

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- December 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
Fred C. Barkley
Howard E. Brunson
Pericles Chriss
Noble W. Doss
S. P. Kinser

Absent

Doyle M. Baldrige
W. Sale Lewis
Emil Spillmann

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 November 7, 1961, were approved as submitted.

ZONING

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

C14-61-159 Bill Farmer: A to B
5610 Jim Hogg Ave.

Mr. M. L. Mansfield (agent) appeared at the Committee hearing and requested permission to withdraw this request since the transfer of the property was not completed as planned. Several nearby owners appeared in protest but offered no statements after hearing this request. The Commission then unanimously

VOTED: To ACCEPT the withdrawal of this request of Bill Farmer.

C14-61-160 Mrs. R. E. Carrington: B to C, 2 to 3
E. 12th and Neches Sts.

STAFF REPORT: This application is for a tract of land containing 22,080 square feet and for the purpose of erecting a ten-story apartment hotel building. I understand that commercial and possibly office uses are proposed on the first floor and in excess of 40 units for the building. Generally there are commercial and office uses in the area, the area to the north being generally residential and that to the south commercial. I feel

C14-61-160 Mrs. R. E. Carrington--contd.

that the Department will have to recommend against this particular zoning as it overcrowds the site and will have inadequate parking. "C" Commercial and Third Height and Area is an unlimited zone as far as the number of apartments and commercial uses permitted is concerned. The present "B" zoning would permit 29 units. "C" Commercial increases the density and Third Height and Area increases the height permitted; however, "C" Commercial and Second Height and Area would allow an increase in height with a greater setback. They cannot provide adequate off-street parking of one space per unit, plus some commercial uses on the first floor. Technically under the Ordinance they would be required to provide one space for each apartment; however in this particular area the requirement is one space for every two apartments. I have no question on the effect of this on the Capitol area development and it might be quite desirable. This would create a Height and Area spot zone and the Commission should consider whether or not it will be limited to this particular property or be extended further.

Mr. Allwyn G. Gannaway (architect and agent) represent the applicant and was joined by Mr. and Mrs. Gowan and Mr. E. Ahlgrimm. Mr. Gannaway stated the following: We propose a 10-story apartment building with 43 units and no commercial development on the first floor. The first floor would have entrances, the manager's office, and similar uses. The other floors would have five apartments per floor. These would be one- and two-bedroom apartments. We would have 43 spaces for parking for the second floor up. The slope from San Jacinto to this corner would be at least 35 feet and the new State office building is about 110 feet tall. This would not interfere with that building.

Reply to notice was received from Gateway Investment Company (805 West 5th Street) favoring the request. Miss Mary L. Bauer (403 East 12th Street) appeared and stated that this proposed development would improve the area and that she felt the entire area should be so developed.

The Commission reviewed the location and development of this area and felt that, although this would be spot zoning in Height and Area, it is not with regard to use and is not serious in this particular area. It was concluded that this would be good development for the area which is included in the Austin Development Plan for intensive development. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. R. E. Carrington for a change of zoning from "B" Residence and Second Height and Area to "C" Commercial and Third Height and Area for property located at the southwest corner of East 12th and Neches Streets be GRANTED.

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C14-61-161 D. M. Builders: A to B
East Ave. and E. 32nd St.

STAFF REPORT: The property in this block is zoned "A" Residence while the blocks to the north and south are "C" Commercial; however, the property along the Interregional in this area is still developed residentially, as well as the area to the east. Concordia College is located across the Interregional. A request for commercial in this block was denied in 1954 but we feel that this property should be zoned "C" Commercial since the blocks to the north and south are commercial. The proposed zoning will permit a maximum of 12 regular units or 24 apartment hotel or efficiency units. It is proposed to erect a 12-unit apartment house. We may have a spot development, other houses remaining there and gradually changing into other uses, possibly commercial uses.

Logan Melton (agent) represented the applicant and stated the following: We feel this "B" zoning will be an asset to the area and to the people in the "C" Commercial areas to the north and south. The apartments will be nice furnished units. This will be an L-shaped building along the north and east lot lines. There will be sufficient vacant property on the east to provide parking and we may try to utilize part of the open space on the corner for a swimming pool if it is not needed for parking.

Mr. Russell Rowland also appeared as agent for the applicant and was joined by two nearby owners who favored the request. Mr. and Mrs. H. B. Dieter (3108 Robinson) were present but stated no opinion. Reply to notice was received from Mrs. Amelia M. Buchanan (3109 East Avenue) who favored the request.

