

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- November 7, 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
Howard E. Brunson
Pericles Chriss
Noble W. Doss
S. P. Kinser
Emil Spillmann

Absent

Fred C. Barkley
W. Sale Lewis

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 meeting of October 10, 1961, were approved as submitted.

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting October 31, 1961:

C14-61-146 C. E. Moyer: A to B
5102 Caswell Ave.

STAFF REPORT: This application is for the purpose of establishing a public parking area for customers of a grocery store across the street, on one lot which is one lot removed from 51st Street and which contains 6200 square feet of area. The lot is too small for apartment development. There is a church across the alley to the rear. The only nearby commercial area is the triangle across Caswell Avenue. A parking area for the church was permitted by the Board of Adjustment, just across 51st Street from the church, as a semi-public parking area under procedures set out in the Zoning Ordinance. East 51st Street is scheduled as a secondary thoroughfare in the Development Plan but the plans for crossing the railroad have not been completed. This would be spot zoning and we recommend that the request be denied.

No one appeared to represent the applicant. One reply to notice was received from Mr. David E. Counts favoring the request provided some type of curbing is provided to keep cars from property next door.

Planning Commission -- Austin, Texas

Reg. Mtg. 11-7-61

C14-61-146 C. E. Moyer--contd.

Mr. L. J. Hagan (5106 Clarkson Avenue) appeared to oppose the request for the reason that this is a nice residential section and public parking between two nice residences would be objectionable.

The Commission concluded that the request should be denied because this would be a spot zone and the establishment of a parking lot here would be an injustice to the neighborhood. It was therefore unanimously

VOTED: To recommend that the request of C. E. Moyer for a change of zoning from "A" Residence to "B" Residence for property located at 5102 Caswell Avenue be DENIED.

C14-61-147 City Planning Commission: A to O
707-711 West 38th St.

STAFF REPORT: A hearing on these lots was scheduled as requested by the Commission September 12, 1961, when the adjoining lot on the west was recommended for "O" Office zoning, the reason being that these lots were surrounded by other than residential uses and to include these three lots would be an extension of the present "O" zoning on the east. Because of the surrounding uses and zoning, the staff recommends that the request be granted.

No one appeared in interest of this proposal but replies to notice were received from owners of property at 711 West 38th Street and 3708 Ronson approving the change.

In view of the former action of the Commission requesting a hearing on these lots and upon review of the development in this immediate area, it was concluded that this property should be given "O" Office zoning as a logical extension of the present "O" Office zoning. It was therefore unanimously

VOTED: To recommend that an "O" Office classification be established for the property located at 707-711 West 38th Street.

C14-61-148 Mrs. A. R. Woodall (owner): A to C
Floyd L. Johnson (purchaser)
717-719 Montopolis Drive

STAFF REPORT: This property has a frontage of 110 feet and contains about one-half acre. This is an area of rather mixed development and the request is for the purpose of operating an appliance store. There is a 20-foot easement along the south for access to a tract in the rear, and there are several houses on a tract to the northeast with only an easement for access. Since the zoning pattern is established the staff feels that this would be an extension and would recommend granting the request, with the understanding that Montopolis Drive is to be a thoroughfare with a recommended width of 80 feet. The staff, however, will present further recommendations at the Commission meeting regarding the right-of-way for Montopolis Drive.

C14-61-148 Mrs. A. R. Woodall and Floyd L. Johnson--contd.

Mrs. Woodall and her daughter, Mrs. Harvey Simons, were present at the hearing and stated that Mrs. Woodall works and has no transportation facilities from this location, and that she wants to dispose of this property so that she can buy where transportation is available to enable her to continue working which is necessary for her.

Mr. Johnson said he has been living in this area and his father has a business here. He wants to establish his appliance business on this property and feels that it is needed since there is no other appliance store in the area.

The staff reported to the Commission that Montopolis Drive has right-of-way of 50 feet and the Director of Public Works thinks it should be 80 feet, and that it is shown in the Development Plan as a 60-foot street. The staff felt, however, that although the street should be 80 feet there is a question of whether or not it should be widened because of existing zoning and suggested that the Legal Department might have to acquire right-of-way as usual in these cases.

The Commission and the staff discussed the advisability of establishing a "GR" zone rather than a "C" Commercial District because of the surrounding zoning. It was noted that the proposed business would be permitted in the "GR" zone and would conform to the surrounding zoning pattern. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. A. R. Woodall (owner) and Mr. Floyd L. Johnson (purchaser) for a zoning plan change from "A" Residence to "C" Commercial for property located at 717-719 Montopolis Drive be DENIED; but that a "GR" General Retail classification be established for the property.

C14-61-149 Warren E. Hawkins: A to C
Post Road Dr. and S. Congress Ave.

STAFF REPORT: The applicant stated no specific use for this property but since this is the only "A" Residence property and the only break in commercial zoning on this side of South Congress Avenue for a long distance, we recommend that the request be granted.

Mr. Hawkins stated at the hearing that he concurred with the report of the staff and felt this would be in line with other zoning and in accordance with city planning for Austin. One reply to notice was received from Evelyn Waters and Lola Coleman approving the request.

The Commission felt that this would be a logical extension of the existing zoning and attempts to complete the zoning pattern in the area. Therefore, it was unanimously

VOTED: To recommend that the request of Warren E. Hawkins for a change in the zoning plan from "A" Residence to "C" Commercial for property located at the northwest corner of Post Road Drive and South Congress Avenue be GRANTED.

Planning Commission -- Austin, Texas

Reg. Mtg. 11-7-61

C14-61-150 T. Hardie Bowman and Robert H. Bowman: A to B (as amended)
1409-1411 Cotton Street

STAFF REPORT: This request is for a change from "A" Residence to "B" Residence and also from First to Second Height and Area for the stated purpose of erecting a 9-unit apartment building. Second Height and Area would permit them to increase the density, permitting a maximum of 9 apartment units or 18 efficiency units, or 18 units in an apartment hotel. First Height and Area would permit 7 units. The commercial zoning along 12th Street is predominantly used as residential. The Commission recently recommended an "O" Office zone at Cotton and Navasota Streets. This property is within the Kealing Project Area of the Urban Renewal Area and this request is not in complete conformity with studies and planning for this area. We feel that this is a spot zone and recommend that it be denied.

