

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- August 15, 1961

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

Present

D. B. Barrow, Chairman
Doyle M. Baldrige*
Fred C. Barkley
W. Sale Lewis
Emil Spillmann
*Left the meeting at 10:55 p.m.

Absent

Howard E. Brunson
Pericles Chriss
S. P. Kinser

Also Present

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

MINUTES

Minutes of the following meetings were approved as submitted:

June 20, 1961
June 28, 1961
July 18, 1961

The following zoning change and Special Permit requests were considered by the Zoning Committee at a meeting August 8, 1961:

ZONING

C14-61-94 Phillip Bashara and George L. Anderson: A to LR (as amended)
E. 45th St. and Ave. H

STAFF REPORT: This consists of two lots. The surrounding area to the east and down Duval is single-family use although zoned "B". Immediately to the south is "A" Residence and to the southwest is the Elizabet Ney Museum. To the north is single-family except at Duval and 45th. Avenue H is undeveloped as far as this property is concerned. This was formerly considered for "C-1" but the request was amended. In that nearby property is single-family residential and this would establish strip commercial along 45th Street, I recommend it be denied.

Mr. Bashara represented the applicants and two replies to notice were received favoring the request. Statements presented were as follows:

C14-61-94 Phillip Bashara and George L. Anderson--contd.

1. There are two pre-fabricated houses on these two lots. Three lots between this and Duval are zoned "C" but are developed with residences. "LR" would make this conform to the balance of the property.
2. The Museum faces 445h Street and this faces 45th. This is one of the few blocks where lots face 45th, others face side streets.
3. The worst traffic hazard is from Avenue G to Avenue H. Trees are up to the curb line and children are forced out into the street. I would be required to provide off-street parking. I plan for possible pharmacy, drive-in grocery, TV repair shop.

Three nearby owners appeared in opposition and written objections were filed by two owners. Reasons given were:

1. There were 20 or 30 people present the last time. Beer was certainly an item but we were hopeful that residential would be kept here. Taking two lots and extending into a residential neighborhood would encourage others to request changes. This is an improving neighborhood along Avenue H and homes were established because it was zoned residential.
2. The applicant bought this property recently. The lots are narrow and only 115 feet deep. Off-street parking is a problem. There are other more desirable lots zoned commercial on Duval Street. Several businesses have closed because of lack of business. There is no reason for new commercial development.
3. Traffic on 45th Street is heavy and makes it dangerous for children using the playground. The parents object to the increase in traffic.

The Commission felt that this would be an intrusion of a too intensive use into a residential area and would start strip zoning down 45th Street. They noted that there are dwellings between this and Duval Street and there seems to be no public demand in view of the businesses which have closed in the immediate area. It was concluded that additional commercial zoning is not needed as a matter of need or public necessity. Therefore, it was unanimously

VOTED: To recommend that the request of Phillip Bashara and George L. Anderson for a change of zoning from "A" Residence to "LR" Local Retail (as amended) for property at the southeast corner of East 45th Street and Avenue H be DENIED.

C14-61-104 Mrs. Margie C. Reed: A to O
1510 Oxford Ave.

It was announced by Mr. Kinser at the Zoning Committee meeting that Mrs. Reed wished to withdraw her request and the Committee had recommended that this be approved. The Commission therefore unanimously

VOTED: To ACCEPT the withdrawal of this application as requested by the applicant through Mr. Kinser.

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C14-61-105 L. G. Alexander: A to C

1704-1804 State Highway #29 and 1705-1803 Dalton La.

The Zoning Committee presented the following report of its hearing on this request:

STAFF REPORT: The applicant is requesting a change for about 2.2 acres, proposing commercial structures. The land is generally level. Access is from Dalton Lane. I would recommend that additional right-of-way for Dalton Lane be acquired if the zoning is changed. We have had several zoning changes in the area and one adjoining this. In view of the fact that this is near the approach zone to Bergstrom Air Force Base we recommend granting the change. Bergstrom has acquired the necessary aviation easements. Our requirements are 35-foot maximum height of structures here.

Mr. J. Phillip Crawford represented the applicant and one reply to notice was received favoring the request. Mr. Crawford's statements may be summarized as follows:

1. A man should make use of his property in the most economical manner. Bergstrom sounds are not desirable in the area. The proposed development will not create traffic problems. The area is not thickly populated.
2. We plan to acquire the property and if so there will never be a junk yard nor a wrecking yard here. A lumber yard was first considered but we have no definite plans now. Austin is growing in this direction.

Three nearby owners appeared in opposition and written objections were filed by one owner who filed a list showing the signatures of 32 persons opposing the change. Reasons given were:

1. People in this vicinity do not want commercial but want residential uses. The applicants are planning a wrecking yard, and already have four cars they have partly torn apart and sold parts. This road has very little traffic and a wrecking yard is not needed here.
2. The smell of rubber from jet planes is already a nuisance and a junk yard would add to it.

The Committee had noted that this property adjoins an existing "C" Commercial zone but also realized that the applicant has presented no plans for developing this property. It was concluded that no change should be made until the applicant has presented some specific use. Therefore, it was unanimously voted to recommend that the request of L. G. Alexander for a change in the zoning plan from "A" Residence to "C" Commercial for property located at 1704-1804 State Highway #29 and 1705-1803 Dalton Lane be denied.

At the Commission meeting, the staff presented a letter from Mr. Crawford requesting withdrawal of this application and it was unanimously

VOTED: To ACCEPT the withdrawal of this application as requested in writing by the applicant through his representative.

C14-61-106 Nash Phillips: A to B, 1 to 2
E. 51st St. and Manor Rd.

STAFF REPORT: This request is for a change to permit multi-unit apartment construction. The site is undeveloped, is somewhat rough and sloping to the creek. To the north is single-family development except along Manor Road where duplexes are now being constructed. To the east is an undeveloped "GR" zone. To the south is residential and the Municipal Airport. A portion of East 51st Street has been developed as a primary thoroughfare. Manor Road is partly paved. In view of the fact that this is an awkward piece of land I would recommend a "B" Residence and First Height and Area which would lower the density and would be a protection to the residences across the street. There is a question regarding property lines of this property. One of the adjoining owners has raised the question of where the property line lies. This should be cleared before it goes to the City Council.

Mr. Phillips appeared in behalf of his request and presented the following information:

1. We will have architect-planned development of between 40 and 50 units. I received a copy of Mr. Herring's letter regarding the property lines but have not had time to check. We bought the property subdivided and if we are not correct we do not want to zone the other man's property.
2. In response to opposition: If we reduced the zoning to "B" Residence and First Height and Area we would not get the density desired. These will be family units and this is no devious method to get the zoning changed. There are families who choose to live in apartments. It is not logical on our part to devalue the neighborhood which we developed. We have been working on uses for this property and it has presented a problem. It does not lend itself to single-family use. It would make a good church site but there would be a parking problem. The solution is planned apartments. Adequate off-street parking will be provided.

Reply to notice favoring the request was received from Mr. Watt Schieffer (1011 East 40th Street). Two nearby owners appearing expressed no opinion on the change.

Twenty owners of nearby property appeared in opposition. One reply to notice objecting to the change was filed by Mr. Ted Fischer (1502 Waterbrook Drive) and a petition signed by 52 owners residing in the area of dispute protesting the change was filed. A letter was filed by Mr. and Mrs. L. B. Herring III and Mr. Herring appeared at the hearing in person to advise the Commission that he is not in agreement with the area shown on the plat as being the property of Mr. Phillips but that a portion of this property belongs to him and his wife. Reasons for owners objections may be summarized as follows:

1. Other uses are permitted under "B" Residence, none of which including apartments will add to the safety of children and the value of homes in the residential area. The creek has not prohibited development along

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C14-61-106 Nash Phillips--contd.

Waterbrook. Any overflow of cars would mean overflow of parking, unsightly appearance, and danger to children. Transient people usually live in apartments. We bought our property because it was zoned "A" Residence and we wanted to live in such an area.