The Commission noted that the character of the property along the Interregional Highway is changing and that this "B" zoning would form a buffer zone between the "C" Commercial and "A" Residence zones. It was therefore unanimously

VOTED: To recommend that the request of D. M. Builders for a zoning plan change from "A" Residence to "B" Residence for property located at the northeast corner of East Avenue (Interregional Highway) and East 32nd Street be GRANTED.

C14-61-162 W. H. Bullard: Interim A & 1 to B & 1
White Rock Dr. and Bullard Dr.

The Commission received a letter from Mr. Bullard requesting permission to withdraw this request. The Commission therefore

VOTED: To ACCEPT the withdrawal of this request of Mr. Bullard.

C14-61-163 Bullard Company: A to B
3807-3811 Kennelwood Road

STAFF REPORT: This property is partially developed with a single-family home. The lot to the east has two houses and then there is a vacant lot. There is scattered single-family development with some duplexes in the area. The boat docks adjoining on the west is a non-conforming use. The proposed zoning will permit a maximum of 10 regular apartment units or 13 units in an apartment hotel. The lot has an area of 20,680 square feet. This would constitute a spot zone and we recommend against the change. It would be an encroachment into an area of mostly single-family homes. While there are some rentals in the area we consider it to be a good single-family area. This lot could be subdivided into two lots for two duplexes.

Mr. Dan Priest appeared for the applicant and presented the following information:

1. When we acquired the property we tried to determine the best use for it in relation to the surrounding development. On the boat dock property there are buildings where boats are kept for parts and other operations. We find a lot of non-conforming residential property in the area, with duplexes and apartments. Considering the use of this property we think our property is not suitable for single-family homes. We are requesting that the commercial use be insulated with "B" Residence as it is usually done with "B" or "O" Office zoning.
2. The existing building on this property is about 35 years old and is a very substandard dwelling. We fixed it up and tried to rent it and did find six University students who would have rented it. We do not think we could develop it for a single-family residence because of the boat docks. We plan to tear the building down and think the new construction would be more desirable. This will not change the character of the area because of the way it is used.

Mr. and Mrs. R. M. Hodgkiss (3805 Kennelwood) appeared in opposition as owners of property adjoining on the east and written objection was filed by Mrs. Frank Robinson (3800 Kennelwood Road) but no reasons were given.

After the hearing, letters were received from Mr. J. C. Dingwall (1906 Matthews Drive) and from Mr. Larry E. Temple (attorney for Mr. E. G. Morrison), and a petition signed by eight nearby owners was filed, all in opposition to the requested change to permit apartments in this area designed for single-family uses and which would create a spot zone.

The Commission noted that this would be a spot zone in a well developed residential area and concluded that the request should not be granted to permit apartment development in this area. It was therefore unanimously

VOTED: To recommend that the request of Bullard Company for a change in the zoning plan from "A" Residence to "B" Residence for property located at 3807-3811 Kennelwood Road be DENIED.

Cl4-61-164 Jack Andrewartha: A to BB
1911 David Street

STAFF REPORT: This lot has an area of 8000 square feet. The proposed zoning would permit a maximum of four regular units. The property in this half block is zoned "A" Residence, with a "BB" zone on Cliff Street to the west which was created on one lot several years ago, and the other half block facing Robinson Avenue zoned "BB" Residence. There are other types of zoning on Lamar Boulevard and along 19th Street. For the most part this area has retained its "A" Residence character. Because this would be a spot zone it is recommended that the request be denied.

Mr. Andrewartha (applicant) and Mr. Phil Mockford (attorney) appeared in support of this request and presented the following information:

1. It is proposed to build a four-unit apartment house, 100 feet long and 22 feet wide, leaving a space of 30 feet in the front and 30 feet in the rear to provide parking for each unit. Another 5 parking spaces could be located in the front curb area. This would take care of the parking. It is proposed to rent each unit to two men or to couples. The building will be brick veneer and designed to have the appearance of a home.
2. The four-unit development would permit separate utility meters for each unit so that the owner will not be responsible for utilities. The only alternative would be to have two apartments with only two meters.
3. In the block facing David Street there are 15 houses, 8 being used for duplexes or more and with garage apartments. There are some multi-unit houses in the "B" zone. All of the property to the north is being used for multi-unit purposes. The value has increased and makes the lot undesirable for a single-family dwelling.
4. This is not considered spot zoning since it adjoins a "B" Residence zone and is near an existing "BB" Residence zone.