Meesrs. T. Hardie Bowman and Robert H. Bowman (applicants) and Mr. Harry Pruett appeared for the request and submitted statements which included the following:

1. There are now four separate houses on the property. In 1953 we moved four hutments from property on Lake Austin Boulevard and added asbestos siding, but they are in very bad condition now and are a disgrace to the neighborhood. It is our intention to improve the neighborhood by replacing these houses with one building.
2. We plan an all-masonry structure which will be attractive and well maintained. We propose 9 units of about 550 or 600 square feet each, the rental to be \$40 per month with one unit renting for less to get some tenant to keep the yard. This will correct the present situation and definitely improve the neighborhood. While the requested zoning would permit 18 units, we are only requesting 9 two-bedroom units.
3. This would be in keeping with any urban renewal plan and if more individuals built something attractive in the area there might not be so much need for urban renewal. There are other locations where urban renewal is needed more than in this area.
4. This location is convenient to bus service and to the downtown area. The property is surrounded by quite a few substandard duplexes.

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

Five nearby owners appeared at the hearing opposing the request, filing a petition signed by 22 owners. Reasons given may be summarized as follows:

1. We realize that our area is a "Blight Area" but we are in the process of improving and remodeling our homes and beautifying our neighborhood. The streets are under construction for pavement now. Some of the best families live in this area.

C14-61-150 T. Hardie Bowman and Robert H. Bowman--contd.

2. This is in the midst of the urban renewal area and near Kealing Junior High School. The principal of this school lives at 1408 Cotton Street and has spent many years trying to improve the area. We feel that the proposed buildings will adversely affect the area and that it is very necessary to maintain the present zoning.
3. The 9-unit apartment building on such a small lot will not provide adequate space for children to play and play area in this vicinity is scarce. We stress physical fitness and so many houses in this small area would not contribute to raising our standard of living. We endorse improvement of the property but not by change of zoning.
4. If this zoning is changed, others will be encouraged to over-develop their property.

The Commission received and considered a letter from Mr. T. Hardie Bowman requesting that this application be amended to request a change from "A" Residence to "B" Residence and leave the First Height and Area as it is rather than change to Second Height and Area, permitting the erection of 7 units instead of 9 as first planned. He stated that they felt 7 units would do more to improve the neighborhood. He wanted to assure the Commission that they would build a nicer and more modern apartment than any others on the east side of town.

The Commission then considered the amended request. The Director pointed out the nature of zoning in the area and suggested that if these two lots, which are completely isolated from other similar zones, are changed to "B", this would permit a change of the entire block and property across the street to "B" Residence. He felt that the Commission should decide what it felt would be the proper future zoning in this area. Mr. Barrow said that while the area might be suitable for that type of zoning he felt that it would have to be a larger area than the two lots. Mr. Chriss noted that he was opposed because this would be spot zoning. Mr. Kinser favored the change if First Height and Area is retained. Since a majority of the Commission opposed this change on the grounds that it would be spot zoning, it was

VOTED: To recommend that the request of T. Hardie Bowman and Robert H. Bowman for a change of zoning from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at 1409-1411 Cotton Street be DENIED.

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

C14-61-151 Jack Mason and John Miller: A to C
 Old Austin-Del Valle Rd. and U. S. Highway No. 71

STAFF REPORT: This property adjoins Bergstrom Air Force Base and is across the street from a "GR" General Retail District. It is located at the intersection of two State Highways on the south side of the interchange. We recommend that "C" Commercial be denied but that the property be zoned "GR" since "C" would permit certain types of use that are too intensive for this area.

Messrs. Jack Mason (applicant), Jack Mason, Jr., and Andrew Viscardi (agent) appeared in support of this request and were joined by Mrs. Mary Belle C. Hill (1907 Cliff Street) who favored the request and who also submitted written approval as a property owner in this area. The applicants presented the following information:

1. We bought this property and would like to do something to get some income from it. We propose an automobile repair shop which we felt would be a good use but we would welcome suggestions as to the best use for the property. This is certainly not a residential area and there should be some type of business.
2. This property is in the line of flight of the jet planes from Bergstrom and this is an abandoned area. The Colorado School and a cemetery are located to the south. The property around the interchange was commercial before the new road was built and a trailer park is located in the "GR" area. We have had some prospects for a trailer park on this property.

The Commission felt that "GR" General Retail for this property would conform to the surrounding property and would permit the highest and best use in view of its location adjoining Bergstrom field and in the flight pattern of the jet planes. It was therefore unanimously

VOTED: To recommend that the request of Jack Mason and John Miller for a zoning plan change from "A" Residence to "C" Commercial for property located at Old Austin-Del Valle Road and U. S. Highway No. 71 be DENIED; but that "GR" General Retail be established for the property.

C14-61-152 Joe J. Joseph: B to O
 West 6th and Campbell Sts.

STAFF REPORT: The requested change from "B" Residence to "O" Office for one lot is for the continued operation of a kindergarten and nursery with an increased number of children. The area is zoned "B" but is developed with single-family uses, with the Confederate Home and apartments across 6th Street and an undeveloped commercial zone to the south on West 5th Street. The present "B" zoning permits the kindergarten and nursery but limits the number of children. Under "B" the operator must live on the property but in "O" there is no limit to the number of children and the person does not have

C14-61-152 Joe J. Joseph--contd.

to live on the property. Under the present zoning the applicant would be limited to 10 children by the Zoning Ordinance but a variance was granted by the Board of Adjustment to permit 17 children in the day nursery. Under the requested zoning there would be no limitation by the City but a maximum of 35 children would be permitted by the State Department of Welfare. Since this is a well established single-family dwelling area we recommend against the change.