2. Travis County Deed Records show that the applicant bought this property in 1958. Any request for rezoning should have been made at that time, before construction of our homes. This proposal is not to the best interest of our homes or neighborhood. We were told by the former owner it would be residential. There is no assurance that the property would not later be sold. We do not want any change at all and are fearful of what could come out of the zoning at a later date.
3. An additional school load would be created in overcrowded Pecan Springs School.

The Zoning Committee reported that after the hearing on other cases was concluded, Mr. Phillips had reported to the Committee that he had discussed this proposal with the owners present and requested deferral of this request pending further study. The Committee had therefore recommended that the case be deferred.

The Commission noted the request of the applicant and the recommendation of the Committee and unanimously

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

C14-61-107 Frank C. Barron: A to BB
Anderson La. and Gault St.

STAFF REPORT: The applicant proposes a triplex on two lots. The entire area is developed with single-family units and zoned "A" Residence. To the east is "C" Commercial undeveloped. In view of the fact that this would constitute a spot zone I would recommend against the zoning. Anderson Lane is proposed as a secondary thoroughfare and additional right-of-way would be needed.

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

Three nearby owners said they would oppose the change until they knew more about what is planned here. They would rather have the vacant lot than the uncertainty of what is going there.

The Zoning Committee reported that it had felt the request should not be granted to create a spot zone in a well developed residential area and had voted to recommend that the request be denied.

The applicant later filed a request to withdraw this application and it was

VOTED: To ACCEPT the withdrawal of this application as requested.

C14-61-109 Louis Laibovitz: C to C-1
Rio Grande and W. 29th Sts.

STAFF REPORT: The applicant proposes sale of beer in conjunction with a drive-in grocery to be built on this property. The area to the south and north of 29th Street is single-family, duplex and apartment development. Commercial development is along Guadalupe and across 29th Street is a laundrette and other commercial uses to the east. This case is somewhat on the borderline. The area is not well developed but adjoins a well developed area. Public Works and Traffic Departments have been concerned with traffic here (presented sketches showing recommendations from these departments). I recommend dedication of about 900 square feet of additional right-of-way for rounding the corner and if there is no dedication I would have to recommend against the change.

Mr. and Mrs. Laibovitz appeared in behalf of their request and stated the following:

1. The property is directly across the street from Rome Inn where on-premise sale of beer is permitted. The Friendly Tavern to the east at Guadalupe sells beer. We propose to erect a masonry building on the south lot for a Town and Country store and request off-premise consumption of beer only. No building will be on the corner lot.
2. We will get with the City on the proposed dedication of right-of-way. This was discussed with Mr. Ward in the Legal Department who said he would let me know when they are ready to proceed.

Written objection was received from W. C. and Della B. Schulle (2905-07 Rio Grande Street) for the reason that this would displease their tenants in three locations in this block.

The Committee reported that no recommendation had been made in view of the problems presented at this intersection and that the staff had been instructed to work with the Legal Department to see what can be worked out.

The Director reported to the Commission that Mr. Laibovitz had discussed the matter during the week with him and Mr. Fowler concerning the acquisition of property at the corner to permit a right-hand turn, and that Mr. Roger Tyler (attorney) has now entered this case and he feels there should be another hearing. Mr. Osborne stated that the City is interested in acquiring the right-of-way. The Commission then unanimously

VOTED: To recommend that the request of Mr. Laibovitz be DEFERRED and to instruct the staff to give notice for re-hearing before the Zoning Committee.

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C14-61-110 Jesse Leon McMillin and J. T. McMillin:

Tract 1: A to C, 1 to 2: Hancock Dr. and Crestmont Dr.

Tract 2: A to B, 1 to 2: 4904 Tyler St.

STAFF REPORT: This is a very irregular shaped tract of land, with residences backing up to it and Hancock Branch running through it. The surrounding area has been subdivided, leaving this tract at the dead-end of Tyler Street. If Tyler Street is extended, the tract could be developed only with lots on one side which would be very impractical. The land projects entirely into a residential area. Recognizing the difficulty of developing the property, I feel "B" Residence and First Height and Area would be desirable for the entire tract. "B" and Second would permit 187 regular units and 280 units under apartment hotel classification.

Mr. Robert C. Sneed (attorney) and Messrs. Richard Hooper and Ed. Horne (agents and purchasers) represented the applicants and presented the following information:

1. The property is under contract of sale to Messrs. Hooper and Horne who are in the real estate business in Austin. One of the basic problems is the use of Tyler Street and control of traffic as the property is developed. The property on Hancock is contiguous to commercial zoning and development and makes it most difficult to develop. An apartment hotel use as here proposed is the highest and best use. A 50-foot drive along Tyler to Hancock Drive would allow feeding of traffic. This is a 3-acre land-locked tract which otherwise cannot be developed. It would be in harmony with area development.
2. This plan is a gradation change. It proposes to build 76 units and have 88 off-street parking spaces along Hancock which is heavily traveled. If people do not park on this property they must walk a block. We would file a restrictive covenant that there can only be built 76 units which is below recommendations of the Director as far as density is concerned. (Mr. Fowler: As long as there is a covenant put in the deed it would work out all right.)
3. The U-Totem people would like a building on this property. This would be small commercial usage which follows a residential area.

Mrs. W. A. Dornwell (5003 Lynnwood) and Mr. Marvin Braswell appeared favoring the request, Mr. Braswell stating that Ken-Ray Corporation has purchased the property across the street and plans a medical center and offices. Three replies to notice were received approving the request.

After considerable discussion and study, the Commission concluded that Tract 1 should be zoned "C" Commercial and First Height and Area and Tract 2 "B" Residence and First Height and Area to limit the density, permitting 58 units on the rear and 53 on the front. It was therefore unanimously

VOTED: To recommend that the request of Jesse Leon and J.T. McMillin for a zoning plan change from "A" Residence and First Height and Area to "C" Commercial and Second Height and Area for Tract 1 and from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for Tract 2 be DENIED; but that the following zoning be established for these tracts:

Tract 1: "C" Commercial and First Height and Area

Tract 2: "B" Residence and First Height and Area

C14-61-111 Frank E. Montgomery: A to C
Rear 1708-1714 Manor Road

STAFF REPORT: The applicant proposes an apartment project. This is an interior tract with frontage on Manor Road, developed with a single-family dwelling. It projects about 378 feet into a residential area. There is no access to the north except by a trail winding up to Robinson. Manor Road is developed with commercial and residential uses. To the south is "C" Commercial and single-family dwellings. We feel that the number of units permitted would be excessive and recommend "B" Residence and First Height and Area which would permit 38 units on the present "A" Residence portion. "C" Commercial and First would permit 114 units, "B" Residence and Second about 76 units.

Mr. Trueman O'Quinn (attorney) and Mr. Frank Montgomery (applicant) appeared in support of this request and one reply to notice was received favoring the request. Statements presented by the applicants may be summarized as follows:

1. The applicant bought this property for apartment development. It will be an attractive place in shape of a square U. It is proposed to have 61 one- and two-bedroom units, and that is the reason for requesting "C" Commercial. We would file a restrictive covenant limiting the density to 61 units. We would use brick and red cedar, and the cost would be in excess of \$150,000.
2. The structure would be on the rear with access through the front property, with a one-way driveway around the building and off-street parking provided. The front property would be front yard, and parking and for ingress and egress. Occupants would not park on streets because the development is too far back on the property.
3. Manor Road affords a connection between Interregional Highway and Airport Boulevard. The property does not lend itself to single-family dwellings and is in an area logical for apartments because of access to town over adequate streets. The most logical development for the property is apartment because of depth. It is in an area which is developing rapidly with apartments and commercial. All occupants of apartments are not rowdy.

