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CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- June 20, 1961

The meeting of the Commission was called to order at 7:30 p.m. in the Council Room, Municipal Building.

Present

D. B. Barrow, Chairman
Doyle M. Baldridge
Fred C. Barkley
Howard E. Brunson

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

Also Present

Hoyle M. Osborne, Director of Planning
E. N. Stevens, Chief, Plan Administration
Dudley Fowler, Assistant City Attorney
S. Reuben Rountree, Director of Public Works

MINUTES

Minutes of the following meetings were approved as submitted:

May 16, 1961

May 31, 1961

The following zoning change and Special Permit requests were considered by the Zoning Committee at meetings of June 13, 1961, and June 16, 1961:

ZONING

C14-61-59 Rogan B. Giles and J. B. Giles, Jr.: A to B, 1 to 2 (as amended)
4419 Airport Blvd. and 1201-1203 Fernwood Road

C14-61-86 Rogan B. Giles and J. B. Giles, Jr.: A to B, 1 to 2 (as amended)
4419 Airport Blvd. and 1201-1203 Fernwood Road

C14-61-59-A O. Carl Happel et al & Daniel Killen et al: C to A (Petition to
Planning Commission)
1103-1113 Fernwood Rd. and 4401-4423 Interregional Hwy.

C14-61-86-A O. Carl Happel et al & Daniel Killen et al: C to A (Petition to
City Council) by Robert J. Potts, Jr., attorney
1103-1113 Fernwood Rd. and 4401-4423 Interregional Hwy.

Additional Area initiated by City Council for hearing:

4401-4423 Interregional Hwy., 1103-1307 Fernwood Rd., 4400-4402 Park-
wood Rd., 4401-4419 Airport Blvd.

DIRECTOR'S REPORT: In explanation of what you are considering at this point, there are applications pertaining to a portion or all of the property bounded by Interregional Highway, Airport Boulevard, Fernwood Road, and Parkwood Road. The first is the case heard last month of Rogan B. Giles and J. B. Giles, Jr. (C14-61-59) which was sent to the City Council with a recommendation to deny the application. This application was amended at the Council meeting to re-

C14-61-59, 86 Rogan B. Giles and J. B. Giles, Jr.--contd.

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quest "C" Commercial and Fifth Height and Area on the entire property and was referred back to the Planning Commission for another public hearing and any other available information. The City Council also initiated and requested the Planning Commission to hold a hearing on the entire tract described above. In addition, Mr. Giles during this period filed another application (C14-61-86) on the 100-foot strip to the east of that property already zoned "C" Commercial for a change from "A" Residence and First Height and Area to "C" Commercial and Fifth Height and Area. Actually these duplicate each other at that point. In addition, there were two petitions before the Planning Commission (C14-61-59-A) and the City Council (C14-61-86-A) concerning the rezoning of the western portion of the property from "C" Commercial to "A" Residence. Also we received a letter from Mr. Giles dated June 9, 1961, addressed to the City Council, the City Planning Commission and the Zoning Sub-Committee, requesting a modification of his application to the effect that instead of a change to "C" Commercial and Fifth Height and Area his request is that the 100 feet adjoining the present "C" Commercial tract be changed from "A" Residence and First Height and Area to "B" Residence and Second Height and Area. To sum this up, actually what you have is the entire tract of land running from Parkwood Road to the Interregional Highway frontage road and from Airport Boulevard to Fernwood Road for consideration of zoning the entire tract -- the western portion, the middle portion, and the eastern portion (the western portion being "C" Commercial and the middle and eastern portions being "A" Residence) -- and the Commission may take whatever appropriate action they see fit. My recommendation is based on the following:

1. Protection granted to the public. I feel that public health, safety, welfare, including light and air, freedom from danger, freedom from nuisances such as noise, vibration and glare, should be considered.
2. What constitutes a neighborhood; what constitutes proper zoning under zoning law.
3. The adequacy of zoning and the amount of zoning that might be found. This refers to whether there is adequate commercial zoning in the area.

In all of these I have the following points to make.

- (1) Protection of the neighborhood. I would recommend against the change in zoning to "C" Commercial or to "B" Residence. I would recommend for the reversion of the "C" Commercial back to "A" Residence as a matter of protection to the neighborhood. This constitutes a matter of health, safety and welfare, dangers, etc., reduction of intensity of development that may occur on this piece of property.
- (2) This is a residential neighborhood. Fernwood Road is a residential street. Also, this is a matter in which there would be traffic generated into a residential neighborhood as a result of this change of zoning or a continuation of this "C" Commercial zoning. With regard to

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protection of the public and whether or not the greater public is involved in this, I think it is in the following fashion. More than likely in the development of the property under commercial provisions access would be gained, and the building permit shows, that access would be from the frontage road of the expressway at three points going north. I feel that the public is involved in whether or not any commercial development would increase traffic congestion along the frontage road.

- (3) Adequacy of commercial zoning in this area. I think it is fairly obvious to look at the zoning map and see the amount of commercial zoning near this to the north, some to the south, including the Sears tract and the Delwood Center; and strip zoning along the greater length of the Interregional Highway in this area. This area is about 80% developed and about 20% remaining undeveloped. In addition there is another 35 acres (under the Sears ownership) that is currently undeveloped. Therefore, I would say that this zoning is not restricted within the area; I would say there is adequate commercial zoning existing and there is no purpose in saying this is the only place commercial development could go.

For the above reasons I would recommend that the zoning change be denied and in turn the petition for a change back to "A" Residence be granted.

Mr. Rogan B. Giles presented information which may be summarized as follows:

1. Since I had sent a letter to all owners notified by the Commission of the public hearing explaining what was proposed for this property and had not heard of any objection except for two written protests which were filed, I was under the mistaken impression that the neighborhood did not object to it strenuously enough to make their objection known. But since people came in large numbers to oppose this application at the first hearing, I amended my application; that is the reason for this second hearing. I was surprised to hear Mr. Osborne say that this property could be developed residentially and I submit that he is mistaken and will undertake to show why.
2. My father acquired a tract of land consisting of 41.49 acres in April of 1940, including a large part which is now occupied by the Interregional Highway. The plat of Delwood 2 subdivision was approved on August 22, 1946, and the west 300 feet of the tract under consideration was zoned "C" Commercial. It was not included in the plat of Delwood 2 but retained under the ownership of my father. Three conveyances of property were made out of this original tract of land in 1942 and 1945, before the property was subdivided. On December 30, 1946, an 0.3-acre tract at that time fronting on Airport Boulevard and the Interregional Highway was sold to Norman M. Jackson for \$15,000 for the purpose of operating a filling station. On February 21, 1949, the State Highway Department began its acquisition through the City of Austin for right-of-way for the expressway. They took the commercial tract that had

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been sold except the northeast portion and also the southwest corner of the adjoining commercial property which remained in my father's name at that time, the City paying \$26,000 for the tract which had been sold for \$15,000. In addition, the City paid \$5,000 for the 8400 square feet which was the southwest corner of the other commercial property, which would mean a value of \$25,400 per acre. Later, the Highway Department was left with the small northeast portion of the Jackson property which was composed of 2640 square feet and the City of Austin sold that property to my father for \$1800. On an acreage basis that would be \$29,600 per acre. So, they paid commercial value, the commercial zoning was retained on the triangular tract, and commercial taxes were paid on the property. On March 7, 1955, this area under consideration was deeded to my brother and me and we are trying to develop a portion of it and feel like it is a commercial tract. We have not developed the present commercial tract because we felt that the entire tract had a commercial potential and we wanted a desirable development. We now plan the restaurant for the "C" Commercial tract and off-street parking on the adjoining 100 feet requested to be "B" Residence. We do not want blind zoning on the remainder of the tract but we envision professional doctors' and dentists' offices and perhaps a church there instead of commercial uses.

3. The property has been a problem continuously due to the fact that the City Health Department has been worried about mosquitoes and keeping the weeds cut. Unknown persons have dumped general refuse on the property and boys have been hiding on the property. We have had to go in each year and do a great deal of cleaning and it has been a constant source of expense to us.
4. It is our contention that the rolling back of this zoning from "C" Commercial to "A" Residence would amount to outright confiscation of the property which is prohibited by law without payment. Development costs are so high in terms of handling the drainage and fill problems here and because of the terrain, that it cannot be developed residentially without a great loss. (He quoted some authorities to substantiate his claims.) Texas Jurisprudence states that depreciation in value to such an extent that property is made practically worthless by uses as applied under the zoning ordinance constitutes confiscation. I have several persons here to present independent testimony with regard to this particular property: Mr. Marlton Metcalfe, whose firm originally planned this subdivision and who has been in the engineering and surveying business since 1928, being a licensed engineer and public surveyor and also the official Travis County Surveyor since 1941, I have asked to make a study of what could be done under residential development; Mr. Jac Gub-bels, who is a landscape architect and planning consultant, and at this time a consultant to a number of subdividers and has helped develop several residential subdivisions in which he is part owner, also having done site studies and served as consultant to the Austin Public Schools,

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the City of Austin, and the State Highway Department, I have asked to make a study of this; in reference to the potential sales of these lots, prices and other problems in connection with the sale of the property, I have asked Mr. Sterling Sasser, Sr., to give some of his views. He is a member of a prominent real estate firm and has been in business as such for 15 years and connected with a local fire insurance company for 21 years, was manager of Dunn and Bradstreet for several years, and has sold and appraised property during this time. They will report to the Commission on their studies.

- (a) Mr. Metcalfe: (presenting a rough layout of this particular site) These lot lines were determined by the drainage in the area. We have an 18" storm sewer along the east portion, a box culvert on the west end which drains from the Interregional Highway, and a 30" pipe extending south from Elwood Road. Lots facing Fernwood Road would have to extend to Airport Boulevard and would allow for a total of eight lots in the area, with a drainage ditch along Airport Boulevard starting from the Interregional with a 20-foot ditch and a 10-foot ditch from Elwood Road, then extending into a ditch 50 feet across the top and 30 feet across the bottom for the full length of the property along Airport Boulevard into a 3' x 6' box culvert at the end. All of the frontage along Airport Boulevard would be a total loss, the only available frontage being on Fernwood Road, or to move the drainage ditch to Fernwood Road and front the lots on Airport Boulevard. This drainage area would be so expensive that the subdivider would never be able to pro rate the cost into the lots and keep the price low enough to make a profit. Another method would be to have a covered storm sewer which would be another great cost.
- (b) Mr. Gubbels: Storm water from a portion of the expressway, all from Fernwood Road, Elwood Road and Parkwood Road is concentrated upon this 2.7-acre block from four drop-inlets which discharge upon this property. The storm water, after traversing this property, is disposed of into a box on the southeast corner of the property. It is estimated by the City Public Works Department that in order to carry water through this property by storm sewer a construction outlay would be required of \$35,076. To divide this parcel of land into residential lots facing on Airport Boulevard, a total of ten lots could be realized at a cost of \$76,848, or \$7,684 per lot. If an open ditch is installed as described above, this ditch would exclude any lots on Airport Boulevard and would allow a total of 7 lots at a cost of \$45,357, or \$6,380 per lot, also leaving a scar on this property as trees would have to be uprooted. These prices would not justify this residential subdivision.
- (c) Mr. Sasser: Based on the opinion of these costs that have been presented tonight, it is my opinion that this is not suitable for this development and the costs would be prohibitive. We feel that

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the average between the class of homes which are nice in this area can justify paying from \$8,000 to \$10,000 per lot and would take a very substantial \$30,000 to \$40,000 house, and this area would not justify that.

All three of these people stated that they were only asked to make a study of this situation and give their personal opinions.

Mr. Robt. J. Potts (attorney) stated he has been retained by several people in the neighborhood, particularly the owners of over 40 per cent of the property within 200 feet of the "C" Commercial tract. He explained that he could not speak to Mr. Giles' petition for the "B" zoning on the additional 100 feet without also speaking to the petition which they had presented that the zoning be rolled back on the commercial portion. He gave the following reasons for his opinion that this tract should be zoned for some purpose other than business and discussed the zoning question, including the following:

1. The traffic in the neighborhood, and specifically the traffic situation that would be created by the development Mr. Giles has in mind. This development is at the intersection of two of the most extensively traveled streets in our part of the country as shown on a map prepared by the Austin Traffic Department in January, 1961. Generally speaking, the mere presence of automobiles may not be enough to completely govern the use of land but this particular intersection has been an accident producer in the past. The plan showing the development proposed on this property shows an approach to the proposed building from the access road about midway between Fernwood Road and Airport Boulevard about midway the block. All of the three flows of traffic at this intersection verge just a little to the left of where the creek crosses the bridge is located. This point is unregulated except for a stop sign and a yield sign for traffic coming from Airport Boulevard. This is where Mr. Giles has chosen the access road to his restaurant.
2. The basis of the neighborhood in general. Delwood 2 is somewhat of an island, being shielded by Airport Boulevard on the south, by the Inter-regional Highway on the west, and by the Municipal Airport on the north and east. There is no commercial development in that immediate neighborhood and it was required by deed by Mr. Giles' father to be a residential neighborhood. Before the original tract was subdivided and before Mr. Rogan Giles and his brother acquired title to this tract, their father made three conveyances in January, 1942, January, 1945, and July, 1946. Delwood 2 was prepared and filed for record in 1946, but the conveyances prior to that time were made subject to certain conditions that forever restricted all of the original tract to residential use. There was a plat showing these conveyances and showing the tract under consideration as a "Park" in the abstracts of the above mentioned conveyances. The conveyance in 1946 referred to "Norwood Road" which was later shown on the recorded plat. This plat was prepared several months

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before the plat of Delwood 2 was prepared by Mr. Metcalfe. (Mr. Metcalfe explained that prior to this plat prepared by Mr. C. Coatsworth Pinckney in 1942, his firm had made several boundary studies and in 1941 had submitted sketches, as well as some sketches by Mr. Pinckney, and the actual survey could be a combination of schemes and ideas from several of these plans.) At the time the zoning was changed and the plat of Delwood 2 was filed for record, restrictions were imposed on Delwood 2 against any other use than residential. On this plat this block was shown as not being a part of Delwood 2. The plat was in the abstracts but it did not show the commercial zoning.

3. Spot zoning. This is a spot zone which is unlawful. Although a spot zone has not been explicitly defined in the State of Texas, it is a zone where the use which is placed on the land has no reference to the neighborhood in which it finds itself and the zoning which is proposed for the sole benefit of the owner of the piece of ground. This "C" Commercial zone is a spot in an area that is uniformly developed residentially and cut off from Airport Boulevard and from the Interregional. This is not a matter of transition and this neighborhood is not changing -- it is solid and homogeneous all the way.
4. The pocketbook question. The argument of whose pocketbook is hurt most is an argument which now is valid in the zoning changing because the zoning is a police power of the State exercised through the City Council; however, since it appears that the only argument that Mr. Giles has advanced for the intensive use of this tract is his pocketbook, I feel that I am constrained to answer that also. You can do anything with statistics and Mr. Giles has had presented some cost figures by expert witnesses. Mr. Giles said that since you could not build a \$40,000 house on this property it would be confiscated. The drainage which crosses this property also crosses Airport Boulevard and for 200 or 300 feet southward there is a little public park which Mr. Bascom Giles donated to the public, but from there on down to Wilshire Boulevard this drainage goes through a row of houses with some backing up to the stream on both sides. They have lovely park-like back yards. It is difficult to understand why it is necessary to spend so much money to contain the headwaters of the branch where it's lower reaches do not have to be confined where there are some of the most beautiful residential lots backing up to it north of Wilshire Boulevard.

When Mr. Bascom Giles sold this large tract he received more than \$166,000 for this property and he then donated the property to his sons. What we are talking about is not confiscating his property but confiscating his chance to make more money at the expense of his neighbors. Mr. Giles said that from 1946 to 1948 there was an \$11,000 increase in value of a one-acre tract of land. The development of Delwood 2 created that increase in value by increasing the value of property in that subdivision because of deed restrictions. They are now seeking to make

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more money by breaking the restrictions. There is no question that the same use could be made of this property as was made of that below Airport Boulevard.

Mr. O. Carl Happel (1206 Fairwood Road) added the following information to that presented by Mr. Potts: Mr. Giles is claiming financial loss but it appears that a profit has been made on each transaction since the original tract was purchased by Mr. Giles' father and then Mr. Rogan Giles was given this tract and so has no capital investment himself and no doubt has an inheritance from the fortune that has already been made out of this area. It does not seem that there is any difference between his asking the law to confiscate for his benefit than to ask the law to confiscate for our loss. If this is developed commercially, the property immediately on the sides will devalue. One owner had an appraisal which showed there would be a loss of 25 per cent on his lot. If one lot depreciates it will gradually spread to the surrounding homes in the area and downgrade the neighborhood. If the entire tract is zoned and developed as commercial it will result in a half-million-dollar loss to the people in the area.