Mrs. Lindy L. Boyd (lessee and agent for the applicant) appeared and presented the following information in support of this request:

1. I have had the present day nursery for over two years. The purpose of this change is to get my family away from the nursery and have our own home. We moved away but if this change is not granted we will have to move back to the nursery. The present use will be continued in any event and I now have 28 children. The Home of the Holy Infancy referred children to me when they could not take more children.
2. Mr. and Mrs. Johnson (adjoining on the south) work during the week and we are not open on Saturdays and Sundays, and their child is not at home during the day.

Mr. and Mrs. H. S. Johnson (507 Campbell Street) appeared in opposition and written objections were filed by 7 other owners in the area. Reasons given were:

1. (Mr. and Mrs. Johnson) Our home is next door and we have invested extensively in our property. A previous request to increase the number of children from 14 to 17 was granted and there are more children there now. More children increase the noise and decrease the value of our property. These children are at our two bedroom windows and we have a two-year-old boy who has to nap. A home owner's rights should not be infringed upon and the applicant should find a commercial location.
2. Mr. Joseph has expressed desire to erect a store here. "O" Office is just one step in that direction. There are many vacant business houses on West 6th Street where business uses could be located.
3. This close-in location makes it very convenient for older people. A majority of the houses are homes for occupants and many in this block are owned by widows who live alone and feel safer in a strictly residential area.
4. This property is located on an "S" curve and possibly at the narrowest place on West 6th Street diagonally across from the Confederate Home for men and an apartment structure of 100 or more units which create an extreme congested traffic condition.

C14-61-152 Joe J. Joseph--contd.

5. Flood waters flow through a branch in the Confederate Home property, cross this lot and drain in Campbell Street which is often blocked with several feet of water. This is not a suitable place for a kindergarten.

The Director called attention to the existing nursery school which was established in the "A" Residence zone and later the number of children increased from 10 to 17 by a variance granted by the Board of Adjustment, and now there are 28 children here and they are requesting an "O" Office zone. He said he would not disagree on ultimate "O" Office for this area but if this "O" zone is granted the Commission would be committed to "O" on both sides. He noted that this is definitely a single-family home area with older families living here and he feels that it is too soon for "O" Office; however, he made it clear that he was not recommending because of the Missouri-Pacific Boulevard plans but the development of the neighborhood and the fact that this is a proposal of "O" Office for a particular operation of a commercial use.

Mr. Barrow thought that there will be a substantial change in 6th Street when the Missouri-Pacific Boulevard is constructed in this area but you cannot tell now what the zoning will be, although it might be "O" Office. Mr. Spillmann called attention to the fact that this would be a spot zone and an encroachment on a definitely residential area which he opposes. Mr. Chriss agreed to this statement. Mr. Brunson said he would not vote for the spot zone. Mr. Kinser said he wanted to see orderly growth but he felt that you could not deny someone on the basis of what might be done in the future. A motion to grant the variance failed to carry and it was then

VOTED: To recommend that the request of Joe J. Joseph for a change in the zoning plan from "B" Residence to "O" Office for property located at the southeast corner of West 6th and Campbell Streets be DENIED.

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

C14-61-153 Mrs. Elizabeth McIntyre: A to B, 1 to 2
Oldham and Wahrenberger Sts.

STAFF REPORT: This change would permit a maximum of 14 regular units or 28 efficiency units, or 28 units in an apartment hotel. The surrounding property is primarily developed in single-family residences except the Medical Arts Square. We feel there is a street problem since Oldham Street is only 20 feet in width with 12 feet of paving. We feel from a zoning standpoint that apartment development should extend into this area but we think it should be First Height and Area. We would like to see what could be done as to the width of Oldham Street and then make another recommendation to the full Planning Commission next week. Apartments would increase the need for adequate streets here.

Planning Commission -- Austin, Texas

Reg. Mtg. 11-7-61

C14-61-153 Mrs. Elizabeth McIntyre: A to B, 1 to 2
Oldham and Wahrenberger Sts.

Mrs. McIntyre (applicant) and Mrs. Betty Lane (agent) appeared in support of this request and stated that Mrs. McIntyre needs to sell this property for an income and they have a sale for it if it can be used for apartments. They said the proposed purchasers have an attractive plan for development and will provide sufficient parking, probably for about 21 units. Reply to notice was received from Mr. A. E. Duncan (710 East 25th Street) who favored the change.

The Committee reported that, in accordance with the request of the staff for further time to study possible improvements to Oldham Street, this request was referred to the Commission pending a study by the staff of the street pattern in the area, particularly with regard to Oldham Street.

At the Commission meeting, Mr. Stevens reported that he had checked with the Traffic and Transportation Department who felt that Oldham Street would not take the additional traffic since it is already being used for parking in connection with Medical Arts Square. Mr. Stevens also called attention to an existing lot north of Comanche Street which is being used as an entrance to St. David's Hospital and for parking which would be used unless adequate circulation is provided as a thruway to East 32nd Street, causing additional traffic through St. David's parking lot. He said that Oldham Street should have a minimum width of 50 feet but the 25-foot setbacks of the abutting houses would make it difficult to widen the street to this width, and that the Director of Public Works has agreed to the widening of the street a sufficient amount to get 30 feet of pavement; he has further agreed with the owners of the property that this can be accomplished with 15 feet of widening and a 5-foot sidewalk and utility easement. Mr. George W. Sandlin had orally agreed with Mr. Rountree to dedicate 15 feet for the widening of Oldham Street and to further grant a 5-foot sidewalk and utility easement. Mr. Stevens felt that because of the various Height and Area pattern already established around the property, a Second Height and Area classification for this property would be appropriate.

The Director called attention to the fact that there is a two-block area here which is surrounded by "B" Residence and less restrictive zones and which he would construe as an "A" Residence island, but he noted that if the property is zoned "B" Residence and Second Height and Area (permitting about 58 units per acre) the streets will be inadequate and the off-street parking will be insufficient. He felt that this applies to the entire area. He stated, however, that with the zoning pattern established there are two choices --, to change the entire area back to First Height and Area or to zone this property Second Height and Area, the problem being the intensity of development with the existing street pattern.