Three nearby owners appeared in opposition and written objections were filed by four owners. Reasons given were:

1. Commercial zoning will decrease the value of this low-priced rental property and increase taxes which are now satisfactory. It would also decrease the value of homes.
2. The applicant should purchase commercial property where it is already zoned and available. Conditions have not changed since Mr. Dunn requested a change and withdrew his application.
3. Most of the people have been here a long time and some are elderly. It would be a hardship for home owners to move. Apartments would create noise with cars. Traffic is already heavy on Manor Road to the new airport.

C14-61-111 Frank E. Montgomery--contd.

4. We would not object to several decent homes. Apartments would have occupants which are transient and disturb the neighborhood.

The Commission considered this land-locked area north of the present "C" Commercial zone and felt that apartment house development would be suitable for the land, but felt that the requested zone would permit overcrowding of the property and that "B" Residence and First Height and Area would be the most suitable zoning for the present "A" Residence portion. It was therefore

VOTED: To recommend that the request of Frank E. Montgomery for a change in the zoning plan from "A" Residence to "C" Commercial for property located at the rear of 1708-1714 Manor Road be DENIED; but that a "B" Residence and First Height and Area designation be established for the property which is now zoned "A" Residence.

AYE: Messrs. Baldridge, Barkley, Barrow and Spillmann

NAY: Mr. Lewis

ABSENT: Messrs. Brunson, Chriss and Kinser

C14-61-112 Mrs. Myrtle Vaughan and Joe F. Mokry: A to O
 3401 Glenview Ave., 1600-1606 W. 34th, 3400 Kerbey Lane

STAFF REPORT: The applicants propose future office use for the two lots. These lots and the area are single-family, nearest "O" Office being one block to the east and "LR" Local Retail on 35th. This would be spot zoning in an established residential area.

Mrs. Vaughan and Mr. Mokry appeared and stated that they have had opportunity to sell their property. They explained that the other end of this block is commercial and the whole block will probably become commercial, with the school across the street. They felt that this would not interfere with their neighbors.

Written objections were received from six adjacent owners for the following reasons:

1. Owners purchased homes because of the desirability of Bryker Woods as a quiet residential section. This change will detract from this value and encourage further commercial encroachment. This property is in the center of established residences.
2. There is considerable auto traffic on 34th Street with transporting children to and from school. There are no sidewalks in the 1600 block and children walk in the street. Business would increase the traffic and dangers.
3. There is considerable commercial area one block away at Jefferson and 35th Streets and another office area is not needed. There is too much business already.

C14-61-112 Mrs. Myrtle Vaughan and Joe F. Mokry--contd.

4. The subject property is now occupied with established residences.

The Commission felt that this request should not be granted since this would be spot zoning in a nice developed residential area and near the school. It was therefore unanimously

VOTED: To recommend that the request of Mrs. Myrtle Vaughan and Joe F. Mokry for a change of zoning from "A" Residence to "O" Office for property located at 3401 Glenview Avenue, 1600-1606 West 34th Street, and 3400 Kerbey Lane be DENIED.

C14-61-114 John F. Carruthers: B to O
 708 Rio Grande and 701-703 West 8th St.

STAFF REPORT: The applicant proposes an office use. The two lots adjoining on the south were included for hearing to tie this lot to an existing "O" Office zone. The area to the north is single-family homes and apartments. "O" Office zoning is to the south and east. I recommend the change to help an area which is developing in offices and to straighten out an error in zoning.

Mr. Carruthers presented the following information in support of his request:

1. When I bought this house built in 1915 I made a careful survey of what might be best possible use and found three possibilities: Refurbish the property to make it habitable as single-family dwelling, found redecorating required extensive rewiring for electrical service, that it is not the type of house preferred to day; to convert the property to a duplex with existing back on each floor, but would be difficult to rearrange the stairwell for individual access and egress, not much interest in residential property in this area; to convert the old building for office use including insurance agents, realtors, agencies connected with United Fund, private offices for investors, possible use for artist studio on second floor because of favorable northern exposure.
2. The economic life remaining in the building is 10 to 15 years and would be enhanced by office zoning. There are numerous other offices in the area. This would more nearly achieve the highest and best possible use of the land.

Replies to notice were received from five nearby owners favoring the request.

The Commission felt that the highest and best use for this property would be "O" Office because of the existing development in the area, and that the additional area should be changed also. Therefore, it was unanimously

VOTED: To recommend that the request of John F. Carruthers for a zoning plan change from "B" Residence to "O" Office for property located at 701-703 West 8th Street be GRANTED, and that the property located at 704-706 Rio Grande Street be included in the change.

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C14-61-115 Andrew Viscardi: C to C-1
West Lynn and W. 12th Sts.

STAFF REPORT: The applicant proposes the sale of beer and there is a question of the possibility of any off-street parking. This is a very small piece of property located among commercial buildings on West Lynn. The property zoned commercial for several blocks along West Lynn, with residences to the west. I would recommend against the change until some plan is presented to take care of off-street parking.

Mr. Viscardi stated that he proposes to demolish the present buildings where a ceramic shop and washateria are now located, but they are outmoded and need to be replaced. He said he would have a small building similar to a 7-Eleven or U-Totem store for a drycleaning business and grocery store with beer for off-premise consumption. He would provide off-street parking.

Eileen Hunter (1609 Waterston) appeared but stated no opinion. One reply to notice was received opposing the request for the reason that there are other places available in the area where beer can be bought without downgrading other property.

Some members felt that the request should be granted based on the applicant's statement that he would demolish the present building and erect a new one with off-street parking, and because the site is in the midst of a commercial area. Mr. Barrow was opposed because of the 30-foot street on the south and he felt that the property is inadequate for this use. The Commission then

VOTED: To recommend that the request of Andrew Viscardi for a change in the zoning plan from "C" Commercial to "C-1" Commercial for property located at the northwest corner of West 12th and West Lynn Streets be GRANTED.

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

C14-61-116 Andrew Viscardi: A to B
706 (704) West 9th St.

STAFF REPORT: The applicant proposes a real estate and insurance sales office. Additional property was included in the hearing to fill in this half block. "B" Residence and "O" Office uses are spotted through the area and the entire area probably should be changed to "O" Office. I would recommend the change as part of the comprehensive zoning plan.

Mr. Viscardi stated that he plans to add a new front on the present building and provide off-street parking in the rear next to a paved alley. He would have about 80 feet of rear yard for parking. Mr. F. E. Homeyer (1000 West Avenue) appeared favoring the request.

C14-61-116 Andrew Viscardi--contd.

The Commission felt that this would be a logical extension of the "O" Office zoning because of changes which have been made in the area. It was therefore unanimously

VOTED: To recommend that the request of Andrew Viscardi for a change of zoning from "B" Residence to "O" Office for property located at 706 (704) West 9th Street be GRANTED; and that the property located at 903 West Avenue be included in the change.

C14-61-117 Edna L. Lott: A to B
2307 Longview Street

STAFF REPORT: There is a duplex on this lot and an additional unit is proposed. Two lots were included for hearing purposes to join this property to an existing "O" Office zone. The area has some single-family and some duplex development but has been retained as "A" Residence. The area to the east has a number of apartment and rooming house uses. I would recommend against changing the zoning on Longview Street as a spot zone in a residential area.

Mrs. A. W. Summers (agent and purchaser) represented the applicant and explained that Mrs. Lott wanted to sell her property and she wanted the property if another unit could be added. She said the garage on the rear needs replacing and it could be replaced with a unit with parking underneath. (The Director explained that a separate building would not be permitted under the proposed zoning.)

Mr. R. Maurice Edens (3003 Oak Park Drive) appeared favoring the request.

Four nearby owners appeared in opposition and written objections were filed by nine owners for the following reasons:

1. This is a small center of quiet Class A homes built under deed restrictions, including the subject property but not corner lots on 24th. We do not want a boarding or rooming house. There are now only two apartments in this area. There is no house between 22 $\frac{1}{2}$ and 24th old enough to be considered for replacement. The area is not ready for "B" Residence and there are still many carefully kept homes in this area.
2. Owners of the subject property have had financial advantage of overcrowding conditions for 20 years and this will permit further exploitation.
3. "B" Residence presents parking problems and reduction in value of homes. Existing rooming houses create a problem and a hazard. The proposed use would bring more confusion and noise. Traffic was increased by opening Longview into 24th and parking already is a problem.
4. We have no assurance that the proposed use will be established or kept; it could be changed to another use.