Nine owners of adjacent property appeared in protest and written objections were received from 12 owners. Reasons given may be summarized as follows:

1. This is an area of owner-occupied and homestead properties. Of the 16 occupied lots on David Street all but 3 are occupied by owners or members of the family. At least 9 owners rent no property. Only one vacant lot remains. Three new single-family homes have been built recently and at least three have been extensively remodeled. All of the rented property is under supervision and control and renters do not disturb the neighbors, and this would not be under supervision. One owner rents to five young instructors but there is only one kitchen and no apartments.
2. The applicant only recently bought this lot and cannot claim hardship because of its being unused. The lot is only large enough for one duplex or one-family dwelling. Four families on 50 feet would be entirely

C14-61-164 Jack Andrewartha--contd.

too many. The area should not be further overcrowded. If the apartments are rented to young students with 2 or 3 to each, the situation would be worse since most have cars and park them wherever they stop. The narrowness of the lot makes off-street parking difficult.

3. There would be an increase of commotion, parking and traffic on this small street. The south end of David Street where it intersects 19th Street dwindles away into not much more than a paved driveway and this portion is blind, narrow and crooked. An additional traffic load would convert it into a death trap. 22nd Street is narrow and has parking on both sides which creates a hazard for cars entering from David.
4. The purpose of zoning is to maintain a consistent character of use in a neighborhood satisfactory to its occupants. This would not be consistent with other uses. It is difficult to justify an individual change in zoning in an area predominantly zoned "A" Residence and this would be another step to eventual transformation of the area piecemeal into a non-residential section. Spot zoning is usually unjust by conferring a special benefit on one person at the expense of many, especially in this case because of the high proportion of homesteads and owner-occupied homes.

The Commission concluded that this would create a spot zone and that the request should not be granted. It was therefore unanimously

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from "A" Residence to "BB" Residence for property located at 1911 David Street be DENIED.

C14-61-165 Alfonso H. Lopez: D to C-1
Hidalgo and Pedernales Sts.

STAFF REPORT: While the area is zoned industrially it is developed and used almost entirely as homes east of Pedernales Street. The grocery store is there but it is extending into a residential area. We recommend against the change.

Mr. Valentine Gonzales (applicant's stepson) represented his father at the hearing and stated that beer will be sold for off-premise consumption and there will be no consumption on the premises nor will there be a beer joint here. He said this property adjoins "C-1" zoning on the north.

Some nearby owners objected to the change as requested and others stated they did not object to the sale of beer for off-premise consumption but did not want a beer joint. Three owners appeared and replies to notice were received from two others expressing the above opinions.

The Commission discussed the fact that the grocery store adjoins another grocery store in a "C-1" District and the lot is not large enough for a cafe,

C14-61-165 Alfonso H. Lopez--contd.

confining the sale of beer to off-premise consumption. It was brought out, however, that this would be spot zoning and the request does not conform to the policy of the Commission, that this area was zoned "D" Industrial some time ago as a large area but it has never been so used. It was concluded that the request should not be granted because of the spot zoning and the fact that it does not conform to the Commission policy on "C-1" requests. Therefore, it was unanimously

VOTED: To recommend that the request of Alfonso H. Lopez for a zoning plan change from "D" Industrial to "C-1" Commercial for property located at the northeast corner of Hidalgo and Pedernales Streets be DENIED.

C14-61-166 Robert T. McAllister: C to C-1
Chicon and Tillotson Ave.

STAFF REPORT: This is a tract containing 2700 square feet on which there is located a grocery store occupying about 100 per cent of the area. There is a curb indentation on Chicon Street for parking about 5 cars. There is a question about the advisability of cars backing into the street. The area is developed mostly as residential, with Huston Tillotson College one block south at East 11th and Chicon Streets.

Mr. Kenneth Lamkin (attorney) represented the applicant and lessee and Mr. Sullivan was also present. Mr. Lamkin presented statements which may be summarized as follows:

1. The grocery store has been here about 12 years and is an investment by the owner. He wants to realize as much as possible from it and with competition of supermarkets it is necessary to try everything he can to compete. The operator proposes to sell beer for off-premise consumption and would not consider it for on-premise consumption. About 80 per cent of his customers have requested that he sell beer.
2. There are spotted commercial uses in this area and it is not felt that the sale of packaged beer will hurt the community but it will help business. There are a great many children who come here and the operator would not do anything that would affect them. Beer is available a few blocks away but this will be more convenient.
3. Parking is very limited but most of the customers live in the area and there is very little drive-through business.