The Commission reviewed the information presented and the present zoning and development of this area. It was agreed that this zoning would fit into the future zoning of the present "A" Residence area and that the request should

C14-61-153 Mrs. Elizabeth McIntyre--contd.

be granted since the owners plan to give 15 feet plus an additional 5-foot sidewalk easement to alleviate the street problem. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. Elizabeth McIntyre for a change of zoning from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at the northeast corner of Oldham and Wahrenberger Streets be GRANTED, with the understanding that the owners will give 15 feet for the widening of Oldham Street plus an additional 5-foot sidewalk easement.

C14-61-154 Arturo Ramirez: B to C-1
E. 14th and Neches Sts.

STAFF REPORT: Neches Street is not developed between 13th and 14th Streets and this lot is about 8 or 9 feet below the level of 14th Street. Entrance to any use on the property would be from Red River through the alley or walk-in access from the front. The applicant proposes to sell beer for off-premise consumption in his grocery store. While there is "C" Commercial zoning across Neches Street and along Red River Street, this area is still developed with a considerable number of dwellings. Because of the development and the fact that this does not conform to the policy of the Commission on "C-1" requests, and because of the difficult access to the property, we recommend that the request be denied.

No one appeared to represent the applicant. Mr. Mauriceio Lopez (502 East 13th Street) was present in support of this request and stated the following: Mr. Ramirez has a little store he started some time ago and he sells a few items. Mothers in the neighborhood send children to this place which is convenient and it is too far to the larger stores. It is also convenient to people who are visiting at Brackenridge Hospital to get something to eat.

Messrs. A. Viscardi and Jack Mason, Jr., were also present in support of the request but offered no statements.

Mrs. Carl Sterzing (305 LeGrande and owner of nearby property) appeared and objected to the request for the following reasons: We have three residences across the street and two of the tenants have been there for several years. I object to making it convenient to get beer. We are only a short distance from Red River where it is available. Beer here would be a temptation to low-income families who need money for other purposes.

Upon review of the zoning pattern, Mr. Barrow noted that this property is across the street from a spot "C" Commercial zone on the west and is separated from the "C" zone on the east by two lots, and he would not favor the change as a spot zone unless it is connected to the existing "C" Commercial District. Mr. Chriss said he did not feel the Commission could legalize an illegal operation by zoning a spot "C" zone, especially with no access since

C14-61-154 Arturo Ramirez--contd.

he considered safety as a valid consideration in zoning. Other members were of the opinion that the property should be zoned "C" Commercial since it is between two commercial zones but that beer should not be sold here and that would not conform to the policy of the Commission. The Director reported that one concern of the City Council and the City Manager is flood-plain zoning, with limitation of use of property which is subject to flooding. The Commission took no notice of this in deciding on this case. It was then

VOTED: To recommend that the request of Arturo Ramirez for a zoning plan change from "B" Residence to "C-1" Commercial for property located at the southeast corner of East 14th and Neches Streets be DENIED; but that a "C" Commercial classification be established for the property.

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

C14-61-155 R. Graham Wilson: A to BB
3410 West Avenue

STAFF REPORT: This is for one lot in the middle of a block for a proposed four-unit apartment house. This block is developed primarily for single-family uses. The applicant previously made application to get the adjoining lot on the south zoned for apartments and was denied. As the property is in the middle of the block and is a spot zone, we recommend that the request be denied.

Mr. Wilson (applicant) appeared in behalf of his request and stated the following:

1. This lot is a great deal larger than the other lot requested for a zoning change. It backs up to the sites which are developed with apartment houses. This would not be a blight in the neighborhood. I have no plans for the building but would like to know what I can do before I plan anything.
2. This neighborhood is in a transitional period with "BB" Residence, "O" Office, and other types of zoning in the area.

Reply to notice was received from Mrs. Emmie Patterson (5000 Duval Street, owner of property at 3403-3405 Owen Avenue) favoring the granting of this change.

Five nearby owners appeared opposing the request, one reply to notice was received and a petition signed by 12 nearby owners was filed, all expressing opposition for the following reasons:

C14-61-155 R. Graham Wilson--contd.

1. These spot zones are what makes this area and area of transition. These are our homes and we are more concerned with that than with the property values. People have improved the neighborhood, paved the street and built homes. One old house was restored for which the owner was presented a citation award. We feel that a change in zoning would be a menace to our families, our homes, our neighborhood, and our city.
2. The short alley in this block is closed at the south end of the apartment development and it was agreed with Mr. Barron and the surrounding owners that there would be no more passage into the alley. There is no driveway from the Barron apartments into the alley. If four or five units are constructed on this property all of the parking would have to be on West Avenue since the alley could not be used.
3. An existing duplex owned by Mr. Wilson is occupied by students and the occupants can use the alley. They have some wild parties there and people from the duplex run over property across the alley and disturb occupants on Owen Avenue at all hours. This alley will not take any more traffic. (Mr. Wilson said he would like to be called about any disturbances to the neighbors.)

It was reported by the Committee that this request had been considered a spot zone and an encroachment into a residential area and was recommended for denial.

At the Commission meeting it was reported that Mr. Graham wished to withdraw his request and the Commission therefore

VOTED: To ACCEPT the withdrawal of this request of R. Graham Wilson.

PRESENT BUT NOT VOTING: Mr. Brunson

C14-61-156 H. D. Motsenbocker: A to B
1302-1304 E. 52nd St.

STAFF REPORT: This is for two tracts one lot removed from Lancaster Court and the request is for the purpose of permitting an apartment building. Under the requested zoning a maximum of 9 units or 12 apartment hotel units would be permitted. The area is developed with single-family dwellings except the apartments across the street. Since the zoning pattern has been established in the area we feel that a change of zoning is logical but that it should be "BB" Residence to reduce the density of development. Also, this is an area where the City has acquired avigation easements and we feel there should be one for this property.

