

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- September 12, 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
Howard E. Brunson
Pericles Chriss
Noble W. Doss
S. P. Kinser
W. Sale Lewis
Emil Spillmann

Absent

Doyle M. Baldridge
Fred C. Barkley

Also Present

Hoyle M. Osborne, Director of Planning
Leon Whitney, Associate Planner
Dudley Fowler, Assistant City Attorney

MINUTES

Minutes of the meeting of August 15, 1961, were approved as submitted.

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting September 5, 1961:

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

LEGAL DEPARTMENT REPORT: Mr. Dudley Fowler presented the following statements: At the time of the last hearing a possible right-of-way widening for 29th Street was injected into the zoning hearing. This is causing confusion. I cannot say what can be done about right-of-way at this intersection. It is not known at this time if any or how much land will be needed. I request that the Zoning Committee not consider any discussion on this. I recommend that the Committee consider this application as it would any other application with no consideration being made of acquisition of any right-of-way.

STAFF REPORT: This re-hearing covers two lots for a change to "C-1" Commercial, the applicant proposing the sale of beer in connection with a drive-in grocery store. I would like to bring out the following points:

1. The lot and subject property with "C-1" zoning would not fit into the Commission policy with respect to this type of zoning, there being single-family homes, duplexes and residential uses on three sides of the property. This could not be considered a well developed commercial area.

C14-61-109 Louis Laibovitz--contd.

2. Drive-in groceries are normally associated with "C-1" because their operation includes the sale of beer for off-premise consumption.
3. The "C" zoning in this area was established a number of years ago when this was the only commercial classification.
4. Zoning should be in the interest of the health and general welfare of the community.
5. Street widths are not adequate at this intersection to care for the traffic that would be generated. 29th Street was originally planned as a thoroughfare but has been reduced because it does not have adequate right-of-way. In turn, Rio Grande Street had to be made a one-way street because of inadequate width.

I recommend against the zoning change because of the Commission policy and the inadequate street widths adjacent to the property.

Mr. Roger Tyler (attorney) represented the applicant who also appeared and was joined by Messrs. William L. Longshore and David C. Taylor (proposed operators of the business). Three nearby owners also appeared and one reply to notice was received favoring the request. Statements presented may be summarized as follows:

1. The applicant proposes to establish a Town and Country store where beer would be sold for off-premise consumption. Under present zoning everything could be done except sell beer. This business does not want on a heavily-traveled street where it would be difficult to get in and out. Sale of beer is an integral part of this type of operation.
2. Sale and consumption of beer is now permitted at the Friendly Tavern on Guadalupe Street and at Rome Inn across the intersection.
3. This would not increase traffic. Drive-in groceries use traffic that is already there. Sufficient ingress and egress will be provided. (Mr. Tyler introduced written comments from the Public Works Department and traffic count information from the Traffic and Transportation Department.) Mr. Laibovitz will work with the City to help the sharp turn at the intersection.
4. This development would help the neighborhood and this corner. Previous development on the property has been very undesirable.

At the request of Mr. Tyler, Mr. J. H. Beasley (Assistant Traffic Engineer) presented the following statements: I would not think there would be any, or a very small increase of traffic with the sale of beer. According to the 1958 traffic information, which is the latest we have here, north-bound traffic on Rio Grande is 5280 cars per 24-hour period; on 29th west of Rio Grande, 7600, east of Rio Grande 7500. There are around 1000 cars turning east from

C14-61-109 Louis Laibovitz--contd.

Rio Grande. It would be desirable to ease this turning. If entrances and exits are far enough from the intersection they will not interfere with traffic. There could and probably would be left turns from 29th into the store. Left-turns from Rio Grande were increased because Nueces was made one-way south. Rio Grande now probably carries about one-half as many cars as Guadalupe, these being increased by one-way traffic. In response to a question by Mr. Fowler if a grocery store would cause an increase in accidents at this intersection: It would increase the possibility of collisions, especially with cars pulling across 29th to enter the premises.

Written objections were filed by two nearby owners for the reason that this would make it difficult to rent properties at 2905 and 2907 Rio Grande and 607 West 29½ Street, and that a tavern or liquor store here would be objectionable.

Mr. Tyler appeared before the Commission and asked and was granted permission to present additional testimony. He said he felt that the only opposition is the traffic hazard which could easily be corrected if they knew how to solve it. He stated that they are ready to dedicate the 70 square feet of land as recommended by the Director of Public Works and the argument is whether or not the 70 square feet would solve the traffic danger here, and they have not been able to arrive at a fair transaction as to the 560 square feet or 900 square feet as previously discussed.

The Commission discussed the surrounding conditions, noting that the area adjoining on the south is "A" Residence, that Rio Grande is a one-way street and there is a right turning angle of about 105 degrees at the intersection 29th Street, and that this change of zoning would be changing the use and occupancy of a tract and would increase the traffic at this intersection. It was felt that 29th Street is not well developed as a commercial area and the request would not conform to the policy of the Commission regarding "C-1" and "C-2" changes in that this is not a well developed "C" District. It was further felt that the use proposed would increase the traffic hazard at this intersection. For these reasons the Commission unanimously

VOTED: To recommend that the request of Louis Laibovitz for a change of zoning from "C" Commercial to "C-1" Commercial for property located at the southeast corner of Rio Grande and West 29th Streets be DENIED.

C14-61-123 Myles H. Schutte, Trustee: A to B
Dawson Rd. and Post Oak St.

STAFF REPORT: This tract actually fronts on Dawson Road for a short distance, and the only access is from it. This is north of the Elks Club building and west of a triangular tract owned by the City and proposed for park purposes. In view of the fact that this is adequate acreage and will have proper frontage for proper development, I recommend that the change be granted.

C14-61-123 Myles H. Schutte--contd.

Mr. E. H. Smartt (attorney) represented the applicant and stated the following: Multi-unit apartment is the only development that would be proper on this tract. There is an extremely deep ditch on the west side next to the railroad, which is the re-channeled Bouldin Creek, west branch. The "C-1" adjoining zoning on Barton Springs Road is a part of this same tract. Access will be mostly from Post Oak Road, the portion abutting this tract being dedicated but not opened on the ground.

Parking and entrance to this development will be from Post Oak and Dawson. The north portion of the tract is for future development in the same type as now proposed, this being the first unit to include 30 apartment units.

The Commission felt that this would be the proper zoning for this property which is located between the Elks Lodge and "C-1" Commercial zoning on the north. It was therefore unanimously

VOTED: To recommend that the request of Myles H. Schutte, Trustee, for a zoning plan change from "A" Residence to "B" Residence for property located at Dawson Road and Post Oak Road be GRANTED.