There are instances of homes along Shoal Creek Boulevard which range in value from \$10,000 to \$25,000 and are comparable to homes in Delwood 2 and are found to be desirable adjacent to Shoal Creek. This area has better access to the downtown area than residential areas further out and it is this proximity plus the trees and well-kept lots in the area that count. We feel that, due to what has occurred in the past, we would be entitled to a park here but we have no desire to cause Mr. Giles a loss. We do not object to his making a gain either if it is not at our expense and so are willing to compromise at the very beginning by letting him develop it residentially and make all he can out of it.

Mrs. Dean A. Whiffen (1304 Fernwood Road) said she thought people would rather look into a well-kept back yard than at a restaurant.

Mr. Harry Brandt (1301 Fairwood Road) added the following information: Mr. Giles knew of the drainage problem when he acquired the property. He is now trying to make this creek bed in a residential area into a commercial area.

Mr. Giles then made the following observations in reply to the arguments presented against his proposed zoning:

1. An estimate prepared in the Department of Public Works shows the cost of closing the creek through here as \$34,651.
2. There is no drainage easement along the creek south of Airport Boulevard but the people own to the center of the creek. They do with the creek what they like and at the time that property was subdivided we did not have the amount of water that we have as a result of the Inter-

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regional Highway construction. The water was congregated with a storm sewer system and diverted into this little drainage area in the property under consideration. At the time the subdivision on the south was put into effect, the City did not have any control nor did it exercise its rights as to what would be required for a drainage area. Therefore, the rulings we are now working under are that the Planning Department is trying to do its share of the responsibility and see that we have the proper drainage utilities.

Mr. Osborne said this is correct insofar as it involves Boggy Creek east of the main branch from Airport Boulevard to the Interregional Highway. Insofar as enclosing it with a commercial load-bearing box culvert running through the entire length of the property, the estimated cost is over \$34,000 for doing this work. I asked the Drainage Engineer of the City what would be done in the event of a residential subdivision in which the main channel went open ditch, the secondary channels coming from the north and from the east put into pipe, and he said it would be about \$2,480. This actually involves 30" pipe on the northeast side and 18" pipe on the east side, running into an open ditch channel. The specifications of the open ditch channel would be a minimum size which would be a 10-foot bottom with 20' top to adequately carry the water, with about 50' of channel. The Drainage Engineer does recommend that a 15-foot drainage channel at the bottom would be preferable. This would be sufficient to carry the water coming out of any of those pipes entering and draining out of that property.

Mr. Giles presented a letter from the Joe Bland Construction Company submitting a proposal to Mr. Giles for the construction of drainage to be routed along Airport Boulevard property line according to plans submitted by Metcalfe Engineering Company prepared May 25, 1961, including clearing, removing and disposing of necessary trees, as well as excavation, hauling and disposal of excavated material, leaving the site in a satisfactory condition, for a lump sum price of \$9,900.

3. Actually we have two restaurant plans. One is to build entirely on the commercial tract with the parking on the adjoining 100-foot area; the other would be contained strictly on the present "C" Commercial area. With regard to the traffic, a traffic light signal system has been installed here and the traffic pattern is important to this development. The access driveway plans have been presented to the Public Works Department as required.
4. It is true that this is spot zoning. If this were an original and initial application to have commercial in the midst of an area where there are already residential lots, it would be different, but this commercial area was there before the homes were there. We are now only asking for "B" Residence so we can put some cars in addition to what is already there. The plan referred to in the first three conveyances was never filed and

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the plat of Delwood 2 is the only one on record. Everything except the Fisher and Rossy properties were a part of Delwood 2.

5. It is true that we were given this property. My father had a tax interest in it but we have had no revenue from it to help pay the taxes which are now about \$12,000 per acre as valued by the Tax Department for commercial property. We would actually and literally lose the land if we had to develop it residentially. We are proposing a nice restaurant and I will put in writing that we think doctors' offices, or possibly a church, or some uses other than retail should go in the rest of the area.

Mr. Potts said he felt he should have the opportunity of closing on his application. He then replied to some points raised by Mr. Giles as follows:

1. I would ask Mr. Gubbels and Mr. Fowler (who handle land acquisition) if, when the acquisition of highway or street right-of-way creates a problem of throwing drainage on the land, is not the cost of that normally included in compensation for what it does for the land? In other words, a part of the price is the cost of taking care of what damages you do to the remainder of the land which is not purchased. (Mr. Gubbels agreed that this is correct.) Somebody has already been paid for this excess of water that was thrown into this property, if any was by the improvement of the Highway, and it was included in that \$29,000 figure that Mr. Giles said this land was worth.
2. Regarding the approval of the driveway plans, Mr. Reuben Rountree (Director of Public Works) told me at 4:55 this afternoon that the driveway plan had not been approved.
3. Regarding the remark about this property being zoned "C" Commercial before the lots were there. The minutes of the City Council for August 22, 1946, show that the property was zoned "C" at that time, and also the plat is dated August 22, 1946, although it was recorded September 7, 1946. Although the plat was approved and the zoning was changed on the same day, the recorded plat does not show anything about the zoning and Mr. Giles' statement that the zoning was done prior to the creation of the lots is a statement that mis-applies the facts. They created a highly restricted subdivision and got the zoning changed while there was no one living within 300 feet and they did nothing about it until the highly restricted lots were sold at good values and now they want to cut the value out of these lots.

Mr. Giles said the only possible reason his father paid \$29,000 when he bought this commercial lot back was because it was commercial property.

A large group of property owners in this area appeared favoring the reversion of the "C" Commercial zoning back to "A" Residence and opposing any change to "B" Residence or "C" Commercial, but were represented by Mr. Potts and other speakers and presented no further statements.

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The Zoning Committee considered this case June 16, 1961, at the continuation of the recessed meeting of June 13, 1961, as follows:

Mr. Lewis asked the Director about the possible subdivision of the property into residential lots. Mr. Osborne stated that the tract could be subdivided into at least eight residential lots fronting onto Fernwood Road. Mr. Chriss asked about the methods and costs of solving the drainage problem through the tract. Mr. Osborne stated that there were two basic methods: First, the main channel, running eastward, could be dredged out and straightened forming an open ditch, more or less along the Airport Boulevard side of the property. The channel would be about 15 feet wide at the bottom, 30 feet at the top, and about 5 feet deep. The smaller channels draining into the main channel would be put in pipe. The City Drainage Engineer estimated the cost of this at approximately \$2,500. If desirable trees were avoided in building the channel, the cost would probably be somewhat increased. The second method would be to place all drainage in pipe or box culvert. Because of the size of the culvert for the main channel and the fact that it could be load bearing (with a building or parking over it) the cost is quite high. The Drainage Engineer estimates the cost at approximately \$34,000.

The Committee discussed the various subdivision plats that had been prepared on the property. They reviewed the testimony that a number of people in the area had purchased lots and homes on the basis of the plat that identified the tract as a park although the recorded plat did not show this tract as a part of the subdivision or indicate its proposed use.

It was stated that the proper consideration of the Committee was the best zoning of the tract in accordance with the Zoning Ordinance and the development of the area. Mr. Brunson asked if the tract should be zoned all commercial or all residential or if there should be two zones on the tract. Mr. Chriss pointed out that any commercial development on a portion of the tract would affect the residential streets because of the one-way traffic pattern of the major streets. Mr. Lewis also stated that there could be a spot zoning question whereas there are large scale commercial districts within 1/2 mile of this property. Mr. Spillmann noted that the Committee could consider the requested "B" zoning as a buffer between the existing "C" Commercial and "A" Residence. The Director stated that the apparent purpose of the "B" zone was to provide off-street parking in connection with a commercial use.

The Director was asked about the basic planning principles to be applied in land use controls adjacent to a major interchange such as this one. Mr. Osborne stated that the highways and interchange were built at great public expense for the purpose of carrying large quantities of traffic from one section of the community to another or through the city. The development of commercial uses at such interchanges will reduce the

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traffic carrying capacity in relation to the size of the commercial development. Ideally, interchanges should be protected by public ownership or development easements on the nearby property. If left in private ownership, residential development produces the least harmful effects on the interchange. This form of development has become a common practice in many cities.

Mr. Brunson stated that he would prefer to have additional time to review the testimony and further evaluate the property and neighborhood. Mr. Chriss stated that the Committee should consider the best zoning for the property and not simply that it should be "C" Commercial or "A" Residence. It was then unanimously voted to refer the request of these applicants to the full Commission without recommendation and that the members of the Committee further review the cases in terms of the best zoning for the property.

The Planning Commission reviewed the above report of the Zoning Committee action. Mr. Spillmann moved that the entire tract of land bounded by Fernwood Road, Airport Boulevard, and Interregional Highway be zoned "B" Residence. This would change the existing "C" Commercial to "B" and the existing "A" Residence to "B". Mr. Spillmann stated that this would be the most usable and highest use for the property. The motion was seconded by Mr. Brunson. (It was later stated that this was based on the following: (1) protection of nearby residences; (2) the establishment of a buffer zone between the single-family area and the thoroughfares; (3) the physical characteristics of the tract; (4) the minimization of the potential traffic problem on Fernwood Road and the one-way roadways; and (5) the most appropriate use of the tract.)

Mr. Potts, attorney for the petitioning property owners, raised a point of order. He stated: "It has come to me that Mr. Giles has communicated with some members of the Commission since the hearing was closed last Tuesday. Inasmuch as the rules give me the right to close, I hold that is a valid right. I would like to know whether Mr. Giles has communicated with any of you gentlemen since Tuesday, a week ago." Mr. Barrow stated that Mr. Giles had talked to members of the Commission. Mr. Potts stated: "In our system of law, this was decided centuries ago that this type of operation was outside our system of law. I am not going to say anything because I do not know what I would have to reply to since I do not know what he said to the members of the Commission. I do want to reserve any objection I may have to that procedure, and I do not want to waive any future rights or actions that may accrue to my clients by reason of that action. I pass over it in silence at this time. The affirmative answer given me is what I asked for."

Mr. Barrow noted that the Commission had carefully considered the case with almost four hours of testimony by all parties, several field inspections of the property by the Commission, and about two hours of discussion by the Commission of the various aspects of the case. Mr. Kinser stated that he owned property in the general area but that it was more than 800 feet from the subject property and that he felt he could properly vote on the matter. The Chairman agreed that he was not disqualified. The Commission unanimously

VOTED: To approve the motion to recommend "B" Residence and First Height and Area for the entire tract.

C14-61-59, 86 Rogan B. Giles and J. B. Giles, Jr.--contd.
 C14-61-59-A, 86-A O. Carl Happel et al & Daniel Killen et al--contd.

It was further moved that the applications for "B" Residence, Second Height and Area, "C" Commercial, and for "A" Residence be denied. The motion was seconded. Mr. Giles stated that the petition of surrounding property owners was not a proper petition in that the names were not acknowledged as required by ordinance and it does not have 50% of the property owners in the area. The Commission then unanimously

VOTED: To recommend **DENIAL** of the applications for "B" Residence, Second Height and Area, "C" Commercial and "A" Residence.

C14-61-68 Frank C. Barron: BB to B
 4806-4902 New Manor Road

DIRECTOR'S REPORT: This is a tract of land located at the intersection of Manor Road and Creekwood Road and containing about one acre of land. The request is to permit the development of an apartment dwelling group consisting of two buildings for 18 apartments, 4 units in one building and 14 in the other. This adjoins a partly developed "BB" Residence District on Manor Circle and is across the street from a single-family area and there is a "GR" General Retail zoning to the northeast, all of it developed by Mr. Barron. In view of the fact that this is surrounded on the south and west side by a large creek and it is adjacent to an apartment development and separated from the single-family residential area, I would recommend the change of zoning.

Mr. Barron appeared and stated the following: This change from one apartment zoning to another overcomes a technicality. I have an acre of ground and had the apartments been designed for one building I would have had no trouble but the fact that there are two buildings requires "B" rather than "BB" Residence. I have already been issued a building permit to build an apartment. By subdividing into two lots, and that is being processed as such, this could be done but if this zoning is permitted then I would not have to pay two water and sewer taps for property which will be under one ownership; otherwise, I would have to pay for the two and extend the sewer main lines as necessary.

Written approval was received from Mr. Watt Schieffer (1011 East 40th Street).

The Commission agreed that this change of zoning, being necessary to develop under Special Permit (CP14-61-2) into two buildings, would be justified by the characteristics of the site which is being developed in keeping with the adjoining development and because of the creek which bounds this tract on the south and west sides and the existing apartment development on the adjoining property. It was therefore unanimously

VOTED: To recommend that the request of Frank C. Barron for a zoning plan change from "BB" Residence to "B" Residence for property located at 4806-4902 New Manor Road be **GRANTED**.

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C14-61-69 Roy A. Miller: A to C
Manor Rd. and Anchor La.

DIRECTOR'S REPORT: This is a 3.7-acre tract of land located essentially on the south side of the Municipal Airport. The requested change from "A" to "C" was requested to permit commercial buildings. The immediate area to the north is the new airport terminal building. There is considerable amount of open land between this tract of land and the airport development. To the west there are a few single-family homes and an "O" Office zone. To the east is a General Retail zone and to the south there is single-family residential development, generally subdivided into small tracts of land. In view of the fact that this tract of land is bounded on two sides by the Airport and fronts onto Manor Road which is a thoroughfare, I would recommend that it be changed to "GR" General Retail rather than "C" Commercial. I think this would permit the uses I previously discussed with Mr. Horne, including a filling station and other general retail uses. I think this would also offer better protection to the Airport and the terminal building than "C" Commercial. This property is covered by the 25-foot height limit under the proposed Airport Zoning Ordinance.

Mr. Roy A. Miller was present but was represented by Mr. Edward M. Horne who stated: The purpose of the request for "C" Commercial instead of General Retail was because it is on two major thoroughfares, Anchor Lane connecting 38½ Street and Manor Road, and it is planned to be developed as a commercial center, which would be a much better plan than to have "C" Commercial now than come back later and ask for it since that is our intended use. At the present time Mr. Hooper and I propose to have a lumber yard on this property and that would require "C" Commercial.

Replies to notice were received from four nearby owners approving the request.

The Commission reviewed the surrounding area and the fact that this property is adjoining the Municipal Airport property and near the new terminal building. It was concluded that "GR" General Retail would provide for the highest and best use for the property rather than "C" Commercial. For this reason it was unanimously

VOTED: To recommend that the request of Roy A. Miller for a change in the zoning plan from "A" Residence to "C" Commercial for property located at the northeast corner of Manor Road and Anchor Lane be DENIED; but that a "GR" General Retail classification be established for the property.

C14-61-70 J. B. Ford: A to C, 1 to 6
4403 Russell Drive

DIRECTOR'S REPORT: This is a 60-foot lot located one lot depth south of Ben White Boulevard and fronting on Russell Drive. This contains about 11,460 square feet and the change is proposed for business or office use. The area immediately to the south and across Russell Drive is developed in single-family residences and subdivided into single-family lots. To the east there

C14-61-70 J. B. Ford--contd.

is an undeveloped tract of land along Ben White Boulevard extending back into the residential area, to the north there is some residential property, to the northwest there is "C" Commercial and General Retail uses and there is some "GR" and "C" Commercial along Ben White Boulevard at Manchaca Road. Last month we had a request on the lot to the north of this and we suggested that the applicant withdraw it, which he did, pending a study of the area along Ben White Boulevard. This study is to be presented to the Commission next month. In view of the fact that I feel this lot would be very similar, I would suggest to the Committee to see if a postponement would be in order; otherwise, I would have to recommend that it be denied at the present time.

Mr. Ford stated that he would like to request that his application be postponed pending completion of the study along Ben White Boulevard.

In view of the pending study and Mr. Ford's request for postponement, the Commission unanimously

VOTED: To POSTPONE action on this request pending presentation of a study by the staff of the property along Ben White Boulevard from South Lamar Boulevard to the railroad.

C14-61-71 J. B. Ford: B & 1 to B & 2
2300-2304 Enfield Road

DIRECTOR'S REPORT: This is a change from First to Second Height and Area and the applicant is proposing erection of efficiency apartments. This tract contains about one acre fronting 170 feet along Enfield Road with a depth of about 250 feet. The surrounding area is developed with single-family homes and apartments adjacent to this. On the north side of Enfield Road the property is zoned "B" Residence. On the south side it is zoned "A" Residence and developed as single-family and duplex uses. Enfield Road is a thoroughfare with 40 feet of paving at this point. In view of the fact that this area has been developed consistently over a number of years in low density apartments, some having a higher density than others, I would recommend that this change be denied because it would increase the use from 21 regular units to 29, or 58 efficiency units. This is specifically a spot zone. Three buildings could be placed on this property because it is divided into three separate lots.