Mr. Motsenbocker (applicant) and Mr. Cy Miller (agent) were present and presented the following statements in support of this request: We propose an apartment hotel with 12 units, for the 18,950 square-foot area. This would be a two-story building and would be under the 25-foot height for this area

C14-61-156 H. D. Motsenbocker--contd.

under proposed airport zoning. We would like to develop the property for its highest and best use and would be willing to grant an avigation easement to limit the height to 25 feet. We have access from 51st and from 52nd Streets and there would be no traffic problem in and out of the property.

Replies to notice were received from Mr. Charles D. Nash and Mr. Alfred W. Negley (owners of nearby property) approving the request but offering no statements.

The Commission noted that there are "BB" zones across the street and to the west. Mr. Kinser mentioned that these were recommended against by the Commission and granted by the Council and he would vote for this request because the City Council has already established a pattern in the area. Mr. Barrow noted that he opposed this because of the size of the zoning and if a change is made a larger area would be better. Mr. Fowler reported that the applicant has filed an avigation easement. The Commission then unanimously

VOTED: To recommend that the request of H. D. Motsenbocker for a change of zoning from "A" Residence to "B" Residence for property located at 1302-1304 East 52nd Street be DENIED; but that a "BB" Residence classification be established for the property.

C14-61-157 Texas and New Orleans Railroad: A to C
4201-4205 Interregional Hwy.

STAFF REPORT: This is a tract of land within the railroad right-of-way and is for the purpose of having a billboard sign. We had felt that the requested change adjoining on the north would be a site hazard with the sign proposed but since that was granted we do recommend that this request be granted but that any zoning stop at this point.

Mr. Fred Ribar (agent and lessee) appeared and presented the following information: I own and operate the West Winds Motel at the north intersection of Interregional Highway and Airport Boulevard and we are requesting this change only to provide a directional sign. It is hard to get to our place and we need a sign since people tell us it is hard for them to get over to our business. We felt this would help and it would be directly south of the present sign that is on railroad right-of-way.

Some members of the Commission felt that this would be a logical extension of existing zoning of the area where a sign is already in existence in the railroad right-of-way, but this is as far as any "C" Commercial should extend. Other members felt that signs at this location where the railroad crosses the Interregional Highway are unsafe since the purpose of a sign is to attract attention of motorists and that is dangerous at this intersection. A motion to grant the request failed to carry and it was then

Planning Commission -- Austin, Texas

Reg. Mtg. 11-7-61

C14-61-157 Texas and New Orleans Railroad--contd.

VOTED: To recommend that the request of Texas and New Orleans Railroad for a zoning plan change from "A" Residence to "C" Commercial for property located at 4201-4205 Interregional Highway be DENIED.

AYE: Messrs. Barrow, Baldridge, Brunson, Chriss and Doss

NAY: Messrs. Kinser and Spillmann

ABSENT: Messrs. Barkley and Lewis

C14-61-158 Balcones Building Corporation: BB to O
1923 and 2201 North Lamar Blvd.

STAFF REPORT: This request is for the purpose of erecting an office building on a tract of land which includes the north half of a vacated portion of West 22nd Street. Since this would leave the south half of the street as an "A" Residence zone, it was included in the notice for purposes of hearing. When the "O" Office zone was created on the south the zoning map was corrected and included the applicant's property, which was purchased with the understanding that it was "O" Office. We feel that since 22nd Street has been vacated and the other property is zoned "O" Office, this property should be included in the "O" Office zone.

Mr. Dan Priest (agent) represented the applicant and gave the following information: The Balcones Building Corporation was formed by 11 business men in Austin for the purpose of building an office here but upon finding that 11 could not agree, some of the present group will build the planned building or revise the plans and convert the present triplex into office spaces.

The Committee reported that since two members of the Committee were ineligible to vote, this case was referred to the Planning Commission for action.

The Commission reviewed the surrounding zoning and concluded that this would be a logical extension of the existing "O" Office District if the remaining portion of vacated West 22nd Street is included. It was therefore unanimously

VOTED: To recommend that the request of Balcones Building Corporation for a change of zoning from "BB" Residence to "O" Office for property located at 1923 and 2201 North Lamar Boulevard be GRANTED, and that the property located at 1921 North Lamar Boulevard be included in the change.

DISQUALIFIED: Messrs. Brunson and Kinser

ZONING CASE FOR RECONSIDERATION

C14-57-43 ORIGINAL ZONING: Area 6 (1957)

F. W. King property
5406-5416 Parkcrest Drive

STAFF REPORT: The Director reported that this 1.85-acre tract of land on Old Bull Creek Road was considered first with Original Zoning of the area in 1957 and at that time the Planning Commission had recommended "A" Residence zoning. He said this has been held in abeyance by the City Council for four years with no action and now there is apartment development on the south and west and other various zoning changes have been made in the area, the pattern being definitely toward "LR" zoning. He said the City Council has referred this back to the Commission for further consideration of the former recommendation. Mr. Osborne noted that the granting of a "C" Commercial zoning, as requested in a letter from Mrs. King dated October 28, 1961, would tend to violate the pattern which is aimed toward "LR" and "GR" zoning and this would be spot zoning. He thought that it is intended to be developed for apartment units and since it adjoins a "GR" zone, General Retail zoning would be more in line with the zoning plan.

Mr. Jerome Sneed represented Mrs. King, who was also present, and stated that on August 27, 1961, Mr. King had died and left Mrs. King as the sold owner of this property. He noted that the first application was made shortly after this property was annexed to the city and at that time Mr. King had been operating a cedar yard for 20 years. Mr. Sneed said he told the City Council then that Mr. King should be permitted to continue to use the property for this purpose, and Mr. King had reluctantly agreed at the suggestion of Mayor Miller to close the business within four years. He said the property has been vacant in accordance with this agreement and Mrs. King now needs to sell it and has a contract with Mr. Hubert Rossy with the understanding that it will be "C" Commercial, but that Mr. Rossy has agreed to accept "GR" in order to keep this in harmony with the surrounding zoning. Mr. Sneed felt that, since the application had been made four years ago and a hearing held, he did not think that further hearing is needed.