C14-61-124 W. A. Darter: A to O
713 West 38th Street

STAFF REPORT: This is for one lot on which a duplex is located. A building has been started on the back for a ceramic shop. This and the three adjoining on the east are surrounded by the Lions Clubhouse, the Little League Baseball Field, and VFW Community building which is zoned "O" Office. One question is the parking space which can be provided since this business is starting as a home occupation but will grow. I would recommend that the zoning be changed and feel that the other three lots should also be changed.

Mr. Darter appeared and said he proposes to convert the front 75 feet of this lot into parking for the ceramic hobby shop. He stated that the duplex may be always used for residential purposes. Reply to notice was received from Mr. Paul A. Meggs (711 West 38th Street) approving the request.

The Commission felt that the request should be granted since the applicant is providing for parking and that this would be the proper use for the property because of surrounding uses. It was further felt that the other lots should be changed to "O" Office which would be a continuation of the present "O" Office zoning. Therefore, it was unanimously

VOTED: To recommend that the request of W. A. Darter for a change in the zoning plan from "A" Residence to "O" Office for property located at 713 West 38th Street be GRANTED and to instruct the staff to give notice of hearing for changing the zoning on the adjoining tracts between this and the "O" Office zone on the east.

C14-61-125 Joe M. Teague: B to C
E. 12th St. and East Ave.

STAFF REPORT: There was formerly a dormitory for Huston-Tillotson College on this tract. It is higher than the Interregional and for any type of commercial development would probably require grading. The tract to the south is "C" Commercial but is depressed rather than higher than the expressway. In view of the fact that this would be an extension of the present "C" Commercial and would permit suitable development along the Highway, I recommend that the change be granted.

Mr. John C. Foshee (attorney) and Mr. Teague were present but offered no statements in addition to those of the staff.

Mrs. L. A. Frazier (810 East 13th Street) and Mrs. A. J. Lee (for Zack Love Estate, 1189 Branch Street) were present in opposition but gave no reasons.

The Commission felt that this would be a logical extension of the existing "C" Commercial zoning. It was therefore unanimously

VOTED: To recommend that the request of Joe M. Teague for a change of zoning from "B" Residence to "C" Commercial for property located at the northeast corner of East 12th Street and East Avenue (Interregional Highway) be GRANTED.

C14-61-126 Henry Alff: C to C-1
E. 1st and Pedernales Sts.

STAFF REPORT: A cafe is now being operated on this property. The applicant is requesting the change in order to sell beer for off-premise consumption. This block on East 1st Street is intensively developed with commercial uses. Across the street there is a chemical manufacturer. East 1st Street is zoned "C" Commercial but not entirely so developed. Since this is in a block which has commercial uses I think it would conform to the Commission policy and I recommend the change.

No one appeared to represent the applicant. Miss Eulalia Vega (2505 East 1st Street) appeared seeking information on whether or not this proposed change would increase or decrease the value of other property and explaining that she is self-employed. (The Director explained that it might not have much effect on the value but it might affect the livability, and if it is a well-run establishment it would not hurt the value or livability.)

Replies to notice were received from five nearby owners who opposed the change for the reason that there are too many places on East 1st Street now selling beer and they are a disturbance to the homes in the area. They felt that beer should not be allowed in this area.

The Commission felt that this would be a logical use for this property and that the request conforms to the policy of the Commission in that the property is located in a well developed commercial area. Therefore, it was unanimously

C14-61-126 Henry Alff--contd.

VOTED: To recommend that the request of Henry Alff for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at the northwest corner of East 1st and Pedernales Streets be GRANTED.

C14-61-127 Lem Scarbrough: C to C-1
 Duval and E. 51st Sts.

STAFF REPORT: This is a vacant lot across the street from a partly developed commercial area to the east. Across 51st Street there is a wholesale business and to the northeast there is a cafe under construction. Generally, the surrounding area is single-family homes. I do not think this would conform to the Commission policy and I recommend against the change.

Mr. W. W. Patterson (attorney) represented the applicant and presented the following information in support of this request:

1. All corners of this intersection are "C" Commercial and two are already used. The U-Totem Company has signed a contract to purchase this property if they can sell beer. The building will be of a masonry type and will not detract from the neighborhood. It will be located 50 feet from Duval to provide ample parking space. There will be no parking on Duval.
2. The use of this property for "C-1" will not hurt the area nor create any additional hazards or noises. This would be orderly development of this property. Other commercial uses now permitted would be more objectionable. This is the least offensive way to sell beer when purchasers ordinarily take it home to consume it.
3. The nearest drive-in grocery is at 43rd and Duval where they sell beer.

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

1. A good commercial area should be larger and, although the five corners have been zoned commercial they are essentially undeveloped. The surrounding area is residential, restricted to residential use by deed and against the sale of malt, vinous and spiritous liquors. Home owners in the area buying property had to abide by these restrictions. Living near a place selling beer would be undesirable and would make it harder to sell the homes if the owners chose to do so.
2. For commercial development it is desirable to have 60-foot streets. 51st Street is narrow and within a one-block radius you will find this is one of the worst in the city for accidents. At Avenue H and 51st Street there is about one accident a month. A drive-in establishment would create even a higher traffic problem.
3. This is the main access to and from the Windsor Park area and many school children use these streets. This drive-in business would cause hardship to the value of the home properties, safety of the area for children, and the traffic.

C14-61-127 Lem Scarbrough--contd.

4. There is no need for a grocery store here. The 7-Eleven store is only 7 blocks and there are other stores near. Homes were bought knowing the commercial existed but not that this type of business would be here.
5. This is near the Trinity Methodist Church and this use would be objectionable.

The Committee reported that it had felt that this request should not be granted since this is a small commercial area that is not well developed and this request would not conform to the policy of the Commission regarding "C-1" changes. It had therefore voted to recommend that the request of Lem Scarbrough for a change in the zoning plan from "C" Commercial to "C-1" Commercial for property located at the southwest corner of Duval and East 51st Streets be denied.

The staff reported receipt of a letter from Mr. Patterson requesting that this application be withdrawn. The Commission then unanimously

VOTED: To ACCEPT the withdrawal of this application of Mr. Lem Scarbrough as requested in writing by Mr. W. W. Patterson.

C14-61-128 Mrs. C. W. Polvado: A to LR
Neal and Cherico Sts.

STAFF REPORT: This lot now has a residence on it. The applicant proposes to operate a grocery store here. The surrounding area is residential with single-family and some lots with two houses to the lot. About a block to the south is a "D" Industrial District. It is a well established residential area and this would be a spot zone. The lot does not connect with any other business zoning. In view of this I would have to recommend that it be denied.