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C14-61-117 Edna L. Lott--contd.

The Commission reviewed the uses in the neighborhood and the street pattern. It was felt that the present 45-foot street was not of sufficient width to serve additional people in this area and that the proposed change would be spot zoning and an encroachment into a residential area. It was therefore unanimously

VOTED: To recommend that the request of Mrs. Edna L. Lott for a zoning plan change from "A" Residence to "B" Residence for property located at 2307 Longview Street be DENIED.

C14-61-118 Francis Karber: C to C-2
8300 North Lamar Blvd.

STAFF REPORT: This is a very small tract of land for a retail package store. The balance of the tract has a trailer park, service station and cafe, and a lumber yard to the south. The adjoining tract on the south is now "C-1". The area is commercial or industrial and this will conform with the Commission policy.

Dorothy Croom (agent) and Mrs. Karber appeared at the hearing and said the applicant proposes to erect a new front on the present masonry building which is located about 75 feet from the Highway, including the curb area. This is for the operation of a package store.

The Commission felt that this request conforms to the policy of the Commission since the property is located in a developed commercial area. Therefore, it was unanimously

VOTED: To recommend that the request of Francis Karber for a change in the zoning plan from "C" Commercial to "C-2" Commercial for property located at 8300 North Lamar Boulevard be GRANTED.

C14-61-119 Walter Carrington: B to O
805-809 West 10th Street

STAFF REPORT: The site at the present time has an apartment on the west portion but is partially undeveloped. There are professional offices in the area and apartments across 10th Street at West Avenue, with an undeveloped City of Austin tract adjoining on the southwest. The biggest problem is the width of 10th Street which is 35 feet and the Shoal Creek Bridge width of 18 feet. The City does have proposed widening of the street and bridge in the 1965 program. I would recommend against the change on the basis of spot zoning and the narrow street.

Mr. Richard Baker (agent) represented the applicant in his request and was joined by Mr. F. E. Homeyer (1000 West Avenue) who favored the change. Replies to notice were received from Mrs. Elizabeth Jones (819 West 10th Street) and Mr. C. T. Uselton (823 West 11th Street) also favoring the change. Statements presented may be summarized as follows:

C14-61-119 Walter Carrington--contd.

1. Mr. Carrington recently acquired this 4-unit apartment and in line with Quality Conditioning program has decided to convert apartments into professional offices. The property is more suitable for offices due to closeness to downtown Austin and expansion of offices along Rio Grande, West Avenue and Lamar Boulevard.
2. We have had an architectural firm study the structure and surrounding area. Four parking spaces are provided in front and a proposal is to remove an existing carport to provide eleven spaces, more than sufficient to accommodate traffic increased by rezoning to "O" Office. Some vacant area could in the future be used as parking if needed. The Quality Conditioning program also includes considerable remodeling of interior room arrangements, re-landscaping, and general face-lifting of structure.
3. This property is in a hole with houses higher on the east and west. Evidently it has not been profitable for apartment rental. Under present zoning they could erect 13 apartments; "O" would permit 12 office units.
4. It is very possible that the right-of-way problem could be worked out to widen the street. (Mr. Fowler: I have been considering the street and wondering what could be done; there is a possibility of attempting to take 30 feet on the south to make 60 feet and to get 44 feet of paving. It should come off the south side to prevent a jog at West Avenue.) If widening is done on the south side it would necessitate the erection of a new building. It is possible that this would cause all houses on the south side to be moved, even with 15 feet of additional right-of-way.

The Committee chairman reported that this request was referred to the Commission without a recommendation pending further study by the Legal Department as to widening 10th Street.

The Director presented the following additional information to the Commission:

1. It appears that an arrangement for taking a portion of the lots on the south side of 10th Street for widening the street is not feasible. I think it will eventually be necessary for the City to acquire additional property to widen this street which is a key street in the Development Plan, being proposed as a one-way street west and 9th Street one-way east to serve the Central Business District. It is not practical to widen on the north side because of the bluff and because of the alignment at West Avenue. Our concern is not so much the future desirability of the zoning and land use category but how these things work together in a comprehensive plan. The City has a basic street plan for this area but it is not economically feasible for the City to carry it out at this time. The plan would involve the street width as well as the zoning and I would be very much encouraged in recommending "O" zoning if the street were adequate in width.

C14-61-119 Walter Carrington--contd.

2. I do not have a firm recommendation on the street at this time but any use but residential would increase the traffic and I would recommend that the zoning change be denied because of inadequacy of the street at this time.

Mr. Fowler said he had discussed the street widening with a representative of Mr. Carrington and has found that, in spite of the fact that Mr. Carrington and Mr. Baker agreed to cooperate with the City in any way, it turned out that it would be impossible to carry out the widening. He called attention to the sharp slope in this street at this location.

Mr. Carrington and Mr. Baker presented the following information:

1. We have tried to work out the right-of-way necessary to widen 10th Street and are still working on one possibility, but the existing duplex on the corner would present difficulty. The other houses are so located that the widening could be worked out. Mr. Carrington is willing to enter into a contract with the City and will sell the right-of-way up to 25 feet when necessary on the basis of what is paid for the other property needed. One other frame house would have to be moved.
2. This has proved uneconomical in the past as an apartment house and is in bad condition. We propose to have eight offices. The basic traffic load on 10th Street is from 8:00 to 8:30 a.m. and at other hours there is not much traffic. The bulk of traffic created by the office uses would be when the street is traveled somewhat lightly. Improvement of the property would improve the entire area. Properties on Lamar, 12th Street and West Avenue and in the surrounding area have been zoned "O" Office. This property is close enough to the downtown area to be a convenience and far enough out not to create a traffic problem.
3. Adequate off-street parking can be provided, with a driveway in and one out of the property. Cars would not back out into the street. There would be sufficient space between the carport and the building to provide for about ten cars without backing out into the street. The street will be paved only an extra 20 feet if it is widened and the easement area would provide a turn-around area for the cars. At the present time cars back directly out. While the street is narrow we feel that with off-street parking it might not create as great a traffic hazard as people living in apartment houses.

Mr. Fowler said he still hopes he will be able to work out a plan for widening 10th Street within the next two weeks.

Some members of the Commission felt that, although recognizing the problem of the narrow street and traffic problems, this property should be "O" Office, with the understanding that the applicant has agreed to dedicate 12 feet and will sell to the City the other 12½ feet based on the values of

C14-61-119 Walter Carrington--contd.

other property at that time. Mr. Barrow noted that this is a spot zone and that he would not vote for it unless the other area were zoned "O" Office. He thought it would be unsound to open up this area for office uses in the condition the street is now in and with this property separated from other "O" zoning. He said he is thinking of the proper use of the land and not the use proposed. The Commission then

VOTED: To recommend that the request of Walter Carrington for a change of zoning from "B" Residence to "O" Office for property located at 805-809 West 10th Street be GRANTED since the applicant has agreed to dedicate 12 feet of right-of-way and to sell to the City the other $12\frac{1}{2}$ feet based on the values of other property at the time the street is widened.

AYE: Messrs. Baldridge, Barkley and Lewis

NAY: Messrs. Barrow and Spillmann

ABSENT: Messrs. Brunson, Chriss and Kinser

C14-61-120 St. John's Corp. (owner): C to C-2

Edwin Brown (purchaser)

6501-6503 Airport Blvd.

STAFF REPORT: This is a proposal for operation of a liquor package store within a proposed larger store. There is no other development within the immediate area but a developing residential area to the north. The only question is the dedication and development of a street along the property on the east side and that is being prepared for dedication. In view of this I would recommend the change.