Mr. Ford appeared and presented the following information in support of his request: I have three large buildings on these three lots, with four large apartments in each building. I do not have enough here to employ a full-time porter or a full-time manager and I could not put 58 efficiency apartments if I wanted to because of the 75-foot setback requirements. All I could build would be what I could put in the back of the three buildings already there and I don't think they would disturb anyone and would not even be visible from Enfield Road. Except for the three driveways, the three buildings practically cover the buildable area. I have no plans drawn up and don't know how many units I would add. I would like to have about 29 more units because I cannot take care of the situation as it is with the

C14-61-71 J. B. Ford--contd.

taxes and insurance I have to pay on these apartments. The big apartments are not in demand like the efficiency apartments.

(In reply to opposition) I think that if someone operates these places in the right way you don't have these things happening. I made this application more in self-defense than anything else. Other people along this street are building apartments all the time. I think it would be a wise thing for the City to give these problems some study. I have tried several times to have something done about the place where they have 13 apartments but have been unsuccessful.

Twelve nearby owners appeared in opposition and written objections were submitted by six owners. Reasons given may be summarized as follows:

1. We recognize the right of Mr. Ford to do what he can as long as it does not interfere with the rights of others. In this instance we feel that the use of this particular property becomes subservient to the public's feelings in view of the other development in the area. The area has been overbuilt with apartments and the density along Enfield Road is of concern to adjacent land owners. The 75-foot setback restriction has been voided by the Supreme Court and buildings now could be enlarged by extending toward the front.

2. This would be spot zoning and others would request the same, increasing the density.

Some home owners do not feel they are financially able to sell and establish homes elsewhere. Also, this would decrease the value of homes in the area south of Enfield Road.

3. Ample off-street parking should be provided for apartments but regulations should not permit the use of front yards for parking.
4. There is one large apartment house in the area which is not 5 feet from the side line and which is objectionable to those in the immediate neighborhood. It is occupied by University students and they create disturbances late at night with big parties, park in driveways, scatter trash over the neighbors' lawns, have a swimming pool which is not connected with any drainage system, have garbage cans located so they are a nuisance to the adjoining neighbor, trespass upon the neighbor's property, and create a nuisance in the neighborhood by excess parking, and having about three persons to each unit.
5. Parking along Enfield should be prohibited except for visitors. Adjacent residential streets are filled with cars and visitors to homes cannot park near and even owners have trouble getting into their homes. If ten more apartments are added in the neighborhood the situation is going to become almost intolerable. Many children use these residential streets going to school and then wait for indefinite periods before they can cross Enfield Road.

C14-61-71 J. B. Ford--contd.

6. The parking spilling over into the narrow residential streets endanger the lives of children riding bicycles along these streets, going to school and to Westenfield Park. Forest Trail is the only street between Exposition Boulevard and the railroad that runs from Windsor Road to Enfield Road and if cars are parked on each side you have to wait if two cars meet.
7. Three home owners on Bridle Path behind Mr. Ford's property feel their property would be damaged by having the proposed apartments behind what is already built.
8. A study might be advisable of multiple-unit apartments in this area regarding restriction to fewer apartments per acre and for off-street parking requirements.

The Commission reviewed the staff report and the arguments presented. It was concluded that this would increase the intensive uses in the neighborhood, the property being located on Enfield Road which cannot take care of the additional traffic generated, and that this would be a spot zone which would encourage others in the neighborhood to request similar changes. Therefore, it was unanimously

VOTED: To recommend that the request of J. B. Ford for a change of zoning from "B" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at 2300-2304 Enfield Road be DENIED.

C14-61-72 Bullard Company: A & LR to C
1102-1106 Koenig Lane

DIRECTOR'S REPORT: This is a tract of land somewhat triangular shaped and the applicant proposes a drive-in restaurant. The site is presently undeveloped. The surrounding area is developed with several commercial uses, including two service stations and an office. On the south side is McCallum High School which is actually the stadium. To the west is a "C" Commercial area with a community center development further to the west. On the east there are two churches and other undeveloped lots and then the City of Austin service yard and storage yard. To the north is a single-family development, some of the lots abutting on this tract. In view of the fact that this is a pattern of strip zoning which has already been established in this area, I think it should be held to Local Retail. I think the extension of "C" Commercial, since the existing "C" properties are either used as Local Retail or not used at all, and the proposed "C" Commercial would be extended into the residential area, I recommend that the zoning be held to Local Retail.

Mr. Dan Priest (agent) represented the applicant and stated that the Golden Point people had contacted them about five or six weeks ago and it was his understanding that "C" Commercial is necessary for their particular use and that they have been in the process of negotiations with them since that time. One reply to notice was received favoring the request.

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C14-61-72 Bullard Company--contd.

The Director called attention to the proposed use for this property, being a drive-in operation which stays open until 11 o'clock at night and sometimes later, where the property abuts the backs of some residential lots and is adjoining an office use. He felt that a drive-in hamburger stand would not be a good use in the neighborhood. He mentioned another problem which is strip zoning on an inadequate street and did not think the zoning change would help the traffic but would intensify the use permitted under the requested zoning. The Commission discussed the advisability of permitting "GR" General Retail on the front of the lot for a depth equal that of the existing "LR" Local Retail zone and "B" Residence for the remainder of the property which projects into the residential neighborhood. It was then unanimously

VOTED: To recommend that the request of Bullard Company for a zoning plan change from "A" Residence and "LR" Local Retail to "C" Commercial for property located at 1102-1106 Koenig Lane be DENIED; but that "GR" General Retail be established for the front portion for a depth to include the present "LR" Local Retail zoning and "B" Residence for the rear portion of the property.

C14-61-73 Elton C. Marcum: A to LR
Park Blvd. and Red River St.

A letter was received from Mr. Carter Lester (agent) requesting permission to withdraw this request. A large number of people in the area appeared opposing this proposed change but stated no reasons after the request for withdrawal was announced. The Commission then unanimously

VOTED: To permit withdrawal of the request of Elton C. Marcum for a zoning plan change from "A" Residence to "LR" Local Retail for property located at the northwest corner of Park Boulevard and Red River Street.

C14-61-74 Kelly DeBusk: GR to C
South Lamar Blvd. and Westforest Dr.

DIRECTOR'S REPORT: This tract of land consists of $4\frac{1}{2}$ lots which are strip zoned along South Lamar Boulevard adjoining Barton Hills, and strip zoned all the way south along this side of the street. The erection of model lake homes, which I think will be sample homes, does require "C" Commercial. Adjoining this is a service station and to the west it is entirely developed as single-family homes. Across the street is in the county and there is a Go-Cart business there, beyond that it is generally residential, and to the north along Lamar it is generally "GR" or "C" and "C-1" Commercial zoning. The zoning pattern here would call definitely for a recommendation against the requested change since this constitutes a spot "C" Commercial zone in a "GR" General Retail zone. The strip zoning pattern makes it difficult to come up with a firm recommendation. I would point out in connection with this that "C" Commercial offers the same difficulty with the residential area abutting it. This offers a temporary use possibly extending over a period

C14-61-74 Kelly DeBusk--contd.

of several years, intending to be a permanent use of the land. This is a new type of use which has arisen in the last few years. I cannot offer any solution under the Zoning Ordinance and it has been pointed out by the Building Inspector that this is the type of use that could be considered under the new zoning ordinance as a Special Permit use. Since this is all movable and the houses could be picked up and moved off, it is not permitted under the zoning ordinance. Technically, I would recommend against the "C" Commercial. This is now being used for this purpose and is an illegal use.

Mr. Cecil Williams (agent) represented the applicant and presented the following: There are a number of commercial uses in this area and the Go-Cart tract across the street. At the present time under this set-up, we have three houses for display and an office and we are only permitted to have one house on a lot, therefore we have a 20' x 30' house on a 100-foot lot. We have about ten houses and we can only display three of them. We were not aware of this until some complications occurred. At the present time the office is on a 100-foot lot. We don't anticipate this being a temporary use, however no one knows what will be in the future. We think no one who does ask for a change in zoning anticipates what will happen in the next five or six years. We plan for this being a permanent business, and with the amount of money it takes to invest in it we plan for the future. I know of no other use they have except as stated. I have several people who are ready to go to work and if we are not granted this we are stymied to a certain extent because of the limited merchandise permitted here for display.

Three nearby owners appeared in opposition and two written objections were filed for the following reasons:

1. There is no comprehensive zoning pattern laid out in this particular area by virtue of the fact that the city limit line is immediately adjacent to this where this would have to be spot zoning. The noisy Go-Cart business in operation across the street is one example of the type of commercial establishment which might be allowed if the zoning were changed. "C" Commercial includes a very wide range of uses, including some which would be very undesirable to the adjoining residential area.
2. This project is strictly of a temporary nature. The property has been landscaped to resemble a beach resort. This is a residential area and these are temporary houses.

The Committee chairman reported the following action: The Director reported that the Building Inspector has issued permits for one building on each of the four lots but at the same time he will not issue any additional permits for other residences on these same four lots in a General Retail District. According to his interpretation, the Building Inspector feels that this would have to be "C" Commercial to allow a group of houses for display and it was then found that the Ordinance does not cover this even in a "C" Commercial District. He noted that there is a procedure set up in the Zoning Ordinance whereby this could go to the Board of Adjustment for an interpretation and

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C14-61-74 Kelly DeBusk--contd.

the business might be operated on a temporary basis until the new zoning ordinance is adopted to possibly permit this type of use under a temporary permit with the authority to grant a renewal for two years. The Committee reviewed the problems involved in this proposed use and the question of whether or not "C" Commercial is the proper zoning for this property. The Committee then voted to refer this request to the Planning Commission without a recommendation.

The Planning Commission discussed the regulation in the Zoning Ordinance permitting the Board of Adjustment to grant temporary variances but it was explained by Mr. Fowler that this is a special provision confined under the terms of the Ordinance to the areas of the city that are undeveloped and future development is undetermined at the time, and the temporary use is considered an interim use in order to see how that area develops before the final zoning is established. The Director called attention to the interpretation by the Building Inspector which resulted in one house being permitted on each lot and he felt that this is subject to interpretation by the Board because the use is actually operating but under a different intensity. (Mr. Claggett explained that in each instance they had been compelled to pay for a tap for a building which would never be connected.) The Commission generally felt that the intended use would not be objectionable but recognized that the Ordinance is not clear on this use.

Mr. Fowler reviewed the Special Permit provisions which permit in a "GR" General Retail District any use permissible in "C" Commercial where it is adjoining or across the street from another "C" District, and noted that the nearest commercial is the "C-1" District about one-half block to the north and the operation of the Go-Cart business in the county area across the street. He suggested that the Commission either consider this item on a Special Permit or an amendment to the Ordinance so as to designate a specific zone in which this type of operation is permitted. He felt that it would be more in the nature of display of house trailers which are permitted in "C" Commercial Districts. He called attention to two other locations in Austin where this use is being operated in "C" Commercial zones. He also felt that this type of operation properly handled would be little more objectionable than a real estate office with homes around it for sale.

The Commission noted the length of time involved in amending the Ordinance and indicated that they would look with favor on the granting of a Special Permit for this use. The applicant then requested that the application be withdrawn and he would apply for a Special Permit. The Commission then unanimously

VOTED: To permit the applicant to withdraw this request.

C14-61-75 H. E. Butt Grocery Co.: GR to C
Hancock Dr. and North Loop Blvd.

DIRECTOR'S REPORT: This request is for the purpose of erecting commercial buildings and a greater density of apartments. The area is essentially vacant and is bounded on two sides by commercial and a shopping center, with other commercial development along Burnet Road and Hancock Drive and vacant property to the southeast zoned General Retail. To the west there is a pharmacy and doctors' clinic and another office under construction. To the west is a single-family residential area and to the north is Brown School and other commercial development, including another shopping center. I believe the biggest question on the matter of density would be what is desirable to permit in the matter of multiple-family use. This is considered an outlying section of town where there is both commercial and single-family development nearby. We have the basic problems of street development there. It is better in some ways than another area, with North Loop Boulevard and Hancock Drive which are increasing in traffic and are undersized for the traffic they carry. With the density permitted under the present zoning they could have 163 units on this tract of land. The reason of my concern on the density, we estimate 163 units will increase the traffic. Under "C" Commercial 186 units would be permitted. Under the apartment hotel and hotel classification, 211 apartments would be permitted under "GR" zoning and 633 units under "C" Commercial. The only thing I can suggest is "GR" General Retail and Second Height and Area which will permit up to 434 units in an apartment hotel classification. In considering all of the circumstances there, "GR" would contain all of the business uses permitted under the General Retail plus the apartment development. I would recommend denial of the "C" Commercial.

Mr. Edward M. Horne (agent) represented the applicant and presented the following: "GR" General Retail will be satisfactory. I feel that we have something coming into Austin that will benefit the city as a whole. Many thousands of dollars have been spent in planning this. They have gone over very carefully all parts of Austin and they plan not only to rent to people in Austin but will bring in people from out of the state. They have done it in other parts of the United States and they plan to advertise very extensively. All of the parking is under-cover parking. We have 368 units in the apartments and 409 covered carports. The parking is so planned that the people can leave the carports and go to the second and third floors and also the lower floor. These people are ready to start the construction when the zoning is changed. At the present time we have designed it where we also have 81 guest parking spaces. In other words, we have 125 surplus parking spaces in addition to a one-car-per-family arrangement in the apartment building, plus the fact that we have an arrangement that they can drive in from North Loop Plaza and circle the doctors' clinic without ever touching North Loop or Burnet Road. Also arrangements have been made for the shopping center whereby there will be a mall connected from this development to the existing Handy-Andy store where an agreement has been made that they will deliver the groceries and all supplies to the people in the center. This will be a city in itself.

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C14-61-75 H. E. Butt Grocery Co.--contd.

Mr. Gibson R. Randle (representing the Wit-Texas Realty Corporation, owners of the adjoining shopping center) said they favored this and think it is good zoning and will be a credit to the city of Austin. Reply to notice favoring the request was received from Dr. Walter S. Moore (2301 North Loop Boulevard).

Because of the density (186 units under the apartment classification and 633 under apartment hotel regulations) permitted under a "C" Commercial classification and the development of the surrounding area, the Director recommended that the property be changed to "GR" General Retail and Second Height and Area where a maximum of 434 units in an apartment hotel classification would be permitted. The Commission agreed that the General Retail and Second Height and Area designation would permit the best use for the land. Therefore, it was unanimously

VOTED: To recommend that the request of H. E. Butt Grocery Company for a change of zoning from "GR" General Retail to "C" Commercial for property located at 2212-2306 Hancock Drive and 2129-2233 North Loop Boulevard be DENIED, but that the Height and Area designation be changed from First to Second Height and Area.

C14-61-76 Planning Commission: A to O
700-704, 708-716, 701-707 W. 34th St. and 3304-3404 King St.

DIRECTOR'S REPORT: In connection with the zoning of a single lot from "A" Residence to "O" Office requested last month, the Planning Commission, at the suggestion of the staff, recommended to the Council that consideration be given to the zoning of an area on each side of 34th Street. It is presently "O" Office at West Avenue and 34th Street on the north side, and on the south side there is an undeveloped "O" Office tract. To the east of this block there is existing "C" Commercial, the south side being developed with commercial uses and the north side with single-family residences. The area in question is developed with single-family residences on the north side and on the south side an undeveloped tract. Many of these are kept in excellent condition and there is a question of whether they would be converted to office use. It would be difficult to provide off-street parking except on the back of the lots in the event all of the houses are used for offices, however we felt this is potentially an "O" Office area and that the properties can be used for "O" Office. Therefore, I wish to recommend that the residential zoning on each side of 34th Street be changed to "O" Office.

Five owners in this area appeared in favor of the zoning change and written approval was filed by one owner. Reasons given may be summarized as follows:

1. No one would build a new modern home on any of this land and the vacant portion will probably never be used residentially. Changing the property to "O" Office would improve the neighborhood and eliminate houses which are twenty years old or more and could only be left to deteriorate if the zoning remains residential.

C14-61-76 Planning Commission--contd.

2. The offices which have been constructed on the corner of West Avenue and 34th Street have added to the community and have increased property values.