Mrs. Polvado appeared at the hearing and stated the following in support of her request: Part of Cherico Street is industrial and there is some industrial development. I understand the City proposes to make this area industrial later. This property is near the school and I want to operate the store for them. I had a grocery store here before and plan to use the same room. I had no business then because the area was not built up and I had to discontinue operation.

Mr. E. J. Hood (1101-1101 $\frac{1}{2}$ -1103 Cherico Street) appeared in opposition and written objections were filed by three owners and by the Pastor for Govalle Avenue Baptist Church and Parsonage. Reasons given were:

1. This property does not lend itself to commercial development. The streets are not paved and there is no possible access when it rains. I would not object to a whole block but this one lot would not be worthwhile. People around here take pride in their homes and maintain their yards.

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C14-61-128 Mrs. C. W. Polvado--contd.

2. If this is granted, there is the possibility of beer being added later. There are two large grocery stores within five minutes from this location and four small ones even closer.
3. Businesses are not needed so near the church, especially one where a lot of youth would be congregating and drinking soda water and making a lot of noise. Also, the possibility of another owner requesting a beer license.

In view of the fact that this would be a spot zone in a residential area, the Commission concluded that the request should be denied. It was therefore unanimously

VOTED: To recommend that the request of Mrs. C. W. Polvado for a change of zoning from "A" Residence to "LR" Local Retail for property located at the northeast corner of Neal and Cherico Streets be DENIED.

C14-61-129 Stripling-Blake Lumber Co., Inc., et al: A to C
5504 and 5510-5602 Clay Ave.

STAFF REPORT: This request is for the purpose of expanding the lumber yard to Clay Avenue. An additional area covering the intervening lots was included for hearing purposes. The area along Burnet Road is commercial and there is some commercial on Clay Avenue north of Houston Street. Clay Avenue has a normal right-of-way of 40 feet and is developed residentially. The proposed commercial zone would face on the residential area. In view of this, I would have to recommend against the change.

Mr. Robert C. Sneed (attorney), Mr. Richard Baker (attorney for Walter Carington), and Mr. Robert W. Kirschner (applicant) appeared in support of this request and were joined by one person favoring the request. Two favorable replies to notice were filed. Information in support of the request may be summarized as follows:

1. This change is for the expansion of businesses fronting on Burnet Road or Adams Avenue so as to give greater depth to three businesses which have been successful. These businesses were the forerunner of the tremendous growth in commercial that has taken place. If the strip zoning along Burnet Road is to be sound zoning there must be greater depth. This area of Clay Avenue, Adams Avenue and Burnet Road is separated from the residential area and it is not felt that this expansion can be of any damage to the adjoining residences.
2. Clay Avenue at this location is the logical boundary of the commercial since there has already been some expansion to this street at the corner. The principal entrances are on Clay Avenue, the bulk of everything is on Burnet Road. This is a logical use and expansion of existing zoning.

C14-61-129 Stripling-Blake Lumber Co.--contd.

3. Stripling-Blake Lumber Company is willing to donate any needed land for widening Clay Avenue. The present hedge shield would be carried around the development. The storage yard would be expanded to the east to have sheds to house storage of materials. Mr. Kirschner needs to have additional parking facilities. Mr. Carrington needs to expand in depth.

The Commission felt that this would be a logical extension of the existing zoning and Clay Avenue will serve as a buffer street and deepen the commercial zoning along Burnet Road and alleviate the strip zoning there. It was therefore unanimously

VOTED: To recommend that the request of Stripling-Blake Lumber Company, Inc., et al for a zoning plan change for property located at 5504 and 5510-5602 Clay Avenue be GRANTED; and that the property known as 5506-5508 Clay Avenue be included in the change.

C14-61-130 Dr. Milton Turner: B to O
1015-1017 East 32nd Street

STAFF REPORT: One of these lots is developed as a doctor's office and the adjoining lot on the west is zoned "O" Office. There are several intervening lots between this and St. David's Hospital. In view of the fact that this is an area developing into doctors' offices in spite of the fact that 32nd Street is narrow and cannot take care of the traffic, I would recommend that this be granted.

Dr. Turner appeared and explained that this is where his present office is located and this additional lot will take care of off-street parking. He said he would be in favor of widening 32nd Street if it were possible.

Replies to notice were received from Mr. Herbert Weigl (1005-1007 East 32nd Street) and Dr. A. H. Neighbors, Jr. (926 East 32nd) who favored the change.

The Commission felt that this would be a logical extension of the "O" Office zoning in the area which is being developed with similar uses as that on this property. It was therefore unanimously

VOTED: To recommend that the request of Dr. Milton Turner for a change in the zoning plan from "B" Residence to "O" Office for property located at 1015-1017 East 32nd Street be GRANTED.

C14-61-131 W. M. Day: C to C-2 (as amended)
4910-4918 South Congress Ave. (as amended)

STAFF REPORT: This area is a strip along South Congress which is partly developed with commercial uses. There is a vacant building here at the present time in which the sale of beer is proposed. The surrounding area is commercial, with a proposed residential subdivision to the west. I would suggest that the area be confined to that around the present building.

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C14-61-131 W. M. Day--contd.

Mr. Richard Baker (attorney) represented the applicant and gave the following information: When the application was filed there was some confusion as to the use. Actually Mr. Day intended to request "C-2". This is a part of the tract acquired and we would like to reduce the area to about 200 feet square to take in the area between the two existing fence lines. Mr. Day has opportunity to lease the property for a tavern. There are other similar uses in the general area and he would like to utilize the existing structure and parking lot which already exist.

The Commission felt that this would be a logical change if the area is restricted to the building area which would be an area about 200 feet square, since this is in a fairly well developed commercial area and this would be more or less a continuation of an existing business. It was therefore unanimously

VOTED: To recommend that the request of W. M. Day for a change of zoning from "C" Commercial to "C-2" Commercial for property located at 4910-4918 South Congress Avenue (as amended) be GRANTED.

C14-61-132 A. E. Smith: A to LR (as amended)
Guadalupe St. and Kenniston Dr.

STAFF REPORT: Immediately to the south of this lot is a barber shop, a cafe, and a laundry. There is also commercial across the street, and a beauty shop one-half block away on Kenniston. The area is primarily residential and the zoning pattern is "C" Commercial for the area adjoining on the south. There is a problem of how this lot should be zoned since it is on a residential street and across the street from a nice duplex. I would prefer "LR" since the present uses in the area except the sign are Local Retail.