The Commission reviewed the history of this case and the changes in zoning and development which have been made in this area, and concluded that "GR" General Retail would permit the highest and best use of the property and would be in harmony with surrounding zoning. It was therefore unanimously

VOTED: To recommend that the request of Mrs. F. W. King for a change of zoning from Interim "A" Residence and First Height and Area to "C" Commercial for property located at 5406-5416 Parkcrest Drive be DENIED; but that a "GR" General Retail and First Height and Area classification be established as permanent zoning for this property.

Planning Commission -- Austin, Texas

Reg. Mtg. 11-7-61

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of October 30, 1961. The staff reported that no appeals had been filed for review of the Committee's action but that one case had been referred to the Commission without action on

C8-61-36 Lanier Terrace

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of October 30, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-61-34 Royal Oak Estates, Sec. 5
Coventry La. N. of Roxmoor

The staff called attention to the recommendations of the utility and Public Works departments and presented the following recommendation from the staff, which was discussed.

It is recommended that a 25-foot setback be provided from both streets for corner lots Nos. 1 and 12, Block R, and No. 10, Block V. If 10-foot setbacks are permitted as shown on the plat for Lots 1 and 12, a building could be erected to extend beyond the 25-foot setback required on adjoining lots. The property north of Lot 10 is presently divided into deep tracts and there is a road on private property at the north extension of Coventry Lane adjoining one of these tracts. This road has been in use for many years but is not improved. If it were made into a dedicated street the abutting property could be resubdivided into lots fronting on it and a 25-foot setback would be required for them while a 10-foot setback is permitted on Lot 10.

Mr. Jeryl Hart (Marvin Turner Engineers) said he did not feel that Mr. Nash Phillips (subdivider) would agree to these setbacks unless it is an Ordinance requirement, and he felt that the Commission should establish some policy regarding setbacks for key lots for guidance of engineers. (Mr. Stevens said no policy has been established but this is usually called to the attention of the Commission.) He agreed that the 25-foot setbacks for Lots 1 and 12 might be justified but that this requirement for Lot 10 would be unreasonable because of the status of surrounding property.

Mr. Stevens suggested that if Mr. Phillips has a particular place on the lots where he wants to place the buildings, this could be worked out before the final plat is considered and suggested that the plan be approved subject to that condition. He said he would like to check with the Legal Department regarding the status of this road. Mr. Kinser said he felt the 25-foot setbacks would be better for the subdivider and would provide a uniform setback line for all lots. The Committee then

C8-61-34 Royal Oak Estates, Sec. 5--contd.

VOTED: To APPROVE the plan of ROYAL OAK ESTATES, SEC. 5, subject to the following conditions:

1. 25-foot setback lines being shown from both abutting streets on Lots 1 and 12, Block R, and Lot 10, Block V, and
2. Compliance with departmental requirements.

C8-61-36 Lanier Terrace
Burnet Rd. and Ohlen Rd.

Recommendations of other departments were called to the attention of the Committee by the staff. The following comments and recommendations by the Department were presented and discussed:

1. Break the street names of Doris Drive and Renton Drive between Lots 26 and 27, Block B. The engineer agreed to do this.
2. Lots designated as 11, 12 and 13 at the southeast corner of the subdivision must be included in this subdivision before a final plat can be accepted on this portion of Block D to avoid leaving a dead piece of property. Mr. Attal said he is attempting to purchase this property and will try to have some information by the time the Planning Commission meets next week, and definitely before the final plat is filed. The staff recommended approval with the cul-de-sac provided he can get the additional property, otherwise eliminating this portion of the subdivision.
3. Wittmann Drive in Blocks H and I should be re-designed to curve into the center of the Nelson Puett tract on the north to continue a street proposed by the staff on a study sketch for development of this area northeast of the railroad, and this will carry more traffic from the school site to Ohlen Road. The staff stated that the reason for the proposed design is to provide one more lot.

Mr. Hart said if the street is curved to meet the proposed street the subdivider would lose one lot on the east side and would have excess land on the west side which would probably not be maintained by owners of the large lots. He suggested a "T" intersection of a suggested road adjoining the railroad on the northeast with Ohlen Road and the provision of a cul-de-sac at the north border of this subdivision which would provide access to the existing cemetery and to the Nelson Puett property. He said this would not affect the Karl Wagner property which Mr. Wagner had stated might be used for industrial purposes and in that case there would be no need for the road extension. Mr. Wagner was present and interested in the plan but said plans for his property are at present fluid and obscure and since Mr. Attal has said this portion of his development is three years away he thinks conditions could change in that time and as a result he neither objected to nor concurred in this plan.

C8-61-36 Lanier Terrace--contd.

Mr. Hart explained that the Wagner property drains to the south and if they should provide a cul-de-sac there it would present a drainage problem and it might be better to leave the dogleg and build a cul-de-sac in appearance.

4. Shadowood Drive is required to have a right-of-way width of 64 feet, with a paving width of 44 feet, to correspond with the connecting street into Allandale Hills as shown on its preliminary plan approved by the Planning Commission.
5. Lot 22, Block E, does not meet Ordinance requirements for a 50-foot width at the rear. Mr. Hart said he has revised the plan to meet this requirement.
6. An agreement should be worked out by the subdivider between the City and the Railroad Company regarding an allocation cost of the proposed railroad crossing by Ohlen Road since there is a safety problem involved and signals might be required and additional cost to the subdivider involved.
7. An application for annexation should be filed by the subdivider either before or at the time a final plat is filed.

The Committee felt that the question concerning Lots 11, 12 and 13 at the southwest corner of the subdivision should be referred to the Commission pending an attempt by the subdivider to acquire this property and include it in his subdivision. The Committee then

VOTED: To REFER the plan of LANIER TERRACE to the Planning Commission for consideration of Lots 11, 12, 13 shown outside the subdivision in Allandale North approved preliminary plan.