Mr. H. W. Curington (Marvin Turner Engineers, agent) appeared but offered no statements in addition to the staff report.

The Commission concluded that since this would be a use within a larger building and the area has been confined to that needed for the package store the request should be granted. It was therefore unanimously

VOTED: To recommend that the request of St. John's Corporation (owner) and Edwin Brown (purchaser) for a zoning plan change from "C" Commercial to "C-2" Commercial for property located at 6501-6503 Airport Boulevard be GRANTED.

C14-61-121 Tom Moses Attal: A to C-2

E. 11th, Lydia and Juniper Sts.

STAFF REPORT: This application is for extension of "C-2" zoning north to Juniper Street to permit beer for on-premise consumption. The front portion of this lot is zoned "C-2" next to 11th Street, the rear portion zoned "A" Residence. Development along 11th Street is commercial with "C-2" uses,

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C14-61-121 Tom Moses Attal--contd.

development on Juniper Street is residential with mostly single-family homes. The Urban Renewal Department does not think this would be proper zoning. In view of this extending back into a residential area I would recommend against the change.

Mr. Robert C. Sneed (attorney) represented the applicant and stated the following: I agree that there is a problem of what the depth of "C-2" should be but the zoning line divides this lot and the existing structure. The tremendous amount of "C-2" uses on 11th Street do not provide parking. Extension of zoning would permit parking on the property and take it from the streets. This will benefit the entire area.

Two replies to notice were received opposing the request for the reason that a higher taxation will result or the opening of a bar will be a nuisance.

The Commission took note of the fact that the south half of the lot is already C-2" Commercial and that the "C-2" use cannot be extended to the other portion of the lot under the present zoning. It was concluded that this would permit provision of better parking facilities and would be in keeping with the present development and zoning. Therefore, it was unanimously

VOTED: To recommend that the request of Tom Moses Attal for a change in the zoning plan from "A" Residence and "C-2" Commercial to "C-2" Commercial for property located on the west side of Lydia Street between 11th and Juniper Streets be GRANTED.

C14-61-122 Tom Moses Attal: C-1 to C-2
1023-1025 Barton Springs Rd.

STAFF REPORT: Sale of beer for on-premise consumption is proposed. This is adjacent to a drive-in grocery selling beer. There are other commercial uses and "C 2" zones in the area. There is a question as to whether or not establishment of a tavern adjacent to a single-family residential area to the south is proper. There is City-owned property across Barton Springs Road on which there is Naval Reserve Headquarters and Disch Field. The staff has no recommendation at this time.

Mr. Robert C. Sneed (attorney) appeared for the applicant and presented the following:

1. The present building is divided into two units. The east portion is occupied by an accountant, the west portion was occupied by a laundry. We propose a business for the sale of food and beer for on-premise consumption by the tenant.
2. The 7-Eleven store next door is zoned "C-2" and there are other "C-2" uses in the area. This property is separated from a residential area by the bluff and is below residences.

CP14-61-122 Tom Moses Attal--contd.

3. If the existing parking area is insufficient additional spaces may be provided on the other portion. Present parking is the same as 7-Eleven which takes 30 cars.

One person appeared in opposition and two written objections were filed for the reason that there is a nice quiet residential area to the south which would be disturbed by a beer joint and there are young children on errands who pass this place and this use would not be to their best interests.

The Commission noted the presence of the residential area but also considered the topography and other uses in this area along Barton Springs Road. It was concluded that this would be a logical extension of the existing zoning and would conform to the policy of the Commission. Therefore, it was unanimously

VOTED: To recommend that the request of Tom Moses Attal for a change of zoning from "C-1" Commercial to "C-2" Commercial for property located at 1023-1025 Barton Springs Road be GRANTED.

SPECIAL PERMIT

CP14-61-9 Continental Oil Company: Gasoline Filling Station
E. 32nd and Red River Sts.

STAFF REPORT: This is identical to the plan we had recently, the only minor change concerning the setback from 32nd Street which would be in violation of the Zoning Ordinance. The basic problem is whether or not this is proper to permit "LR" or commercial use in an "O" Office zone. The area to the west is residential, apartments across the street, a commercial corner across Red River. Since it is adjoining a residential area and in a developing "O" Office District I would recommend against the permit.

Mr. Raymond Ramsey (agent) appeared for the applicant and presented the following information:

1. Because of a tie vote of the Commission at the last meeting the permit was denied. I was out of town until the deadline for filing an appeal to the City Council and found it necessary to re-file for consideration by the Commission.
2. The canopy will set back to conform to the Ordinance. There will be only a small entrance on 32nd Street. We will have a setback of 80 feet from 32nd, making it further from the Downing property across 32nd than Texaco on the opposite corner.
3. Clearing the lot and setting the building back will clear the corner and provide better sight.

Mr. Patrick H. Downing and Mrs. Anna Mae Ford (nearby owners) appeared in opposition and written objection was filed by Mr. W. E. Lewis (812 East 32nd Street). Reasons given were:

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CP14-61-9 Continental Oil Company--contd.

1. There are enough filling stations in the area. We are opposed to noise and operation of a station across Red River but that street is wider and a new station would be closer to the Downing property.
2. There is a great amount of traffic on 32nd Street because of St. David's Hospital and the commercial center. A filling station here would create more traffic. Many small school children use this corner as a passage-way nine months during the year. We do not need filling station here.
3. Many objections presented in the past still hold. Now pending before the City Council is a request of an owner adjoining this for a change to commercial on his property.

A majority of the Commission felt that this should be granted since it is adjoining and near commercial and apartment house development and the character of property on Red River is changing in this section. They felt that the site plan appears to be a good plan. Mr. Osborne said the plan meets the basic requirements of the Zoning Ordinance except for the setback from Red River Street. Mr. Barrow noted that the Commission had recommended against "LR" Local Retail and for "O" Office zoning and he does not feel this property is adaptable to commercial zoning. The Commission then

VOTED: To APPROVE the site plan subject to the following condition and to authorize the Chairman to sign the necessary resolution issuing the Special Permit.

1. A 25-foot setback from Red River Street for the canopy.

AYE: Messrs. Barkley, Lewis and Spillmann

NAY: Messrs. Baldrige and Barrow

ABSENT: Messrs. Brunson, Chriss and Kinser

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of August 7, 1961. The staff reported that no appeals had been filed for review of the Committee's action but that 2 cases had been referred to the Commission without action on:

C8-61-11 Walnut Bend

C8-61-23 Resub. Lots 3 & 3A, Martinshaw Sub.

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of August 7, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-61-11 Walnut Bend

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

The staff presented a revised plan of this subdivision which had been presented to the Department. It was reported by the staff that this plan apparently conforms with the intention of the Planning Commission in approving the previous plan but it has not been distributed to other City departments and it was requested that no action be taken until the plan has been reviewed with the other departments. The Committee therefore

VOTED: To refer this revised plan of WALNUT BEND to the Planning Commission pending distribution and review by the staff with other City departments.

The Commission considered the REFERRAL of this subdivision. Mr. Stevens explained that the case was referred to the Commission because reports had not been received from other City departments at the time of the Committee meeting.

The Director referred to a letter from the Water and Sewer Department stating the following:

1. This department has not completed detailed study of the revised plat and defers final comment until study is completed. However, the following items will require changes.
 - (a) Water easement along 20" existing water line should be changed from 15' to 30' in width and restricted to prohibit construction of improvements within the easement.
 - (b) Add a 30' water line easement along the lot line between Lots 16 and 17, Block "N" and restricted as for 20" water line easement.
2. Comments submitted in memo returned on original preliminary plat concerning availability of water and sewer service still are applicable.

The staff explained that the easement required under (b) would provide access back to the existing water line. Mr. Curington said access can be gained from either end but the Director said access will be needed at the center also.