Mr. Jay B. Wilkins, Jr. (attorney) appeared for the applicant and stated the following: People in the area want this change. The applicant has put in desirable commercial development. He has had a potential purchaser for this entire area provided this lot can be zoned commercial. The triangular area across the street is commercial. Across Kenniston on Guadalupe is "LR". We are asking for the same type in that we want the four lots facing Guadalupe to be "C" Commercial. This would be continuity and the proper zoning pattern here. When the applicant bought the lot he intended to give the church the property for a 24-hour nursery but they could not do this and his plans have been changed. I wish to file letters of approval from ten nearby owners.

The Director reported to the Commission that the applicant has requested that his application be amended to request "LR" Local Retail instead of "C" Commercial. The Commission felt that "LR" Local Retail would serve as a buffer zone between the "C" Commercial and residential areas and would be the proper zoning for the property since there are homes across the street. It was therefore

VOTED: To recommend that the request of A.E. Smith for a zoning plan change from "A" Residence to "LR" Local Retail (as amended) for property located at the southeast corner of Guadalupe and Kenniston be GRANTED.

PRESENT BUT NOT VOTING: Mr. Brunson

C14-61-134 City Planning Commission: Area Study
Ben White Blvd., Pack Saddle Pass E. to Railroad

STAFF REPORT: Within the past two years we have seen Ben White Boulevard develop as a thoroughfare or semi-expressway through some open country. During the past year the Commission has had about 12 applications for zoning changes. Within the past four months we have had several applications in this area. The Commission decided that rather than hear each case each month they would notify the entire area.

Manchaca Road has been classified as a primary thoroughfare -- important to this area but not to the entire city as Ben White Boulevard will be. A community center is proposed west of Pack Saddle Pass on a 20-acre tract and another to the north across Ben White Boulevard, at the intersection with Fredericksburg Road, a portion of the 2-acre tract being in Sunset Valley and the other area being in the County. This will possibly develop into a regional shopping center and because of its location at a major intersection we feel that this is the proper location. There is an existing community center at Manchaca Road to serve the immediate neighborhood.

Development of the Boulevard was a joint City, County and State Highway project and there is a question of traffic versus adjacent land use. People want to locate commercial uses on a thoroughfare with cars going in and out of businesses, resulting in a reduction of the amount of traffic which can be carried. This raises the question of how much traffic can be carried along the Boulevard. Our basic recommendation is that commercial development be concentrated. If you string out commercial development along the Boulevard, there is another question of what happens to the property behind it. I recommend against commercial zoning on Russell Drive as this is residentially subdivided and developed. I would recommend "LR" Local Retail on Manchaca Road below the Conoco station.

There is a question of what should be done east of Ford Village. It is developed residentially but it is partly surrounded by commercial. I would suggest that "O" Office be considered for it.

I would recommend that the two lots zoned General Retail but developed residentially be zoned back to residential. I think the grocery store should be left as "C" Commercial at the present time.

Henry J. Sasse (1301 Winsted Lane) presented his written opinion as follows:
 . . . I will give you some pertinent facts pertaining to the southwest corner of the intersection of Ben White Boulevard and Banister Lane which I own, with 144 feet on Ben White and 198 feet on Banister Lane. I purchased this property before it was annexed with the intention of building something of a retail commercial nature and have of course paid taxes on it pending the building of Ben White Boulevard. When this area was annexed, I asked for and secured commercial zoning. Of course I am not interested in having this zoning changed.

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After Ben White Boulevard has been constructed do doubt you will agree that frontage on this Boulevard has a commercial aspect for its best usage. There are several stores in the area with several churches also. I have enough property here to provide for a very nice retail business with off-street parking. It is located on Ben White at the much used outlet street for residential south of it.

The following persons appeared at the hearing and expressed the following opinions:

Einer Juul (2513 Spring Lane): Property at 4413 Pack Saddle Pass was purchased by me in 1959 for a home for my son and his wife. It was pointed out at that time that this would be residential and I have spent a considerable amount of money since then. I have been approached several times regarding changing the zoning of a certain tract of land adjacent to this property but there are deed restrictions on my property and people should be protected. I want the zoning to stay residential.

Joe Perrone (403 East 11th St.): I have a 3-acre tract extending from Redd Street to Ben White Boulevard which has one house on it. The City has changed and I see no reason for trying to maintain residential frontage. I have plans for motel usage of the property. This would be the proper utilization of the frontage on Ben White Boulevard which I think should be commercial. I would like to have General Retail for my property.

George E. Meyer (805 Brazos): Mr. Cecil Ragland and Mr. Kirkland have a contract on Russell Drive where we propose to operate a TV sales business in an existing garage. (The Director said they will need a General Retail zoning.) We have a number of neighbors back of the house and as far as I know there are no objections. We are requesting General Retail.

Mr. and Mrs. Emmett Ragland (1801 Ben White Boulevard)

Wylie Godwin (Route 5, Box 40A): I have a hobby shop. What would happen if I bought an additional 70 feet?

Mr. and Mrs. Louis A. Herry (1606 Fortview): We own property at Clawson Road and Fortview Road and when we proposed a duplex there the City wanted to widen Fortview Road. I do not want a commercial street or commercial uses. Could it be left residential and if the acreage on the south is zoned commercial, could the street be taken from that property instead of our homes? We want commercial zoning concentrated on Ben White instead of Fortview. You can get too many shopping centers.

Mr. and Mrs. Bruce Klingemann (1605 Fortview Road)

Walter Wendlandt (4610 Horseshoe Bend): My brother and I own 12.8 acres on the south side and 2 acres plus two lots on the north side of the Boulevard west of Gillis Street. This is an area which in our minds has possibilities

C14-61-134 City Planning Commission--contd.

for a shopping center. It is in an area where homes are located now. We have been told that the present shopping center lacks something and have been approached by some persons from the City on whether or not we would give property for an extension of Clawson Road so that it could be opened to the Boulevard. This will probably be widened. We request that the acreage on the south and north be classified as General Retail. There are a number of houses next to Fortview Road and it is very possible the back part of those lots could be used for commercial without hurting their homes. The purpose of zoning is to get the highest and best use and we think General Retail would be most appropriate. We could not develop this narrow strip on the north side for residential.

Buford Stewart (4806 Round Up Trail): I am agent for two lots east of Crawford Street and another lot from Fortview Road to the Boulevard on the west. We think these could be properly used for some kind of commercial. Property facing the Boulevard would not be desirable for a residence. I have a service station west of the city limits on which construction started today. We do not propose to put a shopping center next to Fredericksburg Road until the area is developed.

Mr. Delbert J. Davis (4000 Banister Lane): Ford Village is not adequate. Rather than place commercial along the street, we should have a good shopping center. This part of town needs more concentrated commercial. Do not intersperse it along the street.