Mr. Walter Barnes (700 West 34th Street) appeared in opposition, also representing his mother and father who live at 704 West 34th Street. Reasons given were:

1. There is probably a question of time when this should be zoned "O" Office, but right now it is a question of any rezoning at all. We have a very good-looking block of owner-occupied homes. Only one home is not owner-occupied but their parents live there. When we came to Austin we bought a house on the corner and have improved it and showed that we intended to stay there. My father came here when he retired and invested a greater part of his earnings in a home and it is rather important for him that he be able to live here for some time. I would not like to see him have to move. Recently we have spent \$2,000 in remodeling our home and it looks like this was a foolish expenditure.
2. First there was a change made on West Avenue and 34th and it was so far from us that we were not notified and it was not supposed to affect our property, and then the zoning was changed at 706 West 34th Street. The owner of the property said she was getting \$500 more as an office than for a residence. I don't know why it was zoned "O" Office because it was certainly spot zoning. About 40 years ago there were commercial buildings across the street, but 706 was spot zoning and now the proposal is that with this spot zoning the whole block should be "O" Office. What happens on premature commercial zoning? If you will examine the 600 block you will see for the people are not maintaining their houses. This has also happened in the 600 block of West 33rd Street. They think it is useless to spend money for maintenance when it is zoned commercial.
3. When 706 was zoned "O" Office, we decided that the answer to that was to see if we could buy it and have it changed back to residential. This move appears to be useless because there is some pressure to zone this block Office, why, I don't know. If we have to move out it will not improve this part of the city like it has not been improved in other areas where it has been zoned commercial. I see no reason for thinking that this is the time to zone this "O" Office and break up the homes, especially where elderly people live. If we are going to zone it "O" Office, let's wait until it is time to zone it so. You don't remedy spot zoning by zoning the property around it.

The Commission felt that this neighborhood is changing to one of "O" Office uses and the creation of an "O" Office zoning here would establish a pattern for the area rather than have it changed to scattered zones throughout the area over a period of two or three years without a zoning pattern. It was also felt that this would follow zoning principles and would invite the office type of development when people are looking for places to establish offices. Therefore, it was unanimously

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VOTED: To recommend that the property known as 700-704, 708-716, 701-707 West 34th Street and 3304-3404 King Street be changed from "A" Residence to "O" Office as proposed by the Planning Commission.

C14-61-77 Tex-Mart Industries and Northtowne Co.:

- Tract 1: A, C, Interim A to GR & 1
7900-7942 Burnet Rd., 2400-2808 Anderson La.
- Tract 2: Interim A & Interim 1 to C-2 & 1
Rear 2514-2604 Anderson La.
- Tract 3: A & 1, Interim A & Interim 1 to GR & 1
7944-8124 Burnet Rd., 2810-2822 Anderson La.

DIRECTOR'S REPORT: The bulk of this property has recently been annexed to the city in conjunction with the preliminary plan submitted for Northtowne Section 2, extending Steck Avenue west from Burnet Road. The tract of land which is known as Tract 1 and Tract 2 is a 10-acre tract. We are not sure of the exact acreage of Tract 3 but I think it exceeds 20 acres. The proposal on Tracts 1 and 2 is to erect a commercial building, essentially a general department store to be located generally on Tract 2, with probably the liquor store being located within this tract. The zoning, insofar as Tract 1 and Tract 2 is reasonable in many ways. On Tract 3, it comes within the planned development of the subdivision, however we would recommend that any recommendation on this be postponed and the case be sent to the Commission. We have drainage problems through this property and also have a street proposed through Tract 3. There was an alternate plan submitted with the subdivision showing a possible residential subdivision in the event it was so developed instead of commercially. The problem, particularly in relation to drainage, would affect the street location and the drainage and circulation pattern. Tract 1 extends back to where a street was proposed. Being that this is under separate ownership, we would like to have this sent to the full Commission so that we can get some firm plan on this. If this is zoned commercial, we would have no control over it unless a subdivision is proposed and under the present Subdivision Ordinance there is some question as to how much control we would have in subdividing the commercial area. If this is developed into more than 3-acre tracts we may have lost our street and our drainage solution. Before this goes to the City Council, I would like to have a definite commitment regarding the drainage and the street or streets through the area. There should be at least one street through there.

Mr. Glenn Cater (agent) represented the applicants and submitted the following: Sometime in April, I had a proposal from a large discount store and in showing them, we ran into a problem of getting the project started because they have a deadline for opening and they wanted a location where they could open a store soon. In discussing this we found all kinds of zoning and then stumbled on to this tract. Then they told us this would be available and it was outside of the city where we could start our construction. We knew there would be some drainage and other problems. The engineers for the sellers and buyers have spent the last two days in conference and in working out these problems and will have something ready for us. The only thing I am particularly interested in is the fact that they abandon this project. This is one

C14-61-77 Tex-Mart Industries and Northtowne Co.--contd.

of the contingencies involved. After it was annexed and zoned Interim "A", the annexation to which we had no objection, we had the problem of the deadline for opening the business. Competition is very keen at this time and we would like to get this ready. If we could get this so we could have a small package store in the building we would like "C-2" zoning for all of Tract 2 so the package store, if desired, could be moved from one place to another in the building. We will get definite information on the drainage and street situation before this goes to the City Council.

Mr. Miles E. Hutchens (Lockhart-Hutchens Realtors) was also present but added no statements. Five replies to notice were received favoring the request.

The Zoning Committee chairman reported that this was referred to the Commission pending further information on the street and drainage problems in this area.

Mr. Osborne reviewed the problems for the Commission and reported that Mr. Cater filed a telegram this afternoon from Centennial Construction Company, which is Northtowne in this case, to the effect that they would be willing to work out the drainage and street situation. I would then recommend to the Commission that this zoning change be granted with the notation to the City Council that a permanent commitment with relation to the street and drainage be made before the Council hearing since no final arrangements have been completed.

The Commission also discussed the size of the tract requested for "C-2" Commercial and the Commission's general policy of confining a "C-2" zone to the immediate area of the building. Mr. Cater said they thought of a merchandising store of this nature as being over 80,000 square feet and one of the characteristics is that the departments are constantly changing location. He noted that the entire building in Tract 2 is over 400 feet from Burnet Road and over 180 feet from Anderson Lane and there will never be a time when the liquor store will exceed a 30' x 50' area. He said they were not in a position to confine this area by field notes but want the entire area "C-2", one of the reasons being the matter of storage comprising the bulk of what is to be displayed later. Mr. Barrow expressed his objection to having an area of this size in "C-2" zoning. Other members agreed that this is the best policy in general cases but realized the problem here where the liquor store may be moved about in the building. Mr. Barrow called attention to the regulations which permit the sale of liquor under almost any conditions in a "C-2" zone and he thought the zoning in the usual case should show the place where it is to be and it should not be a tract this large. It was then unanimously

VOTED: To recommend that the request of Tex-Mart Industries and Northtowne Company for the following zoning changes be GRANTED with the understanding that the street and drainage problems will be worked out satisfactorily with the City before the hearing before the City Council:

Tract 1: A, C, Interim A to GR & 1
7900-7942 Burnet Rd., 2400-2808 Anderson La.

Tract 2: Interim A & Interim 1 to C-2 & 1
Rear 2514-2604 Anderson La.

Tract 2: A & 1, Interim A & Interim 1 to GR & 1
7944-8124 Burnet Rd., 2810-2822 Anderson La.

C14-61-78 Manuel Haros: A to LR
1704 Haskell St.

DIRECTOR'S REPORT: This is a small lot fronting on Haskell Street with a small house located thereon. The surrounding area is generally zoned "A" Residence except that there is a spot Local Retail zone about one-half block to the northwest which was created within the past three or four months, and an old "C" Commercial area on the four corners at Chicon and Haskell Streets. The area is mostly single-family residential. In view of the fact that this is a spot zone, I would recommend against the change.

No one represented the applicant at the hearing. Reply to notice was received from Arnold Melendez (1708 Haskell Street) offering no objection. Written objection was received from Mrs. Frank McGraw (1706 Haskell) for the reason that she felt this area should be kept residential and she did not want a store next door.

The Commission felt that this request should be denied for the reason that this would be spot zoning in a residential area. It was therefore unanimously

VOTED: To recommend that the request of Manuel Haros for a change in the zoning plan from "A" Residence to "LR" Local Retail for property located at 1704 Haskell Street be DENIED.

C14-61-79 Paul C. Walter: A to O
6828-6832 Burnet Road

DIRECTOR'S REPORT: This request is for two lots fronting on the west side of Burnet Road south of Pegrarn Avenue. The area along Burnet Road to the north is developed with a filling station, the area to the south is undeveloped, to the west is single-family residences backing up to this property. To the east there is a "C-1" zone with a recreation center and along Burnet Road there is a mixture of zoning including "LR", "GR", "C", "C-1" and "C-2" zones. I would recommend "O" Office in this case in view of the fact that this is a developed commercial area and I think the best that can be worked out is to go along with the "O" Office zoning.

Mr. Walter appeared but added nothing to the Director's statements.

In view of the various types of zoning along Burnet Road at this location, the Commission felt that the "O" Office designation would be the appropriate zoning between the commercial and residential areas and would permit the logical development of the property. It was therefore unanimously

VOTED: To recommend that the request of Paul C. Walter for a change of zoning from "A" Residence to "O" Office for property located at 6828-6832 Burnet Road be GRANTED.

C14-61-80 Ralph Moreland: C to C-2
Airport Blvd. and E. 53 $\frac{1}{2}$ St.

DIRECTOR'S REPORT: This is for a drive-in restaurant with on-premise sale and consumption. I would recommend this as this is a well-established commercial area and there are several "C-1" and "C-2" zones in the area. This would be most appropriate for this area.

Mr. Ralph Moreland said he had no further statements to add. Reply to notice was received from one owner approving the change. Two replies were received in opposition but no reasons were given.

The Commission concluded that this would be a logical change of zoning in view of the surrounding commercial zoning and the spot "C-1" and "C-2" zones in the area, and would conform to the policy adopted by the Commission with regard to "C-2" zoning requests. It was therefore unanimously

VOTED: To recommend that the request of Ralph Moreland for a zoning plan change from "C" Commercial to "C-2" Commercial for property located at the northeast corner of Airport Boulevard and East 53 $\frac{1}{2}$ Street be GRANTED.

C14-61-81 Edward Nassour: B to O
W. 9th St. and West Ave.

DIRECTOR'S REPORT: This is a very small lot on the corner and is developed with a single-family house. The immediate area is developed with single-family homes, boarding houses and offices and "O" Office to the north and to the southeast and an extensive "O" Office District extending along West 8th and Rio Grande Streets. In view of the fact that this area has several spot Office zones and is surrounded generally with "O" Office zones, I would recommend the change in the zoning. I would also suggest to you that we bring in the area to the south of 10th Street for "O" Office. This would mean that all of these Office areas would be tied together. The area is currently being developed in this manner.

Mr. and Mrs. Edward Nassour appeared but added no further statements.

Written objection was received from Mrs. Lee O. Allen, owner of nearby property, for the reason that this is her homestead and this change could mean higher taxes.

Upon review of the staff report and the zoning and development in this area, the Commission felt that this area is suitable for "O" Office uses and that the request should be granted. Therefore, it was unanimously

VOTED: To recommend that the request of Edward Nassour for a change in the zoning plan from "B" Residence to "O" Office for property located at West 9th Street and West Avenue be GRANTED.

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C14-61-82 Edwin London: A to O (as amended)

Rear 1007 W. 32nd St., Rear 3110-3118 Lamar Blvd.

DIRECTOR'S REPORT: This is a 50' x 130' lot which does not front on any street but is tied in with property that fronts on Lamar Boulevard. It is currently undeveloped. The proposal is for parking and the second floor of an office building. The surrounding area is developed with single-family homes. The only part undeveloped is the part zoned "C" Commercial. There is commercial zoning on Lamar Boulevard and 31st Street. Along Lamar Boulevard you have "C" Commercial zoning; however, the question here is how much intrusion into the residential area you should have and what, in the final analysis, can be done with this land-locked lot, although it is tied in with the other property. I would recommend that the change of zoning be made on a much more restrictive basis, depending upon the particular construction planned. If it is to be a part of the office building, I think the "O" Office would be appropriate. If it is to be used only for parking then I think the proper zoning would be "B" since the residences in the rear are so close to this area. This was previously considered in connection with a different type of zoning.

Mr. Edward Maurer (agent) appeared and stated the following in support of this request: We intend to utilize this space for our office facilities (Lundgren-Maurer, architects). We have been interested for a number of years in the beautification and proper development of Austin. The only thing in question is the parking on the rear of the property. We certainly are not doing anything there that will not be compatible with the area. There isn't much there to start with. We have the Texaco service station and there was a drive-in laundry across the street. There is at present a funeral home across Lamar Boulevard. I think the character of our design is in keeping with the finest development. We operate on a large scale and we need adequate facilities. We intend to have an outstanding building here and the problem is that the rear 50 feet of this piece of property is residential and it would just be in conjunction with the front portion. The question is whether we can use it for access and egress and possibly parking. We have agreed to put a fence for the primary objectors in the area and to screen it adequately and beautifully from the residential area. We are actually using it for a drive to get in and out since the parking will be on the side of the building on the present commercial property. (In response to a question by Mr. Spillmann if they would be interested in changing their request to ask for "B" Residence or "O" Office) I don't know how the request got to be "C" Commercial and we understood that it was just a matter of conforming, but we would accept "O" Office.

Mr. E. H. Smartt (attorney for the applicant) stated the following: I have handled hearings on this property two different times and the last time I represented Mr. London we withdrew it for the simple reason that the people who were going to purchase this property were going to get a set of plans as to what their development was and they failed to furnish me the plans. I then asked that it be withdrawn. Since that time Mr. London has a transaction pending to sell the property to Dr. Watson and some of these other people who are planning to develop the property as it should be developed. Representing Mr. London, I would be very much in favor of this change.

C14-61-82 Edwin London--contd.

Mr. and Mrs. Leonard L. Lundgren (Lundgren-Maurer, architects) and Dr. Otis C. Watson, proposed developers and occupants of the proposed building, appeared in interest of the change. Dr. Watson said he thought "O" Office would cover their requirements for parking facilities and meet the City specifications. Mr. Harvey H. Lane and Mrs. Jewell Lane (2411 Quarry Road and real estate representatives) also favored the change. One reply to notice was received from Mrs. L. L. Saunders (1017 West 32nd Street) favoring the change.

Five nearby owners appeared in opposition and written objections from three owners were received. Reasons given were:

1. This is an area of homes and we are continually being harassed by requests for commercial zoning on this property. What guarantee do we have that the offices proposed will be built here since we had a previous change on the adjoining 50 feet and it was not developed as promised at that time?
2. We realize that there is commercial property along Lamar Boulevard but we do not want it encroaching into our residential area. The project as presented would not be objectionable but we do not want "C" Commercial there. We would rather have "B" Residence than "C" or "O" Office.

The Director reported that the architect discussed with him their tentative plans which are to extend the building ten feet into this lot from the commercial area and to provide a drive around the building through the remainder of the lot. He noted that the property under petition is not of suitable size for normal parking. He explained that under "B" Residence zoning a buffer fence between this and the adjoining residential property is not required but is required under "O" Office. The Commission reviewed the proposed development and the provisions for protection of the residential property, and concluded that the property should be zoned "O" Office for the reason that it will enable the owners to fully utilize the property now zoned "C" Commercial and afford protection to the abutting residential property by providing the fence and better control of the use of the property. Therefore, it was unanimously

VOTED: To recommend that the request of Edwin London for a change of zoning from "A" Residence to "O" Office (as amended) for property located at the rear of 1007 West 32nd Street and rear of 3110-3118 Lamar Boulevard be GRANTED.

C14-61-83 Leo L. Smith: LR to C
Ave. G and E. 53rd St.

DIRECTOR'S REPORT: This application is for one lot having a width of about 50 feet and a depth of about 129 feet, the long dimension being along 53rd Street. The area along 53rd Street is generally zoned Local Retail with some commercial zoning and some about a block to the west. The area beyond this extending north and south of 53rd Street is single-family, with some single-

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C14-61-83 Leo L. Smith--contd.

family in the zoned "C" Commercial area. In view of the fact that the application is proposing the retail sale of boats or other commercial use, I think we wind up with strip zoning and it should be kept in the most restrictive form of commercial which is "LR" Local Retail. I would like to recommend against anything that would have a detrimental effect on any adjoining property. The proposed boat sale business could go into "GR" General Retail.

Mr. and Mrs. Smith appeared and stated that this property is on the market for sale and they have a buyer for it provided he can open up a boat sales business and it is understood that he needs "C" Commercial for that use. One reply to notice was received favoring the request.

Upon review of the surrounding zoning and uses, the Commission concluded that the present Local Retail classification is the proper zoning for this lot rather than the requested "C" Commercial. It was therefore unanimously

VOTED: To recommend that the request of Leo L. Smith for a zoning plan change from "LR" Local Retail to "C" Commercial for property located at the southwest corner of Avenue G and East 53rd Street be DENIED.

C14-61-84 Bert W. Reinke: A & 1 and Interim A & Interim 1, to B & 1
East Live Oak St. and Alta Vista Ave.

DIRECTOR'S REPORT: The applicant proposes multiple unit apartments for these tracts. It is noted that this would permit a maximum of 37 regular units on Tract 1 and 20 on Tract 2. The surrounding area is single-family and duplex development. The tract itself is developed with single-family and duplex use. The area to the south along Alta Vista is a new subdivision and to the north is the older Travis Heights Area. A part of these tracts is actually in Travis Heights Subdivision. To the north about a block is a school, with a park along the creek. To the east the area is generally undeveloped at the present time. In view of the fact that this is in the middle of a residential area and one that has been developed for a good many years and one that is new development, I recommend against it as spot zoning.