With regard to paragraph 2, Mr. Stevens explained that this proposed subdivision is in Water District No. 5; will require sewer and water extensions necessitating annexation of the subdivision as the City cannot extend water and sewer facilities outside the City except extension of water through the District. As this property is in Water District 5 and agreement must be reached between the Water District and the City as to who will serve the subdivision. He said that this must be accomplished before any final plat is approved. In regard to the sanitary sewer service for the area, Mr. Stevens reported that Mr. Nicholson stated that only 25 lots can be connected to the present sewer facilities utilizing the present lift station. The plan

C8-61-11 Walnut Bend--contd.

was then recommended for approval subject to these items and notations. Mr. Osborne said that he would like, prior to filing any section of the final, for the Engineer to submit a plan showing how these final sections will be brought in and in what order.

The Commission then

VOTED: To APPROVE the plan of WALNUT BEND (Revised) subject to the following conditions:

1. Change of the water easement along the 20" existing water line from 15 feet to 30 feet in width and restriction to prohibit construction of improvements within the easement,
2. Addition of a 30-foot water line easement along the lot line between Lots 16 and 17, Block "N" and restricted as for the 20" water line easement, and
3. Compliance with departmental requirements.

C8-61-22 Cary Sub. Lots 5 & 6, Blk. 3, Hartkopf Sub.
S. 3rd St. E. of Bergstrom Spur

The staff reported that the subdivider is providing four lots fronting on South 3rd Street and leaving a large tract at the rear because of limited access on Vinson Drive, and that the first final plat will include only the four lots on South 3rd Street. It was further reported that a right-of-way of 70 feet should be provided for Vinson Drive and the subdivider has shown two lines on the proposed east line which need to be identified. Mr. Stevens stated that the subdivider is aware of the fact that there will be a thoroughfare here and that was his reason for leaving the rear in one tract, and that his earlier comment was that he would give the necessary right-of-way. The Committee then

VOTED: To APPROVE the plan of CARY SUB. LOTS 5 & 6, BLK. 3, HARTKOPF SUB. subject to the following conditions:

1. Identification of the two lines on the east line of the proposed extension of Vinson Drive and dedication on the plat of the necessary right-of-way for making Vinson Drive a 70-foot street, and
2. Compliance with departmental requirements.

C8-61-23 Martinshaw Sub., Resub. Lots 3 & 3A
Shaw La. S. of Burleson Rd.

The staff reported that Stassney Lane is proposed as a primary thoroughfare through this area and it can be continued in several different locations because of the lack of any topographic problems. It was noted

C8-61-23 Martinshaw Sub., Resub. Lots 3 & 3A--contd.

that the thoroughfare could be located with a portion on the submitted property and the remaining right-of-way on the 21-acre tract to the south which is the same size as this proposed subdivision. It was felt that an alignment of this thoroughfare should be determined since this is the first subdivision in the area and would set a pattern for other development and that the adjacent property owners should be considered before any definite decision is reached. Mr. Claude Bush (engineer) said there is no terrain problem that would keep the thoroughfare from being shifted and he could discuss this with the other owners.

Mr. Kinser considered this to be the key to the whole situation and that one error now would affect the entire thoroughfare as shown on the Development Plan. He suggested the possibility of considering this with the County and possibly with the State Highway Department. Mr. Osborne said he felt the City could have a plan worked up in about one month and that this is a matter of locating the thoroughfare with consideration of ownership problems. More information is needed as to the concern or lack of concern of adjacent owners.

In response to a question regarding the participation of the City in developing the thoroughfare, the Director explained that this is in the County and the City is not involved. He noted that this is an urban subdivision where paved streets are required and is indicative of more intensive subdivision in the area.

In view of the need for further information on this subdivision in relation to the proposed thoroughfare, the Committee

VOTED: To refer this subdivision to the Planning Commission pending further information to be furnished both by the Planning Department as to the possible location of the thoroughfare and by the engineer and owner as to the cooperation of the adjacent land owners.

The Commission considered the REFERRAL of this subdivision. The Director explained that further study shows that the proposed thoroughfare will be located on or below the south line of this subdivision according to tentative plans and that the location could be adjusted with 500 feet.

The staff called attention to information in the Water and Sewer Department report to the effect that no sewer is available at this time; the west part of the subdivision is outside of the water district and must be annexed to the district before it can be served with water. Mr. Pearce Johnson said Mr. Rundell had told him the entire property was in the water district. Attention was also called to a note by the Storm Sewer Division that existing pipes in Shaw Lane are insufficient for urban development requirements.

The following comments and recommendations were made by the Planning Department:

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C8-61-23 Martinshaw Sub., Resub. Lots 3 and 3A--contd.

1. The depth of the lots between the south property line and Hiller Street should be increased to 140 feet. This will provide for the proposed primary thoroughfare which has been recommended by the Department to be located adjoining this tract.
2. Five feet of additional right-of-way should be provided for Shaw Lane off of the east side of the tract.

The Commission then

VOTED: To APPROVE the plan of MARTINSHAW SUBDIVISION, RESUB. LOTS 3 AND 3A, subject to the following conditions:

1. Increase of the depth of lots between the south property line and Hiller Street to 140 feet,
2. Provision of 5 feet of additional right-of-way for Shaw Lane off of the east side of the tract, and
3. Compliance with departmental requirements.

SHORT FORM PLATS - FILED

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

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

C8s-61-94 Rockway Sub.
Rockmoor Ave. and Meredith
C8s-61-99 Gladys Addition
Gunter St. and Munson St.

C8s-61-102 Windsor Park, Sec. 3-A
Broadmoor Ave.

The staff reported that the subdivider had signed out for the tracing of this subdivision to take it to the individual departments for approval but has not returned the tracing. For this reason it was recommended that the plat not be accepted for filing. The Committee therefore

VOTED: To REJECT for filing the plat of WINDSOR PARK, SEC. 3-A.

SHORT FORM PLATS - CONSIDERED

C8s-61-79 John T. Patterson Addn.
Old 19th and Cliff Sts.

It was reported by the staff that this subdivision proposes making two lots out of four, with a house existing on proposed Lot 1 and development proposed on Lot 2 with access from Old 19th Street which is at present undeveloped. The splitting off of Lot 1 cuts off all usable access to a developed street because of the topography, the two lots being separated by a cliff. It was further reported that a zoning change is now pending on Lot 2 which would depend on access from Old 19th Street and the Director of Public Works has said the owner would probably have to open this street at his own expense.

Attention was called to a plan by the City for an overhead structure, using Old 19th Street to cross Lamar Boulevard, and if this is done and no access is available from Old 19th Street the owner would have to provide access from Cliff Street. Mr. Kinser noted that the property must be subdivided if it is to be used more intensely since there is no way to get into Cliff Street because of the bluff. The Committee felt that the burden of opening Old 19th Street should be on the owner rather than on the City. It was then

VOTED: To APPROVE this plat of JOHN T. PATTERSON ADDITION.

C8s-61-84 Delwood 4 East Resub.
Northridge Drive

The staff reported that this plat has been accepted for filing but that all departmental reports have not been received. The Committee therefore

VOTED: To DISAPPROVE the plat of DELWOOD 4 EAST RESUB. pending receipt of all necessary departmental reports.

C8s-61-95 Reservoir Heights
Payne Ave. and Wild St.

It was reported by the staff that this is one tract of land, the rear portion having been sold off by metes and bounds by the original owner, and that there now are actually two owners and one proposes to subdivide the west portion into five lots, leaving the east portion with a frontage of only 24.58 feet on Payne Avenue. It was further reported that there are three structures on the east portion and the owner of the east portion has retained access to Payne Avenue.

Mr. Melvin L. Englehardt (owner of the west portion) said he proposes to erect five GI homes on the proposed lots and if he would try to buy an additional 25.58 feet it would be so high that it would raise the cost of these two lots so much that he could not develop them. He said the owner of this tract has two houses back of the beer business on Lamar.

C8s-61-95 Reservoir Heights--contd.