Mr. and Mrs. Ben Roberts (4401 Merle Drive): The property at Russell Drive and Merle Drive has been recommended for residential. We favor General Retail. Deed restrictions on this property expired in 1960. (The Director said if one lot is zoned, there is another small lot adjoining this which does not face on Ben White. Another thing is a matter of strip zoning resulting in a street being unable to function properly.)

Mrs. J. F. Fatheree (4403 Merle Drive): If Mr. Roberts' property is zoned, include my lot with his. We have a nice street now.

Mr. Walter Butler (4411 Pack Saddle Pass): We bought our lot with the understanding that there would be a commercial development across Pack Saddle Pass. We do not approve a motel site behind us. This is across from Joslin School and a playground. I would like to see homes built across Pack Saddle Pass.

Mr. and Mrs. Eugene Jones (2105 Ivy Trail): We are across Ben White Boulevard from a 6-acre tract. We wanted to stay residential.

Mr. and Mrs. Delma Spell (4308 Gillis): I have almost an acre and another acre across Gillis and want commercial.

The following appeared but offered no statements:

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Mr. and Mrs. Cecil E. Heard (1612 Newfield Lane)
A. W. Sanders (4409 Manchaca Road)
Herman W. Kieke (4408 Merle Drive)
Mrs. Schenk (4402 Russell)
Ray E. Harlan (4709 Philco Drive)
Ray Brown (2300 Westway Circle)
Laura O. Love (1189 Branch St.)
Donald L. Sawyer (4414 Merle Drive)

The Committee reported that it felt that further study should be given this area zoning and had voted to refer this study to the Commission with the recommendation that a study be made of the testimony presented and that the entire Commission hold a meeting at some location in the community for further discussion.

The Commission reviewed the report of the Committee and the information presented. The Director suggested that, since applications for zoning changes at Merle Drive and Russell Drive had been withdrawn pending this study, and one case involves a prospective purchaser who is concerned with the time element, the Commission meet in special meeting with the people. He said he would have preliminary recommendations for consideration before this meeting with the people. Mr. Lewis said he would like to see some type of zoning pattern before the meeting and suggested a field trip. The Commission then

VOTED: To schedule a special meeting of the Planning Commission with the people of this area for Tuesday, September 19, 1961, at 7:30 p.m., and to instruct the Director to present a preliminary plan showing his recommendation and to schedule a field trip before this meeting with the people.

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of September 5, 1961. The staff reported that no appeals had been filed for review of the Committee's action but that one case had been referred to the Commission with action on:

C8-61-29 Northwest Hills, Sec. 5

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of September 5, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-61-24 North Ridge Terrace
Justin La. and Hardy Dr.

The staff called attention to a requirement of the Storm Sewer Division for a drainage easement between Lots 10 and 11, Block 5, and Mr. Oscar W. Holmes (engineer) said this would be shown on the final plat. Mr. Holmes further stated that "Fresno" Street has been changed to "Modesto" at the request of the Public Works Department since there is a street with a name similar to "Fresno".

The staff recommended that the eastern portion of the 4.42-acre proposed commercial tract be laid out with four residential lots fronting on Hardy Drive and not be included as a part of the proposed commercial tract. Mr. Holmes explained that this area was shown on the tracing, submitted after the print being considered was filed, with an alternate plan and possible lot lines in dashed lines in case this is used as residential, including the four lots recommended to front on Hardy Drive. He said an application for commercial zoning has been filed and if denied the alternate residential plan could be used. The Director stated that if the preliminary plan is approved the subdivider will not be obligated to file the final plat as shown for the proposed commercial area, but can file it as shown in dashed lines on the preliminary plan.

Mr. Kinser suggested that the plan be approved as submitted pending decision on the application for commercial zoning since it might be advisable to widen Hardy Drive if the property is commercial. The Committee then

VOTED: To APPROVE the plan of NORTH RIDGE TERRACE as submitted on the tracing which shows an alternate plan for residential development on the 4.42-acre tract, subject to compliance with departmental requirements.

C8-61-26 Pecan Garden
Thompson and Henninger Sts.

It was reported by the staff that there is an existing home on Lot 20 which partly influenced the subdivision of this property. It was further reported that the jog in Thompson Street at Henninger Street was approved by the Public Works Department.

The staff also reported that Mr. A. H. Bankston (owner of adjoining property on the south) objected to the location of Thompson Street and wanted it on the common property line but was not willing to participate in the paving and development of the street. He recognized that it would be difficult to locate it here and provide a suitable subdivision of the subject property. The Committee then

VOTED: To APPROVE the plan of PECAN GARDEN subject to compliance with departmental requirements.

C8-61-28 Bouldin Estates, Sec. 1
S. 3rd and Cardinal La.

Attention was called by the staff to a requirement by the Electric Department and Telephone Company that the following additional easements be shown: 10'x40' guy easement between Lots 30 and 31 at the front property line; 10' easement between Lots 3 and 4, 7 and 8, 21 and 22, 25 and 26, and 5' easement along the east line of Lots 12 and 17; and that to allow for the 5' easement the 10' drainage easement should be moved easterly 5 feet. Mr. Clifford Coffman represented Mr. Isom Hale and said he would be willing to comply with the City requirements.

The staff reported that South 3rd Street is only 40 feet wide but the subdivider is giving 5 feet as his portion for widening and a variance is recommended. It was noted that the subdivider is also giving 10 feet for the widening of Center Street to make it a 50-foot street. The Committee then

VOTED: To APPROVE the plan of BOULDIN ESTATES, SEC. 1, subject to compliance with departmental requirements, and to grant a variance from the Subdivision Ordinance on street width requirements for 3rd Street.

C8-61-29 Northwest Hills, Sec. 5
Mountainclimb Dr.

The staff called attention to information by the Water and Sewer Department that water and sewer lines are in place and annexation will be required before water and sewer services can be provided, but that the developer will have to participate in providing water supply or pressure boosting facilities for the area. Mr. D. B. Barrow (owner) said he was aware of this situation.

The following recommendations were made by the Department and discussed:

1. Change the name of Mountainclimb Drive to Sierra Drive at Sumac Drive rather than in the middle of the block. Mr. Barrow agreed to this.
2. Blocks B and G exceed Ordinance requirements regarding length but a variance is recommended because of the topography and the assurance of Mr. Nicholson of the Water and Sewer Department that water and sewer can be provided for that length of block.
3. A schematic plan for the adjoining property to the south should be shown. Mr. Barrow said they would file a schematic plan of the area but as he reported to the Commission previously, he and his brother might donate this area to the City for park purposes and this would have some bearing on the development.

Mr. Stevens reported that the density of the subdivision makes it suburban but it will be annexed to the city and should be considered as an urban subdivision.

C8-61-29 Northwest Hills, Sec. 5--contd.