The Committee voiced their approval of the balance of the plan subject to the following conditions:

1. Breaking of the street names of Doris Drive and Renton Drive between Lots 26 and 27, Block B,
2. Provision of a cul-de-sac at the northwest end of Wittmann Drive to provide access to the existing cemetery,
3. Provision of a 64-foot right-of-way, with a paving width of 44 feet, for Shadowood Road,
4. Proper provision being made for the railroad crossing by Ohlen Road, and
5. Compliance with departmental requirements;

C8-61-36 Lanier Terrace--contd.

and to instruct the subdivider to attempt to work out something regarding the acquisition of the property shown as Lots 11, 12 and 13, or a suitable revision of his plan for Block D.

The Commission considered the REFERRAL of this subdivision. The staff reviewed action of the Subdivision Committee and explained that this plan proposes portions of three lots not included in this subdivision. The staff recommended holding in abeyance the area south of Lot 21, Block E, and Lot 7, Block D, until the developer is able to reach an agreement concerning the acquisition of the property shown as Lots 11, 12 and 13, or a suitable revision of his plan is made for Block D, and compliance with the six requirements recommended by the Subdivision Committee; also, an application for annexation should be filed by the subdivider either before or at the time a final plat is filed.

Mr. Jeryl Hart (Marvin Turner Engineers) reported that Mr. Nash Phillips had advised him this afternoon that he has agreed to sell this property shown as Lots 11, 12 and 13, and Mr. Attal has agreed to purchase it, and they instructed the engineers to prepare field notes for the transaction.

With regard to the railroad crossing, Mr. Hart said there seems to be no policy on streets crossing railroads, and that he had discussed this with the Director of Public Works who agreed to discuss the matter with the City Manager. He noted, however, that the first section proposed for development will not involve this but it is to their interest to get Ohlen Road all the way through the subdivision. The Director explained that the subdividers plan to develop the first section to include the area southwest of the railroad east of Dixie Terrace subdivision and extending southward to include the first tier of lots south of Ohlen Road. He stated that the City Manager has asked that a request be made to the Railroad Company to permit the crossing and that continuation of Ohlen Road be studied.

In accordance with the staff recommendation and the Subdivision Committee action, the Commission then

VOTED: To APPROVE the plan of LANIER TERRACE subject to the following conditions:

1. Breaking of the street names of Doris Drive and Renton Drive between Lots 26 and 27, Block B,
2. Provision of a cul-de-sac at the northwest end of Wittmann Drive to provide access to the existing cemetery,
3. Provision of a 64-foot right-of-way, with a paving width of 44 feet, for Shadowood Road,
4. Proper provision being made for the railroad crossing by Ohlen Road,

C8-61-36 Lanier Terrace--contd.

5. To hold in abeyance the area south of Lot 21, Block E, and Lot 7, Block D, until acquisition of property shown as Lots 11, 12 and 13, has been completed or a suitable revision of the plan for Block D is made, and
6. 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-61-134 Nunzie Campion Subdivision
 Manchaca Rd. and Old Fredericksburg Rd.
- C8s-61-135 Henry W. Hall Sub. No. 1
 Farley Dr. W. of Interregional Hwy.
- C8s-61-137 Hartkopf Subdiv., Guenot's Resub. Lot 3, Blk. 3
 S. 3rd St. and Bergstrom Field Spur

SHORT FORM PLAT - CONSIDERED

- C8s-61-136 Henry W. Hall Sub. No. 2
 Farley Dr. and Braker La..

The staff reported that there is a setback problem from Braker Lane which is designated as a primary thoroughfare and the subdivider has requested that this plat be deferred. The Committee therefore

VOTED: To DEFER action on the plat of HENRY W. HALL SUB. NO. 2.

PRELIMINARY PLAN

- C8-61-38 Granberry Park
 Parker La. and Woodland Ave.

Mr. E. J. Walker requested the Commission to consider his preliminary plan, stating that he had presented the plan to all of the City departments and had satisfactory reports from them. He explained that the plan had not been filed with the Planning Department in time for the last Subdivision Committee meeting and he needed approval before the next meeting of that Committee.

In response to a question by the Chairman regarding notification of abutting property owners, the Director explained that they could be notified when the final plat is considered. Mr. Walker said he owns most of the lots in this subdivision and has an option to purchase the remaining lots, and Mr. Duffy is the owner of property across Parker Lane.

C8-61-38 Granberry Park--contd.

Mr. Osborne stated that the question was discussed regarding the extension of Woodland to the east through the Granberry property and Mr. Walker has provided for this extension through his subdivision.

The Commission then

VOTED: To APPROVE the plan of GRANBERRY PARK subject to the following conditions:

1. Notification of the proper owners when the final plat is considered,
2. Payment of the necessary filing fee, and
3. Compliance with all departmental requirements.

SUBDIVISION PLATS - FILED

C8-61-32 Deer Park, Sec. 1
Manchaca Rd.. and Stassney La.

The staff reported that there is a drainage problem which requires an easement outside of the subdivision but the subdivider feels that he will be able to secure this in the next few days, and if this is cleared the subdivision will be subject to polling of the Commission, and that all departmental reports have not been received. Mr. Gerald Williamson (engineer) explained that the Public Works and utility departments have been so busy that they did not get the reports prepared until today and for that reason no fiscal arrangements could be made.

Mr. Stevens called attention to the unusual names for residential streets, including King's Highway and St. George's Green, but the Commission expressed no objection if they did not conflict with existing street names. The Commission then

VOTED: To ACCEPT for filing the plat of DEER PARK, SEC. 1.

SUBDIVISION PLATS - CONSIDERED

C8-58-44 Manor Hills, Sec. 11
Manor Rd. and E. 51st St.

It was reported by the staff that the zoning of this subdivision on Manor Road is pending "GR" General Retail, awaiting dedication of East 51st Street. The zoning is inconsistent with the proposed use as apartments.

Mr. Gerald Williamson explained that the Public Works and utility departments have been so busy that they did not get the reports prepared until today and for that reason no fiscal arrangements could be made, also that Mr. Barron

Planning Commission -- Austin, Texas

Reg. Mtg. 11-7-61

C8-58-44 Manor Hills, Sec. 11--contd.

is having field notes prepared for this property which is now before the Council to make it comply with the zoning.