The staff reported receipt of a letter from the engineer requesting a variance on behalf of the owner of the east tract to permit the frontage on Payne Avenue to be less than 50 feet since the tract really fronts on Lamar Boulevard and its principal use fronts on Lamar Boulevard. Mr. Jeryl Hart (engineer) stated that since both lots are less than three acres in area both owners were required to join in the subdivision.

Mr. Stevens advised that the owner of the east tract will need to ask for a zoning change before he can use the access to Payne Avenue for a commercial use.

The Committee felt that the variance in street frontage would be justified because of the existing conditions. It was therefore

VOTED: To APPROVE the plat of RESERVOIR HEIGHTS and to grant a variance from the Subdivision Ordinance on street frontage requirements.

C8s-61-96 Duval Heights, Resub. Lots 41 & 42
Interregional Hwy. and Reinli St.

The staff reported that a Texaco Station is located on Lot 1 and Ramada Inn on Lot 3, and the only problem is that a tax certificate has not been filed on Lot 3. Mr. Watt Schieffer explained that Ramada Inn is contesting the City taxes and this case will probably be settled soon. He said if the taxes are not paid by Ramada Inn, it is his obligation to pay them and he would assure the Committee that they would be paid.

The Committee then

VOTED: To APPROVE the plat of DUVAL HEIGHTS, RESUB. LOTS 41 & 42, and to grant a variance from the Subdivision Ordinance on tax certificate requirements for Lot 3.

ADMINISTRATIVE APPROVAL

The staff reported that 8 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-61-86 Alamo Heights, Sec. 1, Resub. Lots 5, 6, 9, 10
S. 1st St. S. of Philco Dr.
C8s-61-91 Westfield "A", Resub. Lot 2, Blk. 9
Enfield Rd.
C8s-61-92 Bluffdwellers Sub.
W. 10th St. E. of Possum Trot

Administrative Approval--contd.

C8s-61-97 Elm Grove Addn., Resub. Lots 11 & 12, Blk. 3
Lambie St. and Waller St.

C8s-61-98 Del Curto Sub. of Delcrest Sub.
U. S. 290 and Del Curto Rd.

C8s-61-100 Allandale North, Sec. 1, Resub. Lots 24-27, Blk. C
Pompton Dr. and Mullen Dr.

C8s-61-101 South Lund South, Resub. Lots 5 & 6, Blk. C
Spillman St. and Falts Ave.

C8s-61-103 Delwood 3, Resub. Lot 3, Blk. C
Maplewood Ave.

SUBDIVISION PLATS - FILED

C8-61-12 Highland Medical Center
Hancock Drive

The staff reported that the subdivider is proposing a setback of $7\frac{1}{2}$ feet instead of 25 feet as required by the Zoning Ordinance for Lots 1 through 8 because of the nature of the subdivision. A variance to permit this will need to be made by the Board of Adjustment. It was further reported that restrictions should be placed on the plat that there will be no building but only parking on Lot 10 which was designed to provide all parking for Lots 1-8 but not for Lot 9 and the engineer agreed to this restriction. The Commission felt that the $7\frac{1}{2}$ -foot setback would be justified for this subdivision and should be recommended and took note that the Board of Adjustment would consider any requests for a variance from the Zoning Ordinance. It was then

VOTED: To ACCEPT FOR FILING the plat of HIGHLAND MEDICAL CENTER and to recommend a variance in the setback requirements to permit the proposed $7\frac{1}{2}$ feet for Lots 1 through 8, and to request the engineer to place the following restrictions on the final plat when it is presented for consideration:

1. Lot 10 is restricted to use for off-street parking for patients and customers of the owners of Lots 1-8.
2. Violation of this restriction may be enforced by any owner or owners of Lots 1-8, by the Subdivider, his heirs, or assigns, or by the City of Austin.
3. Conveyance of Lots 1-8 of this Addition shall carry with them a $\frac{1}{8}$ undivided interest in Lot 10 which is restricted to use for off-street parking for such lots. Any conveyance of one of such lots shall be presumed to carry with it title to an undivided $\frac{1}{8}$ interest in such Lot No. 10.
4. This restriction, if violated shall be enforceable by any owner of Lots 1-8, the subdivider, his heirs or assigns, or the City of Austin.

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

5. The off-street parking area, Lot 10, shall not be for the benefit of the owner of Lot No. 9.
6. These restrictions shall be covenants running with the land.

C8-61-14 Northtowne, Sec. 3
Steck Ave. and Rockwood La.

The staff reported that certain technical data required has not been shown on the plat but the engineer from Dallas will be in next week and complete the details. The Commission then

VOTED: To ACCEPT for filing the plat of NORTHTOWNE, SEC. 3.

C8-61-17 Windsor Park Hills, Sec. 1
Rogge La. E. of Manor Rd.

It was reported by the staff that the location of the existing gas line and easement should be determined and lots in Blocks D and E will be affected by this line and easement and may have to be re-arranged. The subdivider has switched the frontage of these lots on the revised plat. Attention was called to a letter from the United Gas Pipe Line Company advising that this Company acquired an easement covering a portion of this property and they find that a portion of this plat is objectionable in that it does not designate this 50-foot pipe line right-of-way or the 12' high pressure gas pipe line which they operate across Lots 1, 2, 3 and 4, Block D, and Lot 15, Block E. It was suggested in the letter that the location of the pipe line be designated on the plat as notice to third parties of the existence of this easement and the pipe line. Mr. H. W. Curington (engineer) said there had been discussion between the Marvin Turner Engineers and the United Gas Pipe Line Company to see if the easement can be reduced to 30 feet.

The Commission took notice of this situation and

VOTED: To ACCEPT FOR FILING the plat of WINDSOR PARK HILLS, SEC. 1.

C8-61-25 Brinwood, Sec. 2
Frederick St. W. of S. Congress

The staff called attention to the length of the cul-de-sac which exceeds the maximum length of 400 feet permitted in the Subdivision Ordinance, and to the fact that some existing streets in Brackenridge Heights (of which this subdivision is a part) need to be vacated. The Director reported that all City departments have approved the vacation of all the old streets. The Commission then

VOTED: To ACCEPT FOR FILING the plat of BRINWOOD, SEC. 2, and to grant a variance from the Subdivision Ordinance on the length of the cul-de-sac.

C8-61-25 Brinwood, Sec. 2--contd.

It was further

VOTED: To recommend the vacation of that portion of Jones Avenue in this Subdivision (C10-61-1-k).

SUBDIVISION PLATS - CONSIDERED

C8-60-21 Colonial Hills, Sec. 3 (Revised)
Wheless La. E. and Berkman Dr.

The staff reported that all departmental reports have not been received and recommended that the plat be disapproved pending receipt of these reports since the plat has previously been accepted for filing. The Commission therefore

VOTED: To DISAPPROVE the plat of COLONIAL HILLS, SEC. 3 (Revised) pending receipt of all necessary departmental reports.

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

This plat was reported by the staff as having satisfied all the standards of the Subdivision Ordinance and was recommended for final approval. The Commission therefore

VOTED: To APPROVE the plat of CHARLES STREET ADDITION.

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following plats:

C8s-61-84 Delwood 4 East, Sec. 4, Resub.
Northridge Drive
C8s-61-87 Julia B. Clark Resub.
Cotten St. and San Bernard
C8s-61-99 Gladys Addition
Gunter and Munson Sts.

C8s-61-88 Ridgetop Gardens, Re-Resub. Lots 3 & 4
East 52nd St.

The staff reported that the subdivider is dividing three lots into two lots, and that the City would like to have an avigation easement over this property. The Commission then

VOTED: To DISAPPROVE the plat of RIDGETOP GARDENS, RE-RESUB. LOTS 3 & 4 pending acquisition of an avigation easement over this property.

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C8s-61-93 Outlot 56, Div. B, Resub. Lot 2, Blk. 4
Hackberry and Comal Sts.