Since Mr. Barrow was disqualified as owner, which left only two members, it was not possible for the Committee to take any action and the Committee

AGREED: To REFER this to the Planning Commission with the recommendation that it be approved subject to the necessary conditions.

The Commission considered the REFERRAL of this subdivision. The Committee chairman explained that no action had been taken by the Committee since there was not a quorum present to take action, with Mr. Barrow being disqualified, but that the Committee had recommended approval subject to certain conditions as presented and discussed. The Commission therefore

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

1. Change of the name of Mountainclimb Drive to Sierra Drive at Sumac Drive rather than in the middle of the block,
2. A schematic plan for the adjoining property to the south being filed, and
3. Compliance with departmental requirements;

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

C8-61-30 Mimosa Manor, Sec. 3
Mathews La. and Lilac La.

The staff reported that the Electric and Telephone Company wanted to make sure that the rear lot lines correspond with existing utility lines and easements. Mr. H. W. Curington (Marvin Turner Engineers) assured the Committee these lot lines would correspond. The staff also called attention to some technical Subdivision Ordinance requirements which need to be met. The Committee then

VOTED: To APPROVE the plan of MIMOSA MANOR, SEC. 3, subject to compliance with departmental requirements.

FINAL PLATS

C8-60-4 Mariposa Terrace
Mariposa Dr. E. Of Kenwood

The staff reported that an easement for an abandoned sanitary sewer line needs to be vacated before the plat is approved and that the owner has requested that the easement be abandoned. It was also requested

C8-60-4 Mariposa Terrace--contd.

that an existing utility easement along the east line of the subdivision be shown on the plat. The staff recommended that a poll of the Commission be authorized after these requirements have been met and the Committee

VOTED: To DISAPPROVE the plat of MARIPOSA TERRACE pending vacation of the existing easement for the abandoned sanitary sewer line and designating the existing easement for public utilities and drainage along the east line of the subdivision, and that the staff be authorized to poll the Commission when these requirements have been met.

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-61-102 Windsor Park, Sec. 3-A
Broadmoor Dr.

C8s-61-106 Banister Heights, Resub. Lots 29 & 30
Clawson Road

C8s-61-107 Allandale West, Sec. 6
Bullard Dr. and Treadwell

C8s-61-111 University Hills, Sec. 2, Phase 2, Resub. Lots 4 & 5, Blk. 2
Bradley Dr. N. of Northeast Dr.

SHORT FORM PLATS - CONSIDERED

C8s-61-94 Rockway Sub.
Rockmoor and Meredith

It was reported by the staff that additional easements are required, fiscal arrangements have not been completed, and all departmental reports have not been received. The Committee therefore

VOTED: To DISAPPROVE the plat of ROCKWAY SUB. pending completion of fiscal arrangements, receipt of all necessary departmental reports, and showing of the necessary easements.

C8s-61-113 G. J. Richter Subdiv.
U. S. Hwy. 183

The staff reported that the owner is dividing his property to provide three lots, Lot 2 having a width of 50 feet on the Highway instead of 60 feet as required by the Subdivision Ordinance for septic tank lots.

C8s-61-113 G. J. Richter Subdiv.--contd.

It was explained that the owner's home is on the west portion of the property and he is providing a strip of access 300 feet long and 50 feet wide, with an area of about 50 feet by 75 feet at the west end shown as part of Lot 3. The Department recommended that the south line of Lot 2 be extended to the west line of the subdivision instead of leaving the offset.

Mrs. G. J. Richter (owner) said they are requesting water service and wanted only as small an area for the home tract as possible. The staff also recommended that the subdivision be tied in with some known reference point.

The Committee felt that a variance should be granted in view of the present development on the lot but that the south line should be extended to the west line of the subdivision. It was therefore

VOTED: To APPROVE the plat of G. J. RICHTER SUBDIV. subject to the following conditions:

1. Tying the subdivision to some known reference point, and
2. Extending the south line of Lot 2 to the west line of the subdivision instead of having the offset as shown; and

to grant a variance from the Subdivision Ordinance on lot width requirements for septic tank installation.

ADMINISTRATIVE APPROVAL

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

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

C8s-61-108 Oakwood Cemetery Annex Sec. "C"
East 19th and Leona Sts.
C8s-61-110 Stasswender Addition
Bull Creek Rd. and Hancock Dr.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

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Subdivision Plats - Filed--contd.

C8-61-22 Cary Sub. Sec. 1

S. 3rd N. of Philco Dr.

C8-61-26 Pecan Garden

Thompson and Henninger

The staff called attention to a memo from the Drainage Division that all lots in this subdivision are subject to flooding by rainfall due to the low-lying position of this property in the Boggy Creek watershed and that necessary arrangements for drainage facilities adequate to prevent flooding have not been made. Mr. Fowler advised that the Commission does not have authority under Sections 23.36, 23.44 and 23.45 of the Subdivision Ordinance to approve this subdivision if, after consideration, it is still Mr. Morgan's opinion that the drainage facilities have not been provided. Mr. Fowler said the City Attorney has advised that the City Council has adopted a policy of not entering into any contract where the property is subject to flooding.

C8-61-29 Northwest Hills, Sec. 5

N. End Mountainclimb Dr.

C8-61-30 Mimosa Manor, Sec. 3

Mathews La. and Lilac La.

C8-61-31 Sherwood Oaks, Sec. 5

Sherwood La. and Long Bow La.

PRELIMINARY AND FINAL PLATS - CONSIDERED

C8-61-27 Southern Oaks, Sec. 5

Jones Rd. and Buffalo Pass

The staff reported that this subdivision is being presented for both preliminary and final approval because of the legal questions which have arisen on the other sections of Southern Oaks in relation to the conflict over owner rights. The condition established by the Commission was that preliminary approval would be granted as files came in so that there might be more likelihood of clearing problems.

Mr. Fowler assured the Commission that the guarantee title policy would protect the City in respect to the dedication of streets and easements within the subdivision. He said he does not believe the Legal Department or any department of the City should pass on the title the subdivider purports to have on the ground but in this instance he had been made aware of a conflict of ownership.

Mr. Donald Thomas (attorney for LBJ Company) entered a formal protest on the grounds that this company has the right under a lease with the previous owner to use all of this land for the operation of radio towers.

Mr. Clifford Coffman (Isom Hale, Engineer) explained that this is a tract on Jones Road which has been cut off from the radio towers by four tiers of lots with houses.

C8-61-27 Southern Oaks, Sec. 5--contd.

Mr. Harry Whittington (attorney) represented Mr. Nelson Puett. He reviewed the agreement between the previous owner and the LBJ Company as has been discussed at previous considerations of other sections of this subdivision and stated that this portion now being subdivided is in an area surrounded by subdivisions.