The Commission then

VOTED: To DISAPPROVE the plat of MANOR HILLS, SEC. 11 pending the following:

1. Completion of fiscal arrangements,
2. A 15-foot easement with ditch constructed being provided on the north side of East 51st Street, and
3. Meeting the Subdivision Ordinance requirements regarding the zoning being consistent with the proposed use.

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-61-134 Nunzie Campion Subd.
S. Lamar N. of Manchaca Rd.
- C8s-61-135 Henry W. Hall, Subd. No. 1
Farley Dr. W. of Interregional Hwy.
- C8s-61-137 Guienot's Resub. Lot 3, Blk. 3, Hartkopf Subd.
S. 3rd St. N. of Philco Dr.
- C8s-61-139 Resub. Lot 5, Blk. D, Georgian Acres
East Drive

C8s-61-131 Royal Oak Estates, Sec. 2, Resub. Lots 1-7, Blk. S
Coventry La. and Rogge La.

The staff reported that additional easements are required, fiscal arrangements of services will be at the subdividers' expense, fiscal arrangements are required, and easements are to be vacated across Lot 1. The Commission therefore

VOTED: To DISAPPROVE the plat of ROYAL OAK ESTATES, SEC. 2, RESUB. LOTS 1-7, BLK. S, pending the following:

1. Provision of additional easements,
2. Completion of fiscal arrangements, and
3. Vacation of easements across Lot 1.

SHORT FORM PLAT - RE-HEARING

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

Mr. Stevens explained that Mr. Naumann presented a plan in accordance with a previous discussion with the Commission, and presented a sketch showing what is now proposed. He further explained that Mr. Naumann was not aware of the first meeting and has asked to be heard at this meeting, but that this is a different plan than he had then. He then stated that this sketch shows lots conforming to the minimum area and size requirements, but that the lots have more than one house on each, with each house complying with the minimum 5-foot side yard requirements. He said the most northerly lot contains 8000 square feet but has three dwellings, while the other lots have 6250 square feet with two dwellings, providing 3520 square feet per structure. He noted that the lot to the west would support a two-family dwelling.

Mr. Naumann stated that all he is trying to get is a lot on the west in order to locate another house on it and Mr. Osborne had suggested this plan if Mr. Naumann would agree not to sell off any of the houses separately. Mr. Naumann said he would agree to that but would like to sell off the 50-foot lot on the west. (Staff note: Mr. Osborne had not suggested this plan as one he would recommend, but had previously explained to Mr. Naumann that such a plan would create standard-sized lots; also that if such a proposal is made a restriction should be placed on the plat restricting the selling off of any of the improvements on any of the lots separate from the approved subdivided lots.)

Mr. Osborne explained that the grocery store on the south lot is a non-conforming use, that under the provisions of the Zoning Ordinance existing required areas cannot be reduced, and under the Subdivision Ordinance sufficient lot area is required for each dwelling.

Mr. Barrow thought that, since the houses are already there, it would be an advantage to subdivide as shown provided there were not three houses per lot. Mr. Fowler said the City does not have the power to require removal of any of these houses but does have the power to prevent the replacement of the houses. Mr. Barrow thought it would be advisable to have a restriction that none of this property could be sold unless it is sold according to the lots as shown. Mr. Stevens explained that the lot on which the grocery store is located has been a lot of record by deed since before 1944.

Mr. Kinser suggested that the most northerly lot be extended to the west line of the property to provide more area for the three houses and to shorten the excessive depth of the lot to be created on the west. Mr. Naumann agreed to this suggestion.

Mr. Barrow read a letter from Mr. Paul G. Reyes, Acting Director of the Urban Renewal Department stating the following:

C8s-61-93 Outlot 56, Div. B, Resub. Lot 2, Blk. 4--contd.

"Although our plan for the area is incomplete I can accurately state that, based on studies to date and on tentative decisions reached on the basis of those studies, his proposal is in conflict with the ultimate urban renewal proposals for the improvement of the area.

"Urban Renewal is using sound planning principles in developing a plan for the area. His proposal violates those principles and sets a precedence for others to do the same. This action could lead to serious complication with regard to the completion of the Kealing plan.

"If approved, the effect would be to permit more intensive use. Approval might constitute an invitation to others to attempt more intensive use either through 'short form' subdivisions or zoning changes."

The Commission reviewed the sketch and it was

AGREED: That the plan with the north lot extended to the west line of the subdivision would be agreeable with the Commission.

OTHER BUSINESS

C10-60-1(f) STREET VACATION

Bridle Path E. of Scenic Dr.

The Director recalled that in April of 1960 the Commission had considered the request for closing of this street and there was a considerable amount of discussion by Mr. Gibson Randle (attorney for Mr. Coats). He noted that the Commission was advised by Mr. Fowler to consider it only in terms of the need for the street and not the legal question of its dedication. He reported that we now have recommendations from the Public Works Director and the Traffic Engineer who would like to see the street remain open.

Mr. Fowler reviewed the problems involved with Mr. Coats wanting to expand his yard into a part of Bridle Path, and the question of the legality of the street. He said he is concerned about the feeling of the Commission and other departments as to whether or not the street should be closed. He said there is a 58-foot right-of-way at this point and he thought that some of the northern portion, possibly from 5 to 8 feet, might be vacated which would alleviate a great number of Mr. Coats' problems and he could put his garage in the present street.

The Commission reviewed the previous considerations, including the rock curb at the intersection of the two streets. It was noted that people subdividing land must provide a cul-de-sac when a dead-end street is included in a subdivision and Mr. Fowler reported that the Public Works Director said this would be highly undesirable here. Mr. Barrow felt that there are too many dead-end streets in existence now. The Commission then

VOTED: To recommend that the request to vacate that portion of Bridle Path east of Scenic Drive be DENIED.

Planning Commission -- Austin, Texas

Reg. Mtg. 11-7-61

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.



Hoyle M. Osborne
Executive Secretary

APPROVED:



Chairman