The staff reviewed action of the Commission denying a similar subdivision of this property in 1960, and reported that taxes have not been paid, a memo from the Storm Sewer Division notes that the plat does not follow the Kealing Urban Renewal project development plan and an additional storm sewer is required for development of the Kealing Project in this area, and that the subdivision does not meet the requirements of the Subdivision or Zoning Ordinances. Because of lack of a quorum, the Commission

VOTED: To DEFER action on this subdivision pending presence of a quorum of the Commission.

AYE: Messrs. Barkley, Barrow, Lewis and Spillmann

ABSENT: Messrs. Baldridge, Brunson, Chriss and Kinser

ADMINISTRATIVE APPROVAL

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

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

C8s-61-104 Cooper-Dean Sub.
 Farley Dr. and Georgian Dr.
C8s-61-105 Joshua West Sub.
 Webberville Rd.

OTHER BUSINESS

C10-61-1(j) ALLEY VACATION
 Duval St. Alley bet. Bruning Ave. & E. 51st (Kelsey) St.

The staff presented a written request of abutting owners for the vacation of that portion of Duval Street Alley between Bruning Avenue and East 11st (Kelsey) Street. Mr. Walter Wendlandt explained that Mr. Darter proposes to develop this property as a drive-in restaurant which will cover this triangular tract. The Director stated that he did not make a recommendation on the vacation of this alley because of a technical point. The Commission then

VOTED: To recommend that the portion of Duval Street Alley between Bruning Avenue and East 51st (Kelsey) Street be vacated subject to the City retaining the necessary easements.

R809 SUBDIVISION CONTACTS AND INQUIRIES
S. 1st St. and Radam La.

Mr. Stevens reviewed the Commission's previous discussion of this matter on June 20, 1961, and reported that Mr. Winkley had dropped the proposal to subdivide but that Mr. Reed (who owns the interior tract) and Mr. Neal (owner of the corner property) have agreed to join together in subdividing. He explained that Mr. Neal has agreed to give 10 feet for the widening of Radam Lane but is not willing to pay the taxes he owes for five years and is requesting that the Commission consider granting a variance from the tax certificate requirements. The Commission discussed the requested variance and Mr. Fowler explained the powers of the Commission to grant variances. The Commission then confirmed its former decision which was to favor approval of the subdivision for the interior tract but not to grant a variance on the tax certificate requirements.

R730 BERKMAN TRACT

The Director reported that the City Council is considering the sale of that portion of the Berkman Tract except the park area, being the area north of a proposed street through the tract. He said the Recreation Department feels they do not need the additional area of 60 acres for the park since the present park meets the standards set up in the Development Plan and Mr. Sheffield thinks he has sufficient area here for development of a District Park. He said two questions which should be considered are whether or not it should be sold and under what basic conditions it should be sold. He explained that the proposed street crossing the area is needed.

The Commission discussed this matter and the possible development of the property if it is sold in view of the surrounding single-family development and protection for this development. Mr. Fowler suggested consideration of the proper use and what the land should be sold for. Mr. Osborne said there is no indication that it is needed for schools because of the number of schools in the area to adequately serve the people. He noted that a district park is needed in the northern section of the city and that a trade of land might be considered. The Commission felt that this tract should be studied on the ground and it was

AGREED: To schedule a field trip to inspect the property on Friday, August 18, at 4:00 p.m.

R141 RULES AND REGULATIONS

The Commission considered a proposal at the last meeting to amend the Rules and Regulations of the Commission to provide for an Assistant Secretary who would be available to sign subdivision plats when the regular Secretary is not available. It was then

VOTED: To amend the Planning Commission Rules and Regulations so that the first sentence in Section III will read as follows: "The officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary, and Assistant Secretary."

REPORTS

R620 CAPITAL IMPROVEMENTS PROGRAM VIII

The Director reported that the committee appointed to review Capital Improvements Program VIII had studied the Program and approved all of the items as listed except the following which were recommended with some changes made by the Commission. The Commission then

VOTED: To ADOPT the following recommendations for changes in Capital Improvements Program VIII:

1. Civil Defense Projects - In view of the present world situation, it is recommended that proposed projects be examined for early completion and that careful study be given to additional requirements.
2. Fire Protection - The proposed Fire Department Training Facilities (FT-6) are scheduled for a site on or near the Town Lake. It is recommended that such facilities not be placed there until the City completes the necessary studies and planning of the entire Town Lake.
3. Paving, Bridges and Culverts

19th Street Widening (PV-18) - It is recommended that an investigation be made of the possibility of obtaining state aid for the 19th Street widening program in that this is a key street to the Capitol Area.

15th Street Paving and Widening (PV-19) - It is recommended that a study be made of the possibility of tying West 15th Street to Windsor Road rather than Enfield Road and that this project be deferred beyond 1963. In addition, the possibility of state aid should be investigated in that this is an integral part of the Capitol Area.

Missouri-Pacific Boulevard (PV-20) - It is recommended that construction of this thoroughfare be expedited and that initial development extend to Northland Drive.

East 51st Street Paving (PV-24) - It is recommended that purchase of necessary right-of-way be advanced to 1962 and construction of the street be advanced to 1963.

Red River Street Paving (under Miscellaneous Paving) - It is recommended that this project be completed by 1963 in view of the proposed development of the Hancock Tract and the present inadequate condition of portions of Red River Street.

R620 Capital Improvements Program VIII--contd.

Pershing Drive - The Committee has been informed of a proposal to develop a connection from Manor Road to East 19th Street in the vicinity of the Municipal Airport. This street is to be named after General Pershing. This project is not included in the present Capital Improvements Program and the Committee feels that this is a major street project that should be given further study and included in the Capital Improvements Program in the usual manner.

4. Cemeteries - Prior to carrying out extensive capital improvements in connection with cemeteries, the recommendations in the Master Plan for study of the cemetery system should be carried out.
5. Recreation - Manor Road Golf Course (RC-3) - It is recommended that the City proceed with the development of this golf course within the near future in that present golfing facilities are inadequate and it appears that the development of the Camp Mabry Course will be delayed.
6. Electric Utility - The Committee recommends that the Electric Department contact the Planning Commission prior to site purchases or location of facilities on all proposals that could involve zoning questions, special permits, or planning considerations.
7. Schools - Northwest Hills School and Annex No. 1 (SL-27) - It is recommended that this school not be developed prior to the provision of sanitary sewer. The school is scheduled for development in FY 1963.
8. Sanitary Sewer - Dry Creek Lift Station (SC-23) - It is recommended that this project be completed earlier than 1964 in order to provide sewer service to an expanding residential area and the proposed schools.
9. Sewage Treatment - Williamson Creek Treatment Plant (ST-2) - It is noted that there is a need for early completion of this plant.

C10-61-1(i) STREET VACATION

Unnamed street bet. Arthur La. and Rabb Rd.

The staff reported that by telephone poll on July 26, 1961, the Planning Commission considered the vacation of an unnamed street between the 1900 and 2000 blocks of Rabb Road and Arthur Lane which connects these streets. A majority of the Commission had

VOTED: To recommend that the above street be VACATED as described.

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

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SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported that Commission members had been polled by telephone on July 24, 1961, and a majority had

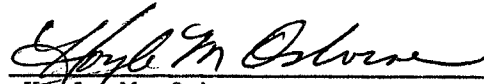
VOTED: To APPROVE the following subdivisions:

C8-60-9 Delwood Terrace, Sec. 1
Wellington Dr. N. of Rogge La.
C8-61-16 Royal Oak Estates, Sec. 3
Rogge La. and Wellington Dr.
C8s-61-85 Royal Oak Estates, Sec. 4
Rogge Lane

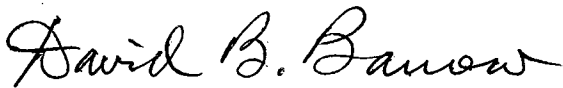
MEMBERS CONTACTED: Messrs. Baldridge, Barkley, Barrow, Chriss, Kinser and Lewis

ADJOURNMENT

The meeting was adjourned at 11:10 p.m.


Hoyle M. Osborne
Executive Secretary

APPROVED:


Chairman