Mr. E. H. Smartt (attorney) represented the applicant and presented the following: This property comprises approximately 3 acres. The area along Alta Vista has recently been subdivided. Mr. Reinke originally owned all of this property which consisted of two one-acre tracts and some small slivers of lots in the Travis Heights Subdivision that extended south of Live Oak Street and there was .18 of an acre on the west side that Mr. Reinke bought from another tract. At the present time Mr. Reinke has 5 houses on these areas, four of which were moved here from property now occupied by the Safeway store at the Old San Antonio Highway. They are old houses which have been renovated for rental purposes. On the east side there is an undeveloped area consisting of approximately one and one-half acres on which there is a house which has been converted into a duplex for very low rental. That is the area which we are primarily interested in at this time. It would be very difficult to develop it into any residential use because there are no streets available

C14-61-84 Bert W. Reinke--contd.

to that property. To get into or out of it would take a cul-de-sac which would have to come off of East Live Oak Street. Alta Vista goes straight on through and all of the houses along it on the south back up to this property and none face into it. In that area there is a cul-de-sac which causes the lots to back up to this area. We know of no way to develop the east portion of this area other than apartment development. You could not develop it into a useful residential section. The property abutting it on the east is being held for commercial development over to the Interregional Highway. There is no development there at the present time. The western border of this property is Blunn Creek which cuts in on the west side to such an extent that there could be no development on a part of this property, and there has been quite a bit of fill there. The two houses Mr. Reinke has on the property are next to East Live Oak, but we are primarily interested in the eastern portion.

Five nearby owners appeared in opposition and written objections were received from three owners. Reasons may be summarized as follows:

1. A number of owners bought or built homes in this area recently and did not expect this question of a zoning change. Not only would apartment buildings lower the value of these homes but would also invade the privacy of the homes. Some bought homes in which to retire and do not want to be disturbed by the apartment houses.
2. This is the only outlet from the new residential subdivision on the south to the school and playground north of East Live Oak Street. Many children use Alta Vista every day and the traffic generated by the proposed apartment houses would be dangerous to them. Also, there would be a parking problem because cars would park in the street.
3. Mr. Reinke has some excellent property between this property and the Interregional Highway which would be suitable for these apartments.

At the Commission meeting, Mr. Smartt presented a petition signed by 20 nearby owners favoring this proposed development.

The staff presented a plat which had been filed since the public hearing showing a design of the 18-apartment unit development proposed on the eastern part of this property. It was brought out in the discussion that this is a spot zone in a very well developed residential area, with a new subdivision on the south and Travis Heights subdivision to the north, all of which is being well maintained. A majority of the Commission concluded that the request should be denied for the reason that this type of zoning does not fit into the neighborhood which is residential and developing with new homes, and it would be a traffic hazard in the school area. Therefore, it was

VOTED: To recommend that the request of Bert W. Reinke for a change in the zoning plan from "A" and Interim "A" Residence to "B" Residence and from Interim First Height and Area to First Height and Area for property located on the south side of East Live Oak Street at Alta Vista Avenue be DENIED.

AYE: Messrs. Baldridge, Brunson, Chriss and Kinser

NAY: Mr. Barkley DISQUALIFIED: Messrs. Barrow, Lewis and Spillmann

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C14-61-85 Mrs. Essie I. Beard: A to C-1
1715 West 35th St.

DIRECTOR'S REPORT: This is a long narrow lot on which the applicant is proposing commercial use in connection with adjoining property on the east. The area along 35th Street is developed commercially with Brykerwood Shopping Center and other commercial uses at this intersection. The area to the west and south is developed as single-family and duplex development.

Mr. R. G. Mueller represented the applicant and Mr. Danforth (purchaser) and stated: My sister (Mrs. Danforth) and I own property directly across which is the Brykerwood Shopping Center and we also own the lot directly to the east of the subject property. Mr. Danforth is purchasing this lot and that is the reason we said it would be used in conjunction with this. At the present time we have proposals for a type of drive-in grocery store and that is the reason we need "C-1" zoning. The lot to the east is zoned "C" Commercial. These two lots together would have a frontage of 110 feet. The building would be on the rear of the property.

The Commission noted the various zoning classifications in this area. The Director felt that this is not a well developed commercial area since this lot is away from the corner and is bounded on the west and south by residential development. A majority of the Commission agreed that this would not conform to the policy of the Commission since it is not in a well developed commercial area but adjoins residential property, and that the request should be denied. Mr. Lewis noted that there is already "C-1" at the corner and this would be a logical extension. It was then

VOTED: To recommend that the request of Mrs. Essie I. Beard for a change of zoning from "A" Residence to "C-1" Commercial for property located at 1715 West 35th Street be DENIED.

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

NAY: Mr. Lewis

C14-61-87 C. T. Uelton: B to C
2806-2902 Interregional Hwy. and 2807-2901 Cole St.

DIRECTOR'S REPORT: I think this would be a reasonable extension of a commercial zone. We have included some additional area to close up the commercial zoning along the Interregional Highway on the west side and most of this area is developed with business operations of various kinds. The applicant proposes a drive-in restaurant which would be appropriate for the area and I recommend that it be granted.

Mr. Uelton said he feels this is in conformity with the surrounding area and noted that this is the only section along the Interregional that is not already zoned commercial.

Replies to notice were received from two nearby owners favoring the request and proposal to change the adjoining property.

C14-61-87 C. T. Usselton--contd.

In view of the commercial zoning along the Interregional Highway in this area, the Commission felt that this would be a logical extension of the present zoning, and that the area included by the staff for purposes of hearing be included in the change. Therefore, it was unanimously

VOTED: To recommend that the request of C. T. Usselton for a zoning plan change from "B" Residence to "C" Commercial for property located at 2806-2902 Interregional Highway and 2807-2901 Cole Street be GRANTED; and that the property known as 2802-2804 Interregional Highway and 2803-2805 Cole Street be included in the change.

CASE FOR RECONSIDERATION

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

The Director reported that this case was referred back to the Commission for consideration. He reviewed the previous consideration and the problem regarding the easement of access and gave the following report:

1. A copy of a deed signed by Everett H. Givens, W. R. (Bud) Fowler, and Mrs. Dollie Smith, conveying to the City of Austin the 50-foot right-of-way for a street south of the tract under consideration and extending to Redwood Avenue on the east, being the property now being used as an access easement. The signers have also agreed to develop the street. The City of Austin has not formally accepted this street. I have not been able to verify all of the figures or to find out what the City's participation in this might be if there is participation in the development of the street; however, the cost of developing the street and proposed utilities for this length of around 800 or 900 feet will be somewhere in the neighborhood of \$6500 which is a rather high cost.
2. The second point is the zoning requested from "A" Residence to "B" Residence. The application was postponed pending some development as to what would happen with the street. The Commission did not decide how they would vote even if the street were developed, but they brought up the question of the street as one of the basic questions before they would even consider the case so they would be assured of access into the property. I have recommended against the zoning change under any conditions.
3. This was referred back to the Commission by the City Council in accordance with the previous action of the Commission.

The Commission noted the above information and then

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Cl4-61-35 Everett H. Givens--contd.

VOTED: To recommend that the request of Dr. E. H. Givens for a change of zoning from "A" Residence to "B" Residence for property located at the rear of 1612 Greenwood Avenue be GRANTED, since the Commission understands that satisfactory arrangements have been made with the City to develop a street south of this property to provide for proper access.

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

NAY: Mr. Chriss

SPECIAL PERMITS

CP14-61-2 Frank C. Barron: Apartment Dwelling Group
4806-4902 New Manor Road

DIRECTOR'S REPORT: The site plan is in order. The complication is that this is all drainage area along the south side and he cannot put his off-street parking on it. There is a major creek through there. As a result he has had to put some of his parking into the area adjoining New Manor Road from which cars will back into the street in two different locations. We object to this but realize he has an arrangement problem. We think while he does not need them to meet the Ordinance, he does need them in actual use. There is no way to locate them with the building planned as it is, which is restricted by the shape of the tract and the drainage, and the swimming pool which takes up a large space. These are extra parking spaces over and against any other parking spaces. I recommend that it be granted. (See Cl4-61-68 for further explanation.) Mr. Barron has agreed to file a subdivision plat for dividing the property into two lots if the Special Permit is not granted but he would prefer to have it as one project and not pay for two utility connections.

Mr. Barron presented no statements in addition to his explanation on the zoning request.

In view of the Commission's recommendation that the zoning request be granted and the report of the Director that the site plan is in order and complies with the Zoning Ordinance, the Commission concluded that the development of the site in accordance with the site plan as presented would be the proper use for this property. Mr. Barrow felt the extra parking plan would be better than parking on the street while in some cases we make them provide parking and they still park in the street. Therefore, it was unanimously

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

CP14-61-5 Continental Oil Co.: Gasoline Filling Station
819-821 E. 32nd St., 3106-3110 Red River St.

DIRECTOR'S REPORT: The area along the west side of Red River Street south of 32nd Street is zoned "O" Office, with "BB" Residence zoning to the north on the west side. There is a "C" Commercial zone at the northeast corner of the intersection and a "B" Residence zone across Red River which is developed with apartments. The area to the west and southwest is residentially developed. This is a very small area and the plans call for a very small station well back from 32nd Street with the intention of leaving some buffer between the residences to the west and also leaving a buffer between residences on 32nd Street to the north. I still feel that this is an inappropriate development and a Local Retail use on this property. I think it is more appropriately zoned as "O" Office. I would recommend against granting this Special Permit.

Mr. Raymond Ramsey (agent) represented the applicant and presented the following: We are giving a great deal of interest to the protection of this area by confining our operation almost exclusively to Red River Street. The only thing we are asking on 32nd Street is affording a small ingress and egress for the station. The buffer zone to the rear would be designated as a lawn area and if we use the City property as well as the property itself we are some 30 feet from the curb area to the canopy. Experiences have proved that in this area the congestion at this intersection due to the topography has created a traffic hazard. We think it would be a fine thing in this area. We would like to see the residents given a protection of their property but we would like to see the utilization of this property to its highest and best use. We know the character of Red River Street is changing very rapidly in the past few months and the zoning to the north of this will make it a commercial thoroughfare. We are proposing, in addition to this buffer zone, to surround this property with a redwood fence as shown on the diagram to further protect the residential area both to the west and to the south. The lighting has come up in the past on such proposals and we are now using in our service station development a fluorescent light which shines directly to the ground so that it will not be objectionable to the residents. We can assure them that we will not have lights shining in their eyes. In the interest of the over-all development of this particular corner, I think through the utilization of the Special Permit we will be under the very strict supervision of this Commission as well as the Building Inspector's office, and I think that through this medium we can develop the corner in a manner that will be a very definite credit to the neighborhood and unless there is strong opposition I do not want to bring out any more points.

(In response to the opposition): The Continental Oil Company has entered into a 25-year contract with the owner which means that this is not a hazardous operation. We will go in and build a very modern station and will be responsible for the maintenance and operation of this.

Three nearby owners appeared in opposition and written objection was filed by Mr. and Mrs. Gordon W. Griffin (813 East 32nd Street). Reasons for the opposition may be summarized as follows:

CP14-61-5 Continental Oil Co.--contd.

1. We have been coming here so many times in the last ten years to keep this area residential. We were here last year when the Continental Oil Company withdrew and we had no idea we would be coming back at least this soon. We have said everything we could say in the past ten years.
2. The property is an eyesore at this time and we appreciate the drawings that have been shown, but this is a blind corner. Red River carries quite a lot of traffic and 31st Street is a dead-end street. There are about 20 children on this particular street and many school children would be crossing and going around this corner.
3. When one area is zoned for commercial use then it is a very easy matter to get the one next door. The owner of the adjoining property requested commercial zoning and this is still pending before the City Council. We did approve the change to "O" Office to permit doctors' offices and were under the impression that this was what would go in all along here. We think the "O" zoning is adequate for this area without allowing commercial zoning on this side of Red River.
4. There is no need for a filling station here. There is a Texaco station across the corner and as is usually the case when you have one station you then soon have one on all four corners, and usually they go broke because there is not enough business to support them all. Then the owner is in a position where his property is not usable for anything. We believe that this property can be developed profitably by the owner in keeping with the present neighborhood. Apartments and medical offices, while they are an infringement into this residential neighborhood, are more acceptable.
5. With the future possibility of widening Red River Street, the size of this lot would be reduced because it would be less expensive to the City to widen it on the west side north from 19th Street.

The Director reported that there is a complication on the site plan which shows the canopy extending out within about 5 feet of the Red River Street property line and the Building Inspector had advised that a 25-foot setback is required. He said we then get into the problem of reducing the rear yard area, which was provided as a buffer zone, to about six feet. He said, however, that he recommended against granting this request on the basis of use and not on the technicality of the setback. He thought that the office area adjoining this property will probably be expanded into this area and the "O" Office zone serves as a buffer zone in the final analysis. He called attention to the difficulty in controlling the operation of a filling station under a Special Permit and that you cannot effectively regulate whether or not tires are stacked on the corners, sandwich board signs are placed on the property, or whether the operator does a little motor repair and other things that are typical of filling station operations. He noted, however, that there are several areas where it is possible to impose restrictions. You can, if you felt it necessary, require a closing hour under a Special Permit. Mr.

CP14-61-5 Continental Oil Co.--contd.

Osborne said this is not altogether the best plan for the driveways but the best they can do within this somewhat limited site. This provides a minimum distance from the sidewalk to the 35-foot driveway; the lighting consists of two lights, one in the northeast corner and one in the southwest corner; the sign is a permanent single sign on the northeast corner; they show the red-wood fence along the property line on both property lines abutting other property; the building shows a very limited operation but does include washing and lubrication. Mr. Osborne then recommended that it be denied, not primarily because of traffic but because he felt that the most important factor is that "O" Office does constitute an appropriate buffer zone here for the adjoining area.

Some members reviewed the previous requests for zoning changes and for a Special Permit to permit a filling station on this site. Some noted that the first error was made when the property on the east side of Red River and north of 32nd Street was zoned commercial for a community center, and then the establishment of St. David's hospital and the apartment houses across the street. Attention was called to the fact that the adjoining property on the west has been used as an illegal use for years. They felt that one more filling station would not hurt this general neighborhood if provisions could be made to protect the surrounding area with the wall along the west and south sides and proper controls required to assure the safety and view around the corner and minimize inconvenience, requiring that the lights be directed to the ground. Other members felt that the area as zoned for "O" Office permits the proper use for it and that one of the conditions in consideration of Special Permits is whether or not the use intended fits in with the neighborhood; that "O" Office was recommended for this area on the west side of Red River in order to get office development and if this request is granted it could start commercial development along 32nd Street; and that there should be no business on this property nor should the present commercial property at this intersection be extended. They felt that the streets are too narrow for this intense development and that it would be a serious mistake to allow a filling station on this lot which would create a traffic hazard. They considered that a street serves as a good buffer and that the real damage to the neighborhood would not come from the closing hour or the particular development of this site but from the encroachment of a filling station into this nice residential area. They noted that the neighborhood across Red River has already been ruined but there is no need to add another filling station in this separate residential neighborhood. A motion to recommend granting of the Special Permit failed to carry by the following vote:

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

MOTION FAILED TO CARRY AND THE REQUEST IS DENIED.

CP14-61-6 City of Austin: Fire Station
6401-6403 Berkman Drive

DIRECTOR'S REPORT: This is a tract of land running between Berkman Drive and Hickman Avenue, about one-half block from Harris Elementary school. Berkman Drive at this point is paved with 21 feet of very poor county-type paving. From Wheless Lane south there is 40 feet of paving but for several blocks north to Highway 290 is county-type paving. There are homes on all sides of this property and across the street. There is only one vacant lot in this block and it is not truly a vacant lot but used in conjunction with an adjoining residence. This application is for about 250 feet of the property to the east of Berkman Drive. The balance of the property is not included in the Special Permit because the City does intend to subdivide and sell off the remainder of the property as it has no use for the 120 feet on Hickman Drive. The fire station will be set back 45 feet. This will give ample room for the operation of the big trucks where if they were pulled out of the station they would not extend into the street. The rear area would be developed for off-street parking for the employees and hose drying facilities behind the building. This will be a residential type structure.

In conversation with the neighbors (several of them have talked to me and other City employees) there were originally several objections. There now seem to be no specific objections. The major request is that the setback conform to the house on the north which is about 48 feet from the existing fence line which is actually the property line, but the property lines vary somewhat from that fence. The house to the south sets back about 60 feet. There are much greater setbacks than you normally run into. We have recommended a setback of 55 feet, which would be slightly behind the house on the north and in front of the one on the south.