At the request of the Chairman, Mr. Fowler reviewed the history of this subdivision and controversy involved. The Commission, recognizing that this portion is surrounded by other sections, then

VOTED: To APPROVE the preliminary plan of SOUTHERN OAKS, SEC. t.

It was further

VOTED: To APPROVE the final plat of SOUTHERN OAKS, SEC. 5.

PRESENT BUT NOT VOTING: Mr. Chriss

SUBDIVISION PLATS - CONSIDERED

C8-60-21 Colonial Hills, Sec. 3
Wheless La. at Berkman Dr.

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 COLONIAL HILLS, SEC. 3.

C8-61-12 Highland Medical Center
Hancock Drive

The staff reported that additional easements are needed, all departmental reports have not been received, and the Public Works Office Engineer reports that minor engineering changes need to be made. The Commission therefore

VOTED: To DISAPPROVE the plat of HIGHLAND MEDICAL CENTER pending additional easements being shown on the plat, receipt of all necessary departmental reports, and minor engineering changes being made.

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

It was reported by the staff that a memo from the Public Works Office Engineer shows that the Drainage Division requests the following: 70-foot drainage easement shown on plat is required to be extended by instrument to a point a minimum distance of 815 feet south of the south boundary of the subdivision; 10-foot drainage easement on common lot line of Lots 6 and 7, Block B, has not

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

been used on the engineer's drainage plans and should be removed from the plat; add drainage easement needed adjacent to Shoal Creek in Block B unless fill is proposed by the subdivider.

The staff further noted that lots along the creek are subject to flooding unless the subdivider plans filling.

Mr. Don Moreau stated that this easement down the stream is on a piece of property which his clients do not own. He said they have tried unsuccessfully to contact the owners, Mr. Kelly McAdams and his son, and asked if they could get some assistance from the City in obtaining this easement. Mr. Barrow suggested that he contact the Public Works Department for assistance. The Commission then

VOTED: To DISAPPROVE the plat of NORTHTOWNE, SEC. 3, pending compliance with the requirements for necessary easements as requested by the Drainage Division, and to instruct the staff to poll the Commission when these requirements have been met.

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

The staff reported that additional telephone, sanitary sewer and drainage easements are required and the Public Works Office Engineer advises that various engineering changes need to be made. Mr. H. W. Curington (engineer) said all of these have been taken care of except the drainage easement and the City is working with them on that. The Commission then

VOTED: To DISAPPROVE the plat of WINDSOR PARK HILLS, SEC. 1 pending necessary telephone, sanitary sewer and drainage easements being shown on the plat and engineering changes being made, and to instruct the staff to poll the Commission when these requirements have been met.

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

It was reported by the staff that all departmental reports have not been received, that additional telephone and electric easements are required, fiscal arrangements have not been completed, and the drainage easement proposed are believed to be subject to flooding from East Bouldin Creek as it now exists, and unless a channel modification is contemplated additional drainage easement will be needed. The Commission therefore

VOTED: To DISAPPROVE the plat of BRINWOOD, SEC. 2, subject to receipt of all necessary departmental reports, completion of fiscal arrangements, showing of requested telephone and electric easements, and compliance with the requirements of the Drainage Division.

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-61-76 University Hills, Sec. 1, Resub. Lots 1-3, Blk. A
Vanderbilt La.
C8s-61-102 Windsor Park Sec. 3-A
Broadmoor Ave.
C8s-61-106 Banister Heights, Resub. Lots 29 & 30
Clawson Road
C8s-61-107 Allandale West, Sec. 6
Bullard Dr. and Treadwell
C8s-61-118 Delwood Terrace, Sec. 2
Wheless La. and Dorchester

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

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

The staff noted that this subdivision was deferred from the last meeting because of lack of a quorum present. The staff reviewed the history of this subdivision and added the following information: The rear portion of the property proposed for resubdivision is subject to flooding, Mr. Kinser reporting that the present commercial building is now located in the bed of the creek but the north portion would provide a good building site since the creek is on the dividing line between the present houses and the proposed new lot in the rear. It was noted that this area containing seven houses could be subdivided into several standard size lots but each of the lots would have two and three houses per lot so that if these houses are ever replaced any development would have to comply. (Staff note: Zoning Ordinance allows only one house per lot.) It was also noted that the areas created for the present houses are narrow and only 70 feet in depth and that these houses have been here for many years. After considerable discussion it was felt by a majority that the plat should be disapproved. Therefore, it was

VOTED: To DISAPPROVE the plat of OUTLOT 56, DIV. B, RESUB. LOT 2, BLK. 4.

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

C8s-61-109 Howard Johnson Subdiv.
Sunshine Dr. S. of Stark St.

The staff reported that the original owner sold this tract by metes and bounds and now the new owner wants to subdivide his portion into two lots which requires a variance from the Subdivision Ordinance since the original owner has not signed the plat. It was also reported that fiscal arrangements have not been completed.

Mr. Harry Vine (attorney) stated that in August Mr. Howard Johnson asked him to process a subdivision of three lots but he was unable to get Mr. and Mrs. Wright to sign the plat and Mr. M. O. Metcalfe (engineer) had then prepared the plat omitting the third tract. Mr. Vine referred to a letter which had been filed on the part of the subdividers requesting a variance from the Ordinance on signature requirements and explaining their reasons, also informing the Commission that Tract 2 of the proposed short form subdivision has been re-zoned by the City Council and that a small portion of the land to the west of said Lot 2 was donated to the City for street purposes.

The Director stated that the signature question is involved but is not the problem itself. He explained that this original tract has a frontage of 22 feet on Lamar Boulevard, actually a passageway between two tracts of land under different ownership, and also has a 50-foot access to Stark Street by means of Lot 16 which is a separate lot owned by Mr. and Mrs. Wright. He said the Department had suggested to Mr. Wright and Mr. Johnson that the only logical way seen to subdivide was to provide a street, using Lot 16 and an extension to the south between Stark Street and Houston Street, to provide access to both properties. He felt that otherwise the subdivision as proposed will leave some property without adequate frontage on a street if Lot 16 should be sold, and that the approval of this subdivision will not remove this problem. He also felt that the matter of justification of the variance should be carefully considered.

Mr. Fowler stated that there are six tracts of land to the south of the Wright property which would be affected by a street connecting Stark and Houston Streets which the Department proposed at one time, and that this would permit better use of the land. He said he did not feel that an additional building permit could be issued on the original tract but a permit can be issued on Lot 16 and this would be his instruction to the Building Inspector.

