C8- 61-10 Braes Ridge, Sec. 2--contd.

not be necessary to include the area east of the ditch in the plan. Mr. Curington stated that he has changed the shape of the lots but that is the only change from the schematic plan formerly approved. The Commission then

VOTED: To DISAPPROVE the plat of BRAES RIDGE, SEC. 2, pending submission and approval of a preliminary plan of this subdivision.

SHORT FORM PLATS - FILED

C8s-61-39 Howerton Heights, Sec. 1
Manor Rd. at Wheless La.

The staff recommended that this plat not be accepted for filing since the subdivider has a drainage problem and found that he would need about 2,000 yards of fill material and some pipe to provide buildable lots. He is proposing to subdivide a few tracts out of a 4-acre tract and to get permission to have an open drainage ditch. The Commission therefore

VOTED: To NOT ACCEPT FOR FILING the plat of HOWERTON HEIGHTS, SEC. 1.

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. It was therefore

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

C8s-61-41 Ed F. Davenport Sub.
Fawnridge Dr. and Georgian Dr.
C8s-61-45 Balcones Park Addn. Sec. 9
Mt. Bonnell Dr. N. of Balcones
(Disqualified: Mr. Barrow)

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following plats:

C8s-61-24 Isaac Decker League
Barton Springs Rd. and Sterzing
C8s-61-25 John Applegate Survey No. 59
U. S. Hwy. 81 S. of Neans Dr.
C8s-61-27 Burks-Hall Sub.
Cameron Rd. and Dungan La.
C8s-61-30 Patterson Addition
W. 32nd St. and Lamar Blvd.
The staff noted that this was referred by the Subdivision Committee because it created two houses on one lot and a zoning problem, but since this is commercial property the staff recommends the subdivision.

VOTED: To APPROVE the following plats--contd.

C8s-61-32 Williamson Addn. Sec. 2, Resub. Sec. 1

Wilson St. and Ft. McGruder La.

It was also voted to grant the variance in lot width approved when the plat was accepted for filing.

C8s-61-36 Hunnicutt-Bredlow

Burnet Road

C8s-61-40 Knox Wright Resub.

S. 2nd and Cardinal La.

C8s-61-42 Georgian Acres, Resub.

Capital Dr. and Middle La.

C8s-61-43 South Terrace Addn., Resub. Pt. Blk. D

Kinney Ave.

C8s-61-44 John M. Edwards Estate, Resub.

Kemp St.

The staff reported that the subdivider purchased a tract of land, including 27 feet of Lot 6 which is in an estate and no one has the power to sign for the estate. The staff, therefore, recommended a variance from the Subdivision Ordinance on signature requirements and the Commission voted to grant this variance.

C8s-61-46 Cleaver Addition

E. 12th and Leona Sts.

The staff reported that this is a subdivision of two lots, there being a dwelling on Lot 1 and a filling station proposed for Lot 2. Leona Street has a width of 40 feet instead of the required 50 feet, but the filling station plans have been approved by the Council and the curb and ramp have been put in place on 12th and Leona. The street has since been paved within the present right-of-way, and rather than request additional right-of-way the staff would recommend a 10-foot setback from Leona Street. Also, the taxes have been paid on all the property except the City taxes on Lot 1 since there are two separate owners involved. Mr. Robert Potts advised that the taxes will be paid on Lot 1 and asked that the plat be approved and the staff authorized to hold it until the taxes are paid. The Commission then voted to authorize the staff to hold the plat until the tax certificates are received and to grant a variance from the Subdivision Ordinance on street width requirements.

C8s-61-47 T. J. McElhenney Sub.

U. S. Hwy. 183

The staff reported that one of the owners is out of town but suggested that the plat be approved and the staff be authorized to hold the plat for the necessary signature. Mrs. Sanders (M. O. Metcalfe, engineer) said this will be obtained in the next day or two. The Commission then voted to authorize the staff to hold the plat for the necessary signature.

ADMINISTRATIVE APPROVAL

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

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

C8s-61-26 Eubank Acres, Sec. 2, Resub. Lots 6, 8, Blk. G
Hilltop St.

OTHER BUSINESS

C2-53-4 ZONING ORDINANCE: Interim Revisions

The Commission discussed the zoning and development along the South Interregional Highway and felt that there should be a different type of zoning for this approach to the City. It was then

VOTED: To instruct the staff to make a study of this and present to the Commission for consideration a type of zoning which would be suitable for this portion of the South Interregional Highway south of the River.

C10-61-1(d) ALLEY VACATION

W. 10th St. Alley bet. Winsted La. and Missouri Pacific Railroad

The Commission considered a letter from the abutting property owners requesting that this portion of West 10th Street Alley between Winsted Lane and the Missouri Pacific Railroad be vacated. It was suggested by the Director that this request be disapproved because of the proposed Missouri Pacific Boulevard and the possibility that the City might have some use for this narrow strip of property. The Commission then

VOTED: To recommend that the portion of West 10th Street Alley between Winsted Lane and the Missouri Pacific Railroad NOT BE VACATED.

C10-61-1(f) STREET VACATION

Vance Lane SE of Ridgewood Rd.

The Director reported that a letter had been received from Mr. A. D. Stenger requesting that this portion of Vance Lane extending about 120 feet southeast of Ridgewood Road be vacated. He explained that Lot 9 was a substandard lot in the subdivision and Lot 9A was owned by Mr. Hatley, and that the subdivision had been approved with the condition that Lots 9 and 9A would be joined together to make a buildable lot, with the idea that Vance Lane would eventually extend on through the Hatley property. The Hatley property has not been subdivided and this property is located within Rollingwood which is an incorporated town. If the street is closed, this area could be added to

Planning Commission -- Austin, Texas

Reg. Mtg. 4-11-61

C10-61-1(f) Vance Lane Vacation--contd.

Lot 9 to make a building site since Lot 9A is a part of the Hatley property. The Director recommended that the street be left in place since it creates a sound street pattern from a subdivision standpoint.

Mr. Brunson said he thought it is more likely that the Hatley property would be developed if the street is left there but Mr. Barrow felt that this property can be developed more soundly without this piece of street. The Commission then

VOTED: To recommend that the portion of Vance Lane southeast of Ridgewood Road be VACATED.

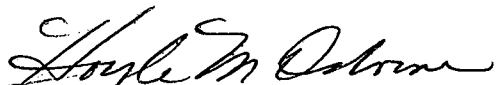
R620 CAPITAL IMPROVEMENTS PROGRAM VIII

The Director reported that the Capital Improvements Program for the years 1961-1966 is ready for review by the Commission and suggested that two members of the Commission be appointed to review the program before it is presented to the entire Commission. It was then

AGREED: That Mr. Barkley and Mr. Lewis would review this program with the Director.

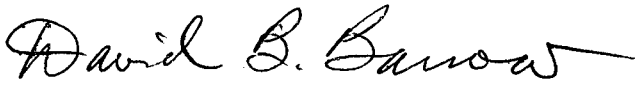
ADJOURNMENT

The meeting was adjourned at 11:30 p.m.



Hoyle M. Osborne
Executive Secretary

APPROVED:



Chairman