In response to a question from the Committee: We theoretically have 60 feet of right-of-way and we would prefer to have 70 feet and develop to standard paving widths because it is essential that it be developed for the use of the heavy fire trucks and the traffic going to the school. One thing they were trying to get is access from the north, south, east and west. The City well recognizes these problems. The solution as proposed here in the sketches of the plans Mr. Wukasch (architect) prepared is to get as near the residential character as possible. From the standpoint of operation, there will be a maximum of 8 men on duty at any one time at the station. The Fire Department feels that they are rendering a specific and also general service by being present since a fire station serves as a source of information to the public on many subjects besides their regular functions. The layout and building development is quite good. I think it offers the possibilities of coming close to solving the objections you have had to the construction. The City bought this property two years ago.

Mr. R. H. Dickerson (Fire Chief) and Mr. Vernon Kunshick (Administrative Assistant) represented the Fire Department before the Planning Commission. The following discussion was held:

CP14-61-6 City of Austin--contd.

Mr. Fowler: I would like to bring up some points at this time. I discussed this with the City Attorney at some length this afternoon. One of the first things that was called to my attention was the fact that this particular fire station is a portion of a master plan the Planning Commission recommended to the City Manager and in turn was adopted as a fire station location. (Mr. Osborne noted that it was shown as a proposed fire station on the map.)

Mr. Barrow: I would like to see the map referred to and to know what effect this has on it, the City itself requesting that a statement be placed on this map indicating the general location of fire stations, also to the following regulation in the Development Plan: "Fire stations must be so located as to adequately and efficiently protect the community. Sites must be well related to the present and future land use pattern and the circulation system, as well as their immediate surroundings." (Mr. Osborne said this map showed in general form the location of public facilities.)

Mr. Fowler: This particular fire station site was selected about 18 months ago in advance of the adoption of the Development Plan. It was selected in an area that it had to serve and selected in accordance with the rules that are set out for the selection of fire station sites on page 23 of the Austin Development Plan. In general terms: First, a fire station needs to be located as near the center as measured in driving time of the area it is proposed to serve. This is the time it takes you to get from the station to where you are going. This particular fire station site is complicated because of the Municipal Airport to the south. We have Highway 290 which is some problem because you can't always drive right across it. We also have the Interregional Highway and the difficulties of getting across it, plus the fact that we do have a somewhat scanty road pattern at the present time, and some roads that are not yet crossable. One other problem is that a large part of the property that might have been available in the area had deed restrictions. Also, a fire station should be located to minimize delays of fire apparatus caused by physical or topographical barriers, and the service area of a fire station should not exceed 3/4 of a mile in heavily built up commercial and industrial areas and should not exceed 2 miles for low density residential districts.

Mr. Dickerson: This will be a 3-unit station, with a District Chief's car, an aerial truck, and an engine company. This is what we term a district.

Mr. Lewis: Assuming that you are within the standards prescribed according to topography and distance, why was this site selected between all these houses?

Mr. Dickerson: In making a survey of this entire area, I saw those two lots on Berkman Drive, with access to the surrounding area by Wheless Lane, Cameron Road, to future building north of New Manor Road, 51st Street, Briarcliff, which is a wide street, and on Wheless Lane to the area back of the Old Manor Road along Walnut Creek, and Westminster Drive. This is a natural

CP14-61-6 City of Austin--contd.

setup for fire problems in this area. (In response to a question by Mr. Lewis regarding a better location on a corner): A corner location would be just as good but there is not much difference.

Mr. Barkley asked about the narrow width of Berkman Drive at this location.

Mr. Fowler: It is my understanding that there has been a large number of utility relocations that have been carried on in that street. It has 60 feet of right-of-way which is a fairly good width. The only problem is that at the present time it is developed with county paving but there is a paving widening program here and as soon as the utility installations have been re-located it will be paved according to City standards and there will be in the very near future an entirely adequate street.

Mr. Barrow: It occurs to me that in many cases a fire station will need to be located in a residential area in order to comply with the requirements. It is sound and practical that they be safe. I think the street situation would eliminate one drawback to it. I understand that the station will be constructed to conform to the residential appearance as they do in most cases. The use of it is very infrequent. I don't think the objection to a fire station in a residential area is very grave and in many cases it has to be there. It would be difficult to locate a fire station without residences being around it.

Mr. Dickerson: We have 16 fire stations now and 8 of them are in residential areas, with residences jamming up to the fire stations. We have some in semi-residential areas.

Mr. Kunshick: Of our 16 stations, 8 of them would be classed as strictly residential, two would be classed as semi-residential, and 6 are in predominantly non-residential areas. This one will be similar to the one on Windsor Road but will be smaller in size.

Mr. Lewis: Did you contact the people owning the property around this?

Mr. Dickerson: No, but one of them phoned me that lived next door and had no objection to the station but asked that it be moved back in line with his house. I told him I would do that and I would like to move it back even further so we would have more space in front to wash our trucks on the apron drive in front of the station.

Mr. Brunson: Is that area around Bartholomew Park suitable for location of a station to serve this area?

Mr. Dickerson: That is what we are trying to get away from. The National Board recommends that stations be located where there is no barrier for access. Every corner that slows us down is harmful.

CP14-61-6 City of Austin--contd.

In consideration of the information presented by the staff and the Fire Department, and upon review of the site plan, the Commission found that the plan complies with all sections of the Zoning Ordinance and is a matter of public necessity and convenience as reflected in the current Capital Improvements Program. It was therefore unanimously

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

SPECIAL PERMIT FOR REVIEW

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

The Director reviewed the former action of the Commission approving this special permit and the site plan subject to its review and approval by the Director and the Chairman. He reported that a corrected site plan has been received which shows the provision of an area for a turn-around space until the site is fully developed and for fire protection. He explained that three buildings will be developed first and the other four buildings will be developed in the future. The Commission reviewed the corrected site plan and found that it complies with all sections of the Zoning Ordinance. It was therefore unanimously

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

RI46 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of May 8, 1961 (which were not ready for submission at the last Commission meeting). The staff reported that no appeals had been filed for review of the Committee's action but that 2 cases had been referred to the Commission without action and had been considered by the Commission at its meeting of May 16, 1961.

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of May 8, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-60-9 Delwood Estates (Revised)
Wheless La. and Northhampton Dr.

The staff reported the following requests from the various City departments which were discussed:

Water and Sewer Design needs a sanitary sewer easement from Dexmoor Drive to Rogge Lane. Additional easements are required by the Electric Department and the Telephone Company. The Telephone Company submitted a written request that property lines backing up to an existing easement be corrected to show only on the west side of the easement, with an additional 5-foot public utility easement on the west side of the telephone easement and that the centerline of the easement not be used as property lines; that the 25-foot public utility easement be corrected to City of Austin transmission line easement and an additional 5-foot public utility easement will be required for distribution; that other easements be required and some lot lines changed to permit construction from one block to another; and any alteration to Wheless Lane include the Telephone Company conduit line in the street or a separate easement for that portion outside the right-of-way of Wheless Lane. Mr. H. W. Curington said if they have to build parallel with the distribution line they would need more than the 50-foot existing easement. Mr. May (Telephone Company) explained that this is the San Antonio to Dallas toll cable. Mr. Gerald Williamson stated that nothing has come up that would basically change the design and the engineers felt that this could all be worked out.

The Telephone Company also submitted a letter putting the subdivider on notice that, if this plan is approved, the developer should make satisfactory financial arrangements with the Company for the lowering of these cables or the relocation of any facilities in cases where necessary in order to prevent damage thereto.

The Storm Sewer Division requires additional easements and showing of the elevation and flow lines of existing drainage structures.

The Public Works Department requested changing the names of Brentford Road and Northhampton Drive and a clarification of the volume and page number on one portion of the property and the street name inside the subdivision boundary. The engineers explained that they planned to have Northhampton extend to the school and had not used the name "Wheless Lane" because this street changed direction several times and caused confusion.

The following recommendations and comments by the Planning Department were then submitted and discussed:

1. A schematic plan will be required for the area north of Wheless Lane and a lot number should be shown on the area in the schematic plan southwest of Wellington Drive. The engineers agreed to these recommendations.

C8-60-9 Delwood Estates (Revised)--contd.

2. Blocks B and V together exceed Ordinance requirements on block length but they were so shown on the original plan and there is a developed subdivision between the west part of Block B and Northridge Drive which could prevent a street through this block.
3. Blocks A and U exceed the Ordinance requirements for block length but they border the Telephone Company and utility easement. Blocks D and E also exceed the block length permitted but they border the drainage easement. Variances are recommended for these blocks. Mr. Nicholson said the only problem is with Block A with regard to water lines and noted that a crossing was shown through this block on the original plan. Mr. Curington said he thought this could be worked out.
4. Lot numbers and setback lines should be indicated for the commercial areas. The engineers agreed to show this information.
5. Blyth Cove exceeds the Ordinance requirements for length of cul-de-sac but this was shown on the original plan and approved.
6. Gaston Place Drive should be shifted south to intersect Westminister Drive at least 150 feet south of Briarcliff Boulevard to provide a better intersection. The design as shown would be a five-street intersection at the elementary school. Mr. Curington said they needed this to get traffic through here and they have a design to control traffic here and that this would be a four-street intersection, eliminating the undeveloped street by the school property. Mr. Nash Phillips said they did not want to cause more traffic at the intersection of Rogge Lane and Westminister Drive. Mr. Osborne said Wellington Drive was not shown on the original plan at this location and he would recommend against this intersection but felt it should be moved south to make a better intersection. He stated that his first recommendation had been to extend a street through the Presbyterian Church property.
7. Setback lines were omitted from Lots 36-38, Block A, and should be shown.
8. The centerline of the gas line easement was questioned and Mr. Curington said this is a high pressure gas line and they are negotiating to see if they can get it moved out of the subdivision, but they are not developing up to this point at this time and this can be settled later.
9. The Director noted that a street was shown as proposed on the schematic plan to the east of the subdivision adjoining the C. P. Glynn property and questioned the plans of the subdivider. Mr. Phillips explained that he is not negotiating with Mr. Glynn but they have found the most successful arrangements have been to make access

C8-60-9 Delwood Estates (Revised)--contd.

available to adjoining property so that if they acquire the property, they will have a plan, otherwise the other owners will have access and a plan.

The Committee reviewed the revised plans and the above discussions. It was concluded that the intersection of Gaston Place Drive with Westminster Drive and Briarcliff Boulevard was logical; that this portion of Gaston Place Drive bears on and should be considered with this subdivision; that a preliminary plan and subsequent plat show this proposed street. Therefore, it was

VOTED: To APPROVE the plan of Delwood Estates as revised subject to the following conditions:

1. That all easements be worked out between the engineers and the City departments and the Telephone Company,
2. A schematic plan being shown for the area north of Wheless Lane,
3. That a lot number be shown on the schematic plan southwest of Wellington Drive,
4. That lot numbers and setback lines be indicated for the proposed commercial area,
5. That Gaston Place Drive to the intersection with Westminster Drive and Briarcliff Boulevard be developed as shown on this plan,
6. That setback lines be shown on Lots 36-38, Block A, and

to grant variances from the Subdivision Ordinance on block length requirements for Blocks A and U, B and V, and D and E, the water service problem in Block A to be worked out with the Water and Sewer Department, and a variance be granted on cul-de-sac length requirements for Blyth Cove.

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

The staff reported that preliminary approval has expired for this subdivision and the subdivider is requesting a six-months' extension of the approval. The Committee then

VOTED: To GRANT an extension for six months of approval of the plan of ROBERTS VILLA, SEC. 2.

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

The staff reported that the Storm Sewer Division has requested an additional drainage easement at the south end of Lot 14. The following recommendations were presented by the Department and discussed:

1. Lots 14 and 15 should be platted for residential use. The Director recommended that the owners should file an application for a zoning change on the east portion if it is proposed for commercial as shown on the plan, the application to be heard before the final plat is considered. He thought that the commercial designation should not be shown on the plan unless the zoning is changed.

Mr. Herbert Cotten (1604 Northridge), Mr. Joe Schuster (1606 Northridge), and Mr. K. W. Brown (1610 Northridge) appeared objecting to the proposed commercial property since there are already 14 acres of commercial zoning across the street from this property which is only half developed and they do not need this additional commercial. They said they had no objection to the subdivision but only the proposed commercial zoning.

Mr. H. W. Curington (engineer) explained that they will only request final approval of the property west of the creek. Mr. Herbert Cotten said this area shown as commercial is too large for one residential lot.

2. Braes Ridge Drive exceeds Ordinance requirements for length of a cul-de-sac. It was explained that this was done to avoid a crossing of the creek.
3. Show the width of the street and the radius of the cul-de-sac. The Ordinance requires a 50-foot width and 100-foot diameter cul-de-sac. Mr. Curington said this would be a 40-foot street in accordance with the same street width in Section 1, and that the street would have 30 feet of paving. The staff explained that this conforms to the schematic plan submitted with the first section.

The Committee reviewed the reports and recommendations and it was then

VOTED: To APPROVE the plan of BRAES RIDGE, SEC. 2, subject to the following conditions:

1. Removing all indications of any commercial use or zoning from the plat and showing that area as one lot,
2. Showing a 25-foot setback from Braes Ridge Drive,
3. Compliance with departmental requirements; and
 to grant variances from the Subdivision Ordinance on street width and length of cul-de-sac requirements.

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C8-61-12 Highland Medical Center
Hancock Drive

It was reported by the staff that the study with the engineer of this subdivision has not been completed and recommended that it be deferred or passed to the Planning Commission. The Committee then

VOTED: To refer this subdivision to the Planning Commission pending completion of the plan by the engineer with the Planning staff.

C8-61-14 Northtowne, Sec. 3
Steck Ave. W. of Burnet Rd.

The staff reported the following recommendations from other City departments and the Telephone Company:

1. Show the existing sanitary sewer easement along the creek. A sanitary sewer easement is required between Lots 26 and 27, Block L.
2. Additional electric easements are needed and lot line changes should be made as shown in Blocks E, F, G, H, J and L. Additional telephone easements will be required for rear easement construction and some lot lines rearranged to permit construction from one block to another.
3. Additional drainage easements are required as shown on the departmental plat review copy of the plan.

The following recommendations and comments of the Planning staff were discussed:

1. Show street names for culs-de-sac off of Shoalwood Lane and Rockwood Lane.
2. Show location map on plan.
3. Change the names of Shoalwood Lane, Ridgewood Drive and Sherrye Lane because of similar existing streets of the same name.
4. A 15-foot setback should be provided from the side street for Lot 1, Block D, Lots 1 and 26, Block K, and Lot 1, Block M, so that Anderson Lane may later be increased in width from its present 80 feet to 90 feet which will require a dedication of 5 feet additional on the north side. The Director stated the 5-foot widening should be provided for in this plan.
5. Blocks A and D exceed Ordinance requirements for length and breaks should be provided. The schematic plan had shown a crossing over Shoal Creek to the west through Block A. Rockwood Lane will tie in with Burnet Road on the north and if it is extended south into Shoal Creek Boulevard across Anderson Lane it will continue on for

C8-61-14 Northtowne, Sec. 3--contd.

several miles. Since Block A is 2000 feet long and we have Steck Avenue completed as a 60-foot street, the apartment house area and the industrial development, we feel there should be access to the west from this subdivision.

The adjoining tract owned by Mr. Kelly McAdams, if later developed, will need access through Block D. Mr. Don Moreau (J. B. Threadgill and Associates, Consulting Engineers) said if a residential street were extended to the south through Block D, he thought it would have a tendency to increase traffic in the residential area.

6. The extension of Glenwood Drive to Burnet Road should be provided through the proposed commercial property and provision for a 60-foot right-of-way should be made. The plan shows no indication of the extension of this street. Mr. Don Moreau said extending Glenwood Drive to Burnet Road could be worked out without too much of a problem but taking it to the west into the apartment and industrial development would take it through the residential area. He noted that the apartment and industrial areas do have access from Anderson Lane and Steck Avenue to serve these areas and this proposed subdivision would then be a subdivision east of the creek.
7. Identify the proposed apartment areas and the adjoining proposed commercial site by lot or tract numbers.
8. The need for commercial development in this area should be determined by an economic survey and it is recommended that commercial and apartment areas be held in abeyance until the zoning is established. Also, alternate plans for other development of these areas should be considered.

The Committee reviewed the plan and felt that further consideration should be given by the subdivider with the staff to work out some of these problems before any action is taken. It was therefore

VOTED: To refer this plan to the Commission and suggest to the subdivider to work with the staff on the problems presented.