The Commission discussed the problems presented and felt that the variance from the Ordinance on signature requirements should be granted since Mr. Wright refused to sign the plat or cooperate in any manner. It was then

VOTED: To DISAPPROVE the plat of HOWARD JOHNSON SUBDIV. subject to completion of fiscal arrangements and to grant a variance from the Subdivision Ordinance on signature requirements.

C8s-61-112 Fiskville School Addn., Resub. Lot 5, Blk. 5
Georgian Dr. and Beaver St.

It was reported by the staff that this subdivision will be served with septic tanks and the two interior lots do not have 9000 square feet of area which is required but have around 6000 square feet, and that these two lots do not have the required 60-foot frontage, the corner lot having the required frontage and area. It was further reported that the Health Department checked the lots and reported that septic tanks should operate satisfactorily. The Director stated that although the Health Department has given some basis for approving this subdivision, they will be served within two or three years since a sewer line has been approved under the bond issue. Mr. Barrow noted that the subdivider has the alternative of waiting until the property can be served with sewer or subdivide it in such a way that it could be resubdivided by short form when sewer is available. The Commission felt that the plat should not be approved as submitted and it was therefore

VOTED: To DISAPPROVE the plat of FISKVILLE SCHOOL ADDN., RESUB. LOT 5, BLK.5.

C8s-61-114 Roberta I. Martin Sub.
Springdale Rd. S. of E. 12th St.

The staff reported that this subdivision is ready for final approval except for showing the volume and page number of a deed of correction. Mr. M. O. Metcalfe stated that he will show this as soon as it is available. The staff recommended that the plat be approved and the staff authorized to hold the plat from recording until the volume and page number are placed on it. The Commission therefore

VOTED: To APPROVE the plat of ROBERTA I. MARTIN SUB. and to authorize the staff to hold the plat from recording until the volume and page number of a deed of correction is placed on the plat.

C8s-61-115 J. Brown Subdivision
Old Austin-Del Valle Rd.

It was reported by the staff that the original owner sold Lots 1 and 2 to separate owners by metes and bounds and the new owners are requesting approval of a subdivision without the original owner's signature. It was explained that this would result in creating a third lot which has an area of between 4700 and 4900 square feet, being a sub-standard lot.

Mr. M. O. Metcalfe said this third lot is 55.75 feet in the front and 19.94 feet at the rear (being .11 of one acre) and they had tried to buy the lot. He stated they have worked on this for eight or nine months but the owner would not cooperate in any way. He further stated that sanitary sewer is not available at this time but the two lots are a little over minimum size and could use septic tanks if they desired. He explained that Josh Brown wanted to build on his lot and his brother, Freddie Brown, had finally agreed to join in the subdivision.

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C8s-61-115 J. Brown Subdivision--contd.

The Director said one thing that could be done is to reduce the size of the two lots and include the resulting area with the remaining lot but this would be a sacrifice on the part of these two present owners. Mr. Barrow noted that this would result in a sub-standard lot not served by sanitary sewer. He suggested that the plat be revised to leave a small amount of land to make the sub-standard lot of sufficient size, thereby making three standard lots. The Commission then

VOTED: To DISAPPROVE the plat of J. BROWN SUBDIVISION.

C8s-61-116 James E. Bouldin Estate, Virginia Reed Resub. Lot 8, Blk. D
Radam Lane

The staff reported that this lot was sold by metes and bounds and the owner of the corner lot refuses to sign the plat (See minutes of this case under R809 in August 15, 1961, meeting). It was further reported that the owner has given his portion for the widening of Radam Lane to make it a 40-foot street but the drainage requirements have not been met. The Commission then

VOTED: To APPROVE the plat of JAMES E. BOULDIN ESTATE, VIRGINIA REED RESUB. LOT 8, BLK. D, subject to compliance with the drainage requirements, and to grant a variance from the Subdivision Ordinance on signature requirements and street width requirements.

ADMINISTRATIVE APPROVAL

The staff reported that 3 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-61-111 University Hills Sec. 2, Phase 2, Resub. Lots 4 & 5, Blk. 2
Bradley Drive
- C8s-61-117 Delwood 4 East, Sec. 4, Resub. Lots 18 & 19, Blk. H
Rogge Lane
- C8s-61-119 Royal Oaks Estates, Sec. 2, Resub. Lots 1, 14 & 15, Blk. Q
Coventry Lane

OTHER BUSINESS

R730 BERKMAN TRACT

The Director reported that members of the Commission had met at the site of this tract on August 18, 1961, for consideration of the City Council's proposal to sell the remainder of the Berkman tract adjacent to Bartholomew Park. He said the members had then agreed to make the following recommendations:

R730 Berkman Tract--contd.

1. The Commission recommends the sale of the Berkman Tract for private residential development. It is understood that ample land is to be retained for Bartholomew Park and that the City does not have any proposed uses for the remaining 60 acres. The surrounding area is developed with homes and is well suited to residential subdivision.
2. It has been pointed out to the Commission that the southeast corner of the tract adjacent to the creek will require a large drainage easement because of the possibility of flooding. It is recommended that this area be included in the sale with specific note of the drainage easement requirement.
3. Access to the Park and sound planning of the area requires the following:
 - a. A collector street along a portion of the north boundary of the Park extending from Berkman Drive to Westminster Drive.
 - b. A residential street along the east boundary of the property running from the above proposed collector street to East 51st Street. This will require a bridge across the creek. The financial participation by the City on the two streets adjacent to the Park and the bridge should be established in advance of the sale.
4. The Commission recommends that consideration be given to trading this property for other land that could be used for parks or other public facilities. In the event that a cash sale is made, the Commission recommends that the money be used to acquire additional land.

C10-54-1 MISSOURI-PACIFIC BOULEVARD PLANS

The Director presented two alternate plans for the Boulevard alignment between Northland Drive and Burnet Road and explained that Mr. Cotten (consultant on this project) had requested consideration of a problem here. The Commission reviewed the two plans and the advantages and disadvantages of each, and had then

AGREED: To give this matter further study.

R164 TOWN LAKE COMMITTEE

The Director stated that the City Council is considering formation of a Town Lake Committee and has requested that two members of the Planning Commission be appointed as members of that committee. The Commission then

AGREED: To authorize the Chairman to appoint two members to serve on this Town Lake Committee.

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SUBDIVISION APPROVAL BY TELEPHONE POLL

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


The staff reported that members of the Commission had been polled by telephone on August 18, 1961, and had

VOTED: To APPROVE the plat of UNIVERSITY HILLS SEC. 3, PHASE 2.

MEMBERS CONTACTED: Messrs. Baldridge, Barkley, Brunson, Chriss, Lewis and Spillmann

ADJOURNMENT

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


Hoyle M. Osborne
Executive Secretary

APPROVED:


Chairman