Five nearby owners appeared in opposition, written objections were filed by eight owners, and a petition signed by 32 owners was filed. Reasons for the opposition were as follows:

1. There are two churches near this property and this is a residential neighborhood with a large number of older people. One church only recently moved in the neighborhood because it was considered to be residential. The residents would like to keep the community as quiet and religious as possible.

C14-61-166 Robert T. McAllister--contd.

2. There are young men at the College and it would not be desirable to have beer more convenient to them. (Mr. Lamkin said there are several bars south of the College nearer the College than this business.)

The Commission concluded that this does not conform to the policy of the Commission since it is not a well developed "C" District although the property is in an area zoned "C". It was therefore unanimously

VOTED: To recommend that the request of Robert T. McAllister for a change in the zoning plan from "C" Commercial to "C-1" Commercial for property located at the northeast corner of Chicon Street and Tillotson Avenue be DENIED.

C14-61-167 Charles T. Browne: A to C-2
96 East Avenue

STAFF REPORT: This area has a varying zoning pattern, with "B" Residence across Driskill Street and "C", "C-1" and "C-2" Commercial along East 1st Street and there is a church across Driskill Street. There is a "C" Commercial zone in this block to the south and the staff included the intervening lots in the notice of hearing to provide a continuation of this "C" zoning if the request is granted. The applicant proposes a drive-in, liquor store, or a garage on the property. The staff feels that the request is not in conformance with the Commission policy in that this is not a well developed commercial area and feels that the request should be denied.

Mr. Browne (applicant) and Messrs. Felix Soto and Mrs. Ben R. Gomez (agents) appeared and stated that the owner had in mind a liquor store but does not want that now and would be satisfied with "C" Commercial. He feels that since the property is on the Interregional Highway this could be made into a good shopping center. Replies to notice were received from three nearby owners who favored the request.

Five nearby owners and representatives of the East Avenue Baptist Church appeared in opposition for the following reasons:

1. The neighbors do not understand what Mr. Browne plans to establish here. A liquor store would be objectionable but other commercial uses might not be. The church and the school across 1st Street should not be hurt. This is a residential area.
2. The front entrance to the church is on 1st Street but there is a nursery and two side entrances on East Avenue (Interregional Highway). The congregation does not approve of a liquor store here, but would not oppose "C" Commercial because it is felt this type of zoning will come into this area. One member opposed "C" Commercial because this is a residential area and since the applicant has no definite plans this would be speculative zoning. He understands that the Commission is opposed to this type of zoning.

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C14-61-167 Charles T. Browne--contd.

The Commission reviewed the zoning and development in this area and felt that the "C-2" Commercial should not be granted adjacent to the church but that "C" Commercial would be a logical extension of the present "C" zoning if the intervening lots are included. It was therefore unanimously

VOTED: To recommend that the request of Charles T. Browne for a change of zoning from "A" Residence to "C-2" Commercial for property located at 96 East Avenue and 709-711 Driskill Street be DENIED; but that a "C" Commercial designation be established for the property and that the property located at 92-94 East Avenue and 707 (703) Driskill Street be included in the change to "C" Commercial.

C14-61-168 P. E. Worsham: BB to O
1120 East 52nd Street

STAFF REPORT: This is located behind a washateria and service station and is in an area which has been zoned "BB" for apartments. There are several categories along Cameron Road. The "BB" area has partially been developed with apartments in this immediate vicinity. The problem is that it does constitute a spot zone. I do not consider it a buffer zone but an encroachment into an apartment area. The land was subdivided recently for single-family development but it was determined that it should be an apartment zone less than a year ago. In view of the fact that this is a spot zone, apartments being developed in the "BB" zone, and 52nd Street being a 50-foot residential street, I recommend against the change. There has been some storage on the back of the washateria property, seemingly by a plumber, which is near the applicant's lot.

Mr. Worsham stated that he wants to establish his office here and he considers this the proper development next to the apartments and the filling station. Reply to notice was received from Mr. Charles D. Nash who favored the request.