C8-61-17 Windsor Park IV
Springdale Rd. S. of Rogge Lane

The following recommendations from other City departments and the Telephone Company were reported by the staff:

1. Additional electric easements and lot line changes are needed as shown on the departmental review plat. The Telephone Company wished to put the subdivider on notice that he would be required to make satisfactory financial arrangements for lowering the buried cable in the recorded easement. Also, property lines backing up

C8-61-17 Windsor Park IV--contd.

to and paralleling this easement should be corrected to show only one side of the easement, with an additional 5-foot public utility easement on the other side of the telephone easement, the telephone easement to be marked on the plan as such and the centerline of the easement not to be used as a property line. The 50-foot public utility easement shown on the plan should be corrected and shown as United Gas Pipe Line Company Easement and an additional 5-foot public utility easement will be required outside this easement for, or as a public utility easement conditioned upon the requirements of the Pipe Line Company. Additional easements will be required and some lot lines changed to permit construction from one block to another.

2. Additional drainage easements are needed on Lot 1 and between Lots 20 and 21, Block R and between Lots 30 and 31, and Lots 17 and 18, Block E. Elevation and flow lines of existing drainage structures and the outfall of the storm sewer under construction in Rogge Lane should be shown.
3. The Public Works Department requests that street widths and radius on Canby Cove and the street name at the northeast corner of the subdivision be shown. Change the name of Westbridge Drive to Pecan Springs Road, change Drumright Cove to Drumright Drive, change name of Foxcroft Lane and Woodburn Lane, use name of Medford Drive from Stillwell Lane to Springdale Road, and use Tipton Drive from the south end of Stillwood Lane northerly to Rogge Lane.
4. The Public Works Department orally requested that 51st Street be dedicated easterly to Springdale Road. Mr. Schieier and Mr. Cal Marshall (owners of adjoining property on the south) were interested in this extension of 51st Street. Mr. Schieier said if it were extended it would take 45 feet from his property and would leave a tract only 45 feet in width. Mr. Stevens explained that the plan as filed did not show this strip of land. The Director said the exact location of this street will not be determined with this subdivision and it would take about a month to determine the location. Mr. Curington said they would like to get approval on the area west of the creek so that development can be started and this will not affect the street problem.

The staff then presented recommendations and comments of the Planning Department:

1. Blocks C, K, and R exceed Ordinance requirements on length and a variance was recommended for Blocks C and K. Block R depends on how 51st Street is brought through but it can be broken. Mr. Curington said they felt this needs further study and that they could leave out the area south of the lots fronting on the south side of Westridge Drive at this time.

C8-61-17 Windsor Park IV--contd.

2. The lot depths should be increased in Blocks L and M and an additional setback should be provided for future widening of Springdale Road which is designated as a primary thoroughfare with a right-of-way width of 120 feet. The staff explained that there is a question of this right-of-way and that it may be taken off of the property on the opposite side. The Director said this would mean 20 feet from each side unless it is all taken from the opposite side which is undeveloped at this time.
3. Show setback lines for Lots 12-15, Block B, and Lot 4, Block D, and Lot 14, Block H, and on the proposed commercial area, and indicate lot numbers for the proposed commercial area.
4. A street name is required for the street in the proposed commercial area. In the event the tract labeled as proposed commercial is developed commercially, the bounding streets should be increased to a 60-foot right-of-way, and it is recommended that the commercial area should be held in abeyance until the zoning is established.
5. Show all street widths.

The Committee then

VOTED: To APPROVE that portion of the plan of WINDSOR PARK IV north of the lots fronting on the south side of Westbridge Drive subject to the following conditions:

1. Increase in the lot depths in Blocks L and M and an additional setback to provide for future widening of Springdale Road,
2. Showing of setback lines for Lots 12-15, Block B, and Lot 4, Block E, and Lot 14, Block H, and on the proposed commercial area and indicating lot numbers for the proposed commercial area,
3. Showing a street name for the street in the proposed commercial area and an increase to 60 feet for the right-of-way of bounding streets,
4. Showing all street widths,
5. Compliance with departmental requirements; and

to grant a variance from the Ordinance on block length requirements for Blocks C and K.

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SHORT FORM PLATS

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

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

C8s-61-54 Violet Crown Heights, Sec. 1, Lot 22, Blk. G
Brentwood St. and Grover Ave.
C8s-61-60 Royal Oak Estates, Sec. 1, Lots 15 and 16, Blk. N
Coventry Lane

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 Committee therefore

VOTED: To APPROVE the following plats:

C8s-61-53 Oakie Heights, Resub. Lots 50 and 51
Juliet and Jessie Sts.
C8s-61-55 Ralph L. Jenkins Sub., Resub. Lot 7
Ethel St. S. of Juliet St.
C8s-61-56 Georgian Acres, Resub. Lot 2, Blk. F
East Dr. N. of Capitol Dr.
C8s-61-57 Shoalmont Addn., Resub. Pt. Blk. 12
North Loop Blvd. and Hancock Dr.
C8s-61-58 Barton Springs Park, Resub. Lots 12-14, Blk. 1
Dexter St.
C8s-61-59 McKinley Heights, Sec. 1, Resub. Lots 1 and 14, Blk. 5
E. 14th and E. 14½ Sts.

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

C8s-61-4 Damon A
South 1st and Dittmar

The staff reported that a letter has been received from the Health Department that they would approve the lots as shown in the original plan but the way they are subdivided on the present plan presents some problems. Lot widths do not meet the Subdivision Ordinance requirements except for Lot 7. Lots 1, 2 and 3 have adequate front widths but taper down too narrow at the rear. Lots 4 and 5 have less than 60 feet at the front and Lot 6 has less than 60 feet at the rear. Narrow lots at the building line make it difficult to build. Mr. Schoolfield explained that a house had been built on Lot 6 and it was too near the property line so he had to shift the lot line to provide the necessary 5 feet.

C8s-61-4 Damon A--contd.

The Director said he did not feel that the soil is suitable for septic tanks and that a more complete report should be received from the Health Department.

Mr. Stevens said the subdivider has given his portion for the widening of Dittmar Street but the right-of-way is still too narrow and a variance would be required.

The Committee then

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

1. A report from the staff at the next Planning Commission meeting that a direct statement has been made by the Health Department that septic tanks will operate successfully on these lots, and
2. 25-foot setbacks being shown on all lots which are not already built upon; and

to grant variances from the street width requirements with regard to Dittmar Street and from width of lot requirements for lots substandard at the front or rear.

C8s-61-45 Balcones Park Addn. Sec. 9
Mt. Bonnell Dr. N. of Balcones

The staff explained that this is for one lot out of a large tract and the subdivider is requesting a variance from the Ordinance requirements that the entire tract be surveyed. Mr. Stevens said he feels there is adequate frontage and area to properly subdivide the remainder of the tract. The Committee therefore

VOTED: To APPROVE the plat of BALCONES PARK ADDN. SEC. 9 and to grant a variance from the Subdivision Ordinance on survey requirements.

C8s-61-48 C. L. Angell Sub., Resub. Lots 34-38, Blk. 4
Montopolis Drive

The staff requested that this subdivision be deferred since a situation has arisen into which the staff would like to check further. The Committee therefore

VOTED: To DEFER action on this subdivision.

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C8s-61-50 Banister Heights, Resub. W. $\frac{1}{2}$ Lot 8
Banister Heights

It was reported by the staff that there are some right-of-way problems which have arisen and the subdivider is requesting permission to withdraw this subdivision. The Committee therefore

VOTED: To permit the subdivider to withdraw this subdivision.

ADMINISTRATIVE APPROVAL

The staff reported that 3 plats had received administrative approval under the Commission's rules. The Committee therefore

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

C8s-61-49 Loar Addition - A
Capitol Drive
C8s-61-51 Drew Lane Addition
Drew Lane and Wommack Lane
C8s-61-52 Dinsmore Simpson Sur., Johnson and Hoffman Subd.
Hickman Ave.

The Committee chairman further reported on action taken by the Subdivision Committee at a meeting June 12, 1961. The staff reported that the written report has not been completed but that one appeal has been filed from the decision of the Subdivision Committee and 3 cases had been referred to the Commission without action on:

C8-61-20 Town Lake Edgewater Estates
C8s-61-72 Phillip Stewart Home Place, Resub. Lots 8-12, Pt. 13, and Walsh Place
Resub. Lots 9 & 10, Blk. 1
C8s-61-74 Bouldin Estate, Joe P. Hoffman Resub. Pt. Lot 9, Blk. D
C8s-61-75 Fleischer Sub.

The Commission therefore took no action on the report of the Committee pending submission of the written report.

PRELIMINARY PLANS

C8-61-11 Walnut Bend (Revised)
South 1st St. N. of Stassney La.

The Director presented the revised plan of this subdivision and explained that it is being presented to the Commission because of the timing since there was a delay on the part of the City and the Department. He then gave the following report:

1. This shows the relocation of South 1st Street as it exists on the ground and as it is proposed extending to Stassney Lane. It crosses Williamson

C8-61-11 Walnut Bend (Revised)--contd.

Creek at three points with low water structures. All of these were inundated over the weekend. About 6 years ago in connection with the development of the Water District, a 20" water line was put around the creek, crossing it once, at the request of the Water District. Some work was done by the Water Department of the City with the indication that there would possibly be a relocation of South 1st Street to follow generally along the water line itself in order to avoid the construction of bridges at two locations.

2. This is a basic area as to where we have a conflict in submission of a revised plan. The revision that they are requesting involves the continuation of South 1st in its present location, with a residential street coming off and going around the creek. This would be used as a by-pass route in the event of flooding which would cut off the access and would permit them to increase the number of lots by about 14. We came up with about 12 additional lots and we think that with the revision of the plan there would be between 6 and 8. This would permit lots to back up to the creek by putting this in as a residential street and continuing South 1st Street as it exists, whereas on the other plan there would be no space for lots along a greater portion of South 1st Street around the creek because of the very shallow depth.
3. Under the revised plan, in the event these low water structures were flooded, the by-pass route could be had out to Congress Avenue around the creek. On the original plan the City would have had to construct a bridge on the south portion which would eliminate the hazard of flooding through that area so that the new location of South 1st Street would function as a collector street coming into town.

The recommendation of the Department is that the modified plan be disapproved with several items in mind.

1. The City will be willing to participate in the development of this street in its new location since it would be a relocation of the existing South 1st Street.
2. We feel that the loss of lots could be minimized somewhat by the revision of the plan showing a few added lots by using some land that was left out between South 1st and the creek.
3. The City would request, in participating in the development of this street that in the development of the land in the area that a restriction be placed on the plat or by covenant that there would be no request for improvement of these low water structures. The problem there is the extremely high cost of these bridges. The one proposed would be between \$60,000 and \$70,000 and the other two would be approximately the same cost. We are faced with the possibility of having to spend about \$200,000 for three structures and we would like to minimize the cost by constructing one structure and leaving the others as low water crossings.

C8-61-11 Walnut Bend (Revised)--contd.

Williamson Creek also swings around from South 1st Street around what is now a nursing home, and with the possibility of another residential section in the area there would be another collector street which would cross the creek. We would like to leave the existing street in place but we would like to protect the City from going in and spending about another \$140,000 provided good access can be provided in the direction to the southeast. The nature of the participation in this is that we have tentatively set up on the minimum participation of the development of the streets between 30 and 44 feet of paving. We have made no definite proposal for the land between the old right-of-way and the high water line of the creek. The area is subject to platting with lots running in extreme depth because that area is subject to flooding. The housing would have to clear the high water line. This was legally an approved subdivision but they wanted to bring this modified plan up and we could discuss this with the Water Department which has definitely recommended against having lots across the large water line. One consideration was the relocation and the elimination of the street.

Mr. Barrow asked why this was being presented to the Commission instead of going back to the Subdivision Committee. Mr. Osborne explained that it is a matter of timing, that he has not been able to give the subdividers an answer to most of these questions, and that there has been a delay on the part of the City and the Department. Mr. Barrow then stated that the Commission is generally in favor of handling these cases without any unnecessary delay but as he understood it the Subdivision Committee has approved one preliminary plan and now the Commission has another that is entirely different and it is out of order to present it to the Commission without it first going before the Subdivision Committee.

Mr. Dick Baker represented the subdividers and presented the following information:

1. When the first preliminary plan was brought to the Planning Department with a change in South 1st Street we discussed it with the staff in an effort to try to work something out as far as economics were concerned so that the area could be developed. On the recommendation of the staff we withdrew our preliminary which is the one we submit tonight and is the recommendation of the Planning Department. We could see the economic problem confronting the developer in this area with the two problems involved -- the water line and the low water bridge and flooding -- and we reconstructed the plan as filed to provide access streets as we felt it could be developed within the economics. After this we presented it to Mr. Osborne sometime before the last Subdivision Committee meeting. It was recommended that we confer with Mr. Rountree and Mr. Davis on the problem, which we did. It was their recommendation that they would like to speak to the City Manager who was out of town at that time. Because of this and the fact that we had said we would not take any further action until they had an opportunity to confer among themselves on this, it was not brought before the Subdivision Committee at the last meeting

C8-61-11 Walnut Bend (Revised)--contd.

at my request, because Mr. Williamson and I had committed ourselves to Mr. Rountree, Mr. Davis and Mr. Schmidt that we would not go back to the Subdivision Committee or to the Commission until they had an opportunity to review the revised preliminary. As a result I think they met with Mr. Williams today. We advised them before that we wanted to bring this up as soon as possible and therefore decided to bring it to the full Commission this evening.

2. The calculations of Marvin Turner Engineers' determination was that if South 1st Street were not relocated the utility cost would be approximately \$327,000, including engineering. If it were relocated it would be about \$331,000, including the loss of 14 lots fronting on the new street which would be the most valuable lots in the subdivision. These lots would probably be about \$2500 each. I think that would be quite a reasonable price. As far as the 20" water line is concerned, the cost would be about the same either way. The Water Department (Mr. Schmidt) felt that while the easement is not the most satisfactory solution with which to work on these water lines, it is certainly not an impossible situation, particularly one for the 20" line which causes the problems it does.
3. We realize that flooding is a definite problem in this area but yet the definite cost that would result in running South 1st Street around this subdivision seems to be prohibitive even if the City went in and constructed this first bridge which they proposed. We replatted it to intersect just south of the first low water bridge so that in the event of flooding in this area people would be able to tell when they got to that point whether there was flooding and detour to South Congress or around through the subdivision and back into South 1st Street, feeling that this would give two arteries that traffic could use in time of flooding. The question is how many times these low water bridges are flooded. It is my information that they flood two or three times a year and that is usually one day at a time.

Mr. Baker further stated that it is his understanding that the F & C Realty Company has a preliminary plan in which the Planning Department required a 90' thoroughfare some 1000 feet to the west of what is presently South 1st Street. This will be an expressway type street and is proposed within the next five years if they develop this property. It could be then that where South 1st Street is the main street coming into town, with Ben White Boulevard and this proposed expressway type of street north of this, it would certainly eliminate this traffic off of South 1st Street in the future. We would go ahead and covenant with the City as to the low water structures if South 1st Street were left where it is, and we will not request permanent bridge-type structures in that area.

Mr. Barrow asked the Director if he had any objection to the plan from a planning standpoint, other than the water line issue and the issue of bridging, and Mr. Osborne replied that he felt the over-all layout would make

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C8-6-11 Walnut Bend (Revised)--contd.

little difference. When Mr. Barrow asked Mr. Fowler whether or not this is an issue before the Planning Commission or City officials, Mr. Fowler stated that the approval or disapproval of a preliminary plan would be the jurisdiction of the Commission.

Mr. Lewis asked what would result if South 1st Street is left where it is and the relocation is also used. Mr. Osborne responded that if it is left where it is with roughly 80 feet of right-of-way, it would be a collector street, using the low water crossings. The expense would be in bridges, the difference being between the necessity of having bridges on the collector street and thoroughfares that are not subject to flooding as opposed to a local street where there are alternate routes. This collector street would be used by the general public of a larger area and the residential street by the local residents. This is the basis you could use in judging this. We feel that if South 1st Street as it stands is left as a collector street, we are immediately subject to the construction of three major bridges rather than one. We know that one major bridge is needed and we think it will solve the problem.

The Director said he has some additional information which he doesn't especially want to present now and which should be discussed jointly with the engineers. He suggested that this subdivision be postponed and the Commission consider it at a special meeting next week when additional information may throw some additional light on the matter. It was then

AGREED: That this would be postponed to a special discussion of the Commission next week.

C8-61-17 Windsor Park IV
Springdale Rd. S. of Rogge Lane

The staff reported that the subdividers have requested permission to change the name of this subdivision to "Windsor Park Hills". Mr. Stevens reviewed previous action on this preliminary plan and listed the problems involved in changing subdivision names after a plan has been distributed to other departments and files set up in these departments as well as in the Planning Department. He noted that other things were involved, including the requirement in the Subdivision Ordinance that a preliminary plan show the name of the subdivision under which the plat is to be recorded, index cards which must be cross-referenced to the old name, the cost of distribution of the new plans which is between \$7 and \$12 in addition to costs in other departments which range between \$15 and \$25 (individual cost) resulting in a total cost of between \$125 and \$130 per plat. He said subdividers have been asked to furnish prints for re-distribution and that some thought be given in the future to charging a supplemental fee for changing the name, noting that sometimes there are 3 or 4 changes in names of one subdivision. He said he realizes there are times when it is necessary to make the changes but felt that something should be done to take care of the costs involved.

C8-61-17 Windsor Park IV--contd.

Mr. Barrow said he would seriously consider making the subdivider pay for the change rather than refusing to make the change because of the times it is sound to make the name change and necessary for the City's good as well as the subdivider's to make the change. Mr. Brunson suggested that there might be a blanket fee charged and ask the subdivider to make as few changes as possible.

The Commission then

VOTED: To permit the subdivider to change the name of this plan to "Windsor Park Hills".

C8-61-20 Town Lake Edgewater Estates
 Lake Austin Blvd. E. of Arlington St.

The Commission considered the REFERRAL of this subdivision.

Mr. Osborne explained that this is proposed as an industrial subdivision with a 50-foot street through the property. There are several technical objections to the subdivision, however the basic question at issue is whether or not the plan complies with the Subdivision Ordinance and whether or not it is in conformity with the Development Plan of the City. The plan does not comply with the Subdivision Ordinance with regard to street width, inadequate drainage, and land use. The street layout is not proper in that it would funnel industrial traffic into a residential neighborhood. The plan is not in conformity with the Development Plan of the city with reference to the proposed extension of Missouri-Pacific Boulevard and its crossing the River. Mr. Osborne said this preliminary plan was received in the Planning Department May 29, 1961, and was accepted for filing June 12, 1961.

Mr. H. B. Clagett (developer) said the main thing he wanted was to know what the City Planning Commission and the City wanted him to do to make this comply and receive approval.

Mr. Barrow said the chief question we are concerned with is whether or not this complies with the Development Plan and it does not. Mr. Osborne said he did not feel that it can comply with the Plan. Mr. Lewis asked if Mr. Clagett had any objection to holding this up until further study is made. Mr. Clagett then stated the following: We have been working on this for a matter of years and we have to proceed as we would generally in order to protect ourselves. I don't think the fact that the City may extend this Boulevard in a manner that would affect this subdivision within the next few years would be grounds for turning this subdivision down. We have never found out just what the City wants. We understand that the City is entitled to right-of-way to make the land conform with the Master Plan and that condemnation of the land is possible, but I don't think the City at this time knows what land it will need.

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C8-61-20 Town Lake Edgewater Estates--contd.

It was agreed by the Commission that they cannot consider the plan as presented since it not only does not comply with the Development Plan generally or specifically but it does not comply with the Subdivision Ordinance. For these reasons it was

VOTED: To DISAPPROVE the plan of TOWN LAKE EDGEWATER ESTATES.

SUBDIVISION PLATS - FILED

C8-61-18 University Hills, Sec. 2, Phase 2
Northeast Drive

It was reported by the staff that all departmental reports have not been received, fiscal arrangements have not been completed, and some easements need to be shown on the plat. The Director noted that this plat excludes a particular section which is shown as being owned by the church which was shown on the preliminary plan. He said it was requested that this tract be given a lot number and he still thinks that would be best but the area is over three acres and technically does not have to be included. He stated he would like to request that any plat in the future include such tracts as this.

The question of street names was discussed and Mr. Barrow suggested that the subdivider be put on notice to consider these names. The Commission then

VOTED: To ACCEPT for filing the plat of UNIVERSITY HILLS, SEC. 2, PHASE 2.

C8-61-19 University Hills, Sec. 3, Phase 2
Wake Forest Dr. N. of Loyola

The staff reported that all departmental reports have not been received. Mr. Stevens stated that the preliminary plan included provision of a street north to Anderson Lane and the engineers have agreed to shift Rice Drive more to the east to provide for the intersection of this collector street when that portion of the subdivision is brought in for final approval. He said that at this time it is not possible to determine the right location until the proposed school site is located, but the final as they proposed it did limit the choice of that location and the staff felt that the engineers should agree to a change if it is necessary. He noted that the school site is definitely not going to be proposed in this preliminary plan of University Hills.

Mr. H. W. Curington (Marvin Turner Engineers) said they will put this street wherever the staff requested it but he would like to know and did not want to have to wait until the school site is selected. The Commission then

VOTED: To ACCEPT for filing the plat of UNIVERSITY HILLS, SEC. 3, PHASE 2.

SUBDIVISION PLATS - CONSIDERED

- C8-60-9 Delwood Terrace, Sec. 1
Wellington Dr. and Gaston Place Dr.
- C8-61-16 Royal Oak Estates, Sec. 3
Rogge La. and Wellington Dr.

Mr. Stevens explained that these are both on the same preliminary and he would like to consider both plats together. He then made the following report: These plats were accepted for filing at the last meeting but they are not ready for approval because fiscal arrangements have not been completed, all departmental reports have not been received, and taxes have not been paid. In Royal Oak Estates, Northhampton Drive is an existing street and Wheless Lane extends easterly, jogs to the south and then turns east again. In consideration of the preliminary plan we asked that a schematic be included for that area which the subdivider owns and was not shown on the preliminary. The first plan did show the schematic, showing these intersections and the proposed extension of Wheless Lane to straighten it out, and as the second plan did not show it we asked that it be shown. The plan that was brought in today did not provide for the extension of Wheless Lane and it also provides for a jog at the intersection of Northhampton Drive with the existing Wheless Lane. We feel that before the plat of Royal Oak Estates is approved this is an item which should be worked out. We would recommend disapproval of both subdivisions with the conditions stated, plus the straightening out of Wheless Lane on Royal Oak Estates plat.

The Director then stated the following: We are reaching a time when we need a definite agreement between the City and Mr. Nash Phillips (subdivider) on where this extension of Wheless Lane will be and need something more than a schematic plan. I have talked with the City Manager in a very general way concerning this and we were authorized to state to Mr. Phillips that the City is willing to participate in the development of this connection of Wheless Lane in that it does constitute a relocation and we would like to get it developed on the ground before there is substantial development in the subdivision and people living there.

Mr. Phillips presented the following statements: I was not familiar with the job in Northhampton Road and Wheless Lane but I was aware of a request for the extension of Wheless Lane. About five or six years ago we did submit a plan for Windsor Park II showing that extension of Wheless Lane but very frankly I would like to hear Mr. Osborne's reasons for the Planning Department wanting that because I cannot see where these people are going in light of the traffic flow but if it is going to improve the area we want to hear the reasons. I would like to come back to the lower intersection of Northhampton Road and Wheless Lane where we have located it not knowing there was an objection. We have a man working on this now but have not put the paving in yet. We brought a master plan down in case you want to question this extension which I do at this time. In reply to a question by Mr. Kinser as to the necessity of immediate approval, Mr. Phillips said it would be all right to hold up approval but he would ask that it be disapproved at this time subject to working out these problems.

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C8-60-9 Delwood Terrace, Sec. 1--contd.
C8-61-16 Royal Oak Estates, Sec. 3--contd.

Mr. Barrow said he would like to hear the discussion by the City and by the subdivider at the proper time. The Commission then

VOTED: To DISAPPROVE the plat of DELWOOD TERRACE, SEC. 1, pending completion of fiscal arrangements, receipt of departmental reports, payment of the necessary taxes, and showing of additional easements.

DISQUALIFIED: Mr. Baldridge

It was further

VOTED: To DISAPPROVE the plat of ROYAL OAK ESTATES, SEC. 3, pending completion of fiscal arrangements, receipt of departmental reports, payment of the necessary taxes, showing of additional easements, and correction of the preliminary plan to comply with the Subdivision Committee approval.

DISQUALIFIED: Mr. Baldridge

SHORT FORM PLATS - FILED

C8s-61-76 University Hills, Sec. 1, Resub. Lots 1-3, Blk. A
Vanderbilt La. and Northeast Dr.

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

VOTED: To ACCEPT for filing the plat of UNIVERSITY HILLS, SEC. 1, RESUB. LOTS 1-3, BLK. A.

SHORT FORM PLATS - CONSIDERED

C8s-60-113 Chase Addition (Revised)
Hargrave St. S. of Rosewood Ave.

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

VOTED: To DISAPPROVE the plat of CHASE ADDITION (Revised) pending completion of fiscal arrangements and receipt of all necessary departmental reports.

C8s-61-63 Garden Oaks, Sec. 3
Cardinal La. and S. 3rd St.

The staff reported that all necessary departmental reports have not been received and that some easements need to be shown on the plat. The Commission therefore

VOTED: To DISAPPROVE the plat of GARDEN OAKS, SEC. 3, pending receipt of all necessary departmental reports and showing of necessary easements.

C8s-61-72 Phillip Stewart Home Place, Resub. Lots 8-12, Pt. Lot 13, and Walsh Place, Resub. Lots 9 & 10, Blk. 1
Bonnie Rd. and Robin Hood

The Commission considered the REFERRAL of this subdivision. The staff reported that the corner lot is not 60 feet in width as required by the Subdivision Ordinance, that it was understood at the Subdivision Committee meeting that duplexes were proposed for these lots but it was found out later that the owner only wants to put single-family houses on the lots and if they do not sell he then wants to put duplexes there. This would require him to come back with a new subdivision. The staff recommended that the variance be granted for the corner lot width, this being the only substandard lot. The Commission therefore

VOTED: To APPROVE the plat of PHILLIP STEWART HOME PLACE, RESUB. LOTS 8-12, PT. LOT 13, AND WALSH PLACE, RESUB. LOTS 9 & 10, BLK. 1, and to grant a variance from the Subdivision Ordinance on lot width requirements for the corner lot.

DISQUALIFIED: Mr. Lewis

C8s-61-74 Bouldin Estate, Joe P. Hoffman Resub. Pt. Lot 9, Blk. D
James Casey St.

The Commission considered the APPEAL of Mr. Joe Hoffman on this subdivision relative to rejection of this plat by the Subdivision Committee. The Director explained that the subdivision was denied for the reason that it would create such deep lots that the back portion would be unusable, and this was the basis of his recommendation for denial of the subdivision. Mr. Osborne presented a sketch showing possible subdivision of these lots with a cul-de-sac by using the adjoining property, with two separate owners involved. He said that actually this design could be within this property itself but it would be fairly expensive to do unless the joint development justifies it.

Mr. Bill Davis represented Mr. Hoffman and called attention to a letter submitted by Mr. Hoffman in which he explained that they were issued a permit to build a home on Lot 1 which was sold after the house was built; no one in the Inspector's office told us that the lot was too long for a legal lot and now we have only 120 feet left in which to install a street as suggested at the last meeting, and after the street is installed we would not have the space left for lots.

Mr. Barrow explained that the Commission is sympathetic with the proposal to do something with the property but doesn't like this design. He suggested that it be postponed to permit further study and said he would not be able to pass on it without seeing the property. The Commission then

VOTED: To DEFER action on this appeal pending further study of the property.

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C8s-61-75 Fleischer Sub.

Fleischer Dr. and Interstate Hwy. 35

The Commission considered the REFERRAL of this subdivision. The staff explained that this plat was referred to the Commission pending further information on the dedication of Fleischer Drive, and that the subdivider has now reported that the County has indicated they will accept this street for dedication if it has not been previously dedicated. The Commission then

VOTED: To DISAPPROVE the plat of FLEISCHER SUB. until this matter of street dedication has been cleared.

C8s-61-77 Mary B. Harper Addition

Goodrich Ave. N. of Lamar Blvd.

It was reported by the staff that there is a problem here in that the commercial zoning recently granted extends back only 361 feet from Goodrich Avenue, leaving an area between that zoning and the proposed two lots fronting on Bluebonnet Lane which would make these lots too long if they were extended that length. The Commission felt that the subdivision should be approved as submitted and therefore

VOTED: To APPROVE the plat of MARY B. HARPER ADDITION.

DISQUALIFIED: Mr. Lewis

OTHER BUSINESS

R808 Oak Lawn, Sec. 3

The Director said the question before the Commission is based on the finding before you that the open channel could work in the subdivision for economic reasons; the question being that rather than having a pipe through this you have an open channel drainage ditch under a variance procedure established in the Subdivision Ordinance. He noted that in connection with this there is a question by the City to vacate a strip of land. Mr. Osborne said he feels this presents an unusual problem and that Mr. Rountree might report on the nature of the drainage channel. Mr. Lewis asked if the City has abandoned the old idea of using open ditch and Mr. Osborne replied that it had not. He said the reason it is before the Commission is that this requires either 24" or 27" pipe and ordinarily where an open ditch is used it takes a very large pipe.

Mr. Rountree explained that where you have 48" and over the City would consider an open ditch but this required smaller pipe and there is an existing 24" pipe across the corner of the adjoining subdivision which was paid for by the subdivider and stops at this property line. This soil is clay and will slough off and fill in and you can't get a ditch there with as wide a bottom as that ditch would be. He noted that these easements give a great deal of trouble by having fences built on the property lines and the City has no way of getting in to maintain them. That is one reason the City

R808 Oak Lawn, Sec. 3--contd.

prefers the pipe and we would recommend pipe. Mr. Cal Marshall said if you put pipe there and cover it you will still have a deep ditch because it is 15 or 20 feet deep there.

Mr. Marshall said they figured this would make the cost of the subdivision over \$12,000. Mr. Rountree said they estimated it as \$8,000, including the pipe, and the engineers estimate \$5,000. Mr. Marshall said nothing would be added to the cost if open ditch is used. Mr. Rountree said if pipe is not used the open channel work would run about \$3,000, increasing it about \$5,600, not including the maintenance the City would have.

Mr. Osborne explained that the problem tonight is that under the Ordinance the Commission can state whether or not a variance would be granted for an open ditch or whether you would require covered pipe; this could be taken up along with the final plat but Mr. Marshall is trying to work out the problems before he brings in the final plat. Mr. Kinser felt that this should be based on whether this can be done economically, and he would favor the pipe if the City will participate in it. Mr. Rountree explained that the City only participates in the cost for 36" pipe or larger. The Commission felt that this should be given further study and Mr. Marshall agreed that the time element will allow that. The Commission therefore

VOTED: To DEFER action on this problem pending further study.

DISQUALIFIED: Mr. Barrow (owner of adjoining property)

R809 SUBDIVISION CONTACTS AND INQUIRIES

South 1st Street and Radam Lane

Mr. Stevens explained that Mr. Charles Winkley is under contract to buy a tract of land on Radam Lane and before the conveyance is completed he would like to know if the Commission would be willing to approve a subdivision since the man on the corner would not participate because he owes five years' back taxes. This corner was sold before Mr. Winkley considered purchasing this property. He is willing to give 10 feet for the widening of Radam Lane and is proposing to put apartments on the property.

The Commission generally

AGREED: That the Commission would approve this subdivision.

R809 SUBDIVISION CONTACTS AND INQUIRIES

Montopolis Drive and Vargas Rd.

Mr. Stevens said an owner purchased a tract of land in 1955, being completely ignorant of the Subdivision Ordinance regulations, and he now wishes to sell. The property fronts on a 25-foot perpetual access and utility easement which extends about 399 feet from Riverside Drive. There are two lots not large enough for septic tank operation and there is a need for streets in the area.

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R809 Montopolis Drive and Vargas Rd.--contd.

We have a plan showing a suggested street layout. This property involved was originally a part of a larger tract and it is about 1200 feet from a sanitary sewer line and septic tanks would have to be used if he cannot get sewer connection. He is checking with the Sewer Department to see what their plans are for this area. He has a private water line from this property to Riverside Drive.

Mr. Kinser said this is a bad situation since the property is located on a seepy hillside. The Commission felt that this should not be approved and therefore

AGREED: That the subdivision, if submitted, would not be approved.

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported that Commission members had been polled by telephone and had

VOTED: To APPROVE the following subdivisions:

C8-61-5 Rivercrest Addn., Sec. 1

Bohn Blvd. and Lake Austin

Members contacted May 19, 1961: Messrs. Barrow, Baldrige, Chriss, Kinser and Lewis.

C8-61-15 Oak Lawn, Sec. 2

Webberville Rd. and Meander Dr.

Members contacted June 7, 1961: Messrs. Baldrige, Barkley, Brunson, Chriss, Kinser and Lewis

C8s-61-68 Frontier Village

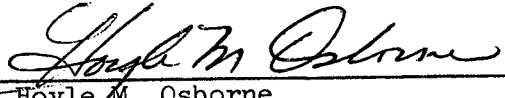
Pack Saddle Pass and Ben White Blvd.


Members contacted June 14, 1961: Messrs. Baldrige, Brunson, Kinser and Lewis.

ADJOURNMENT

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

APPROVED:


Hoyle M. Osborne
Executive Secretary


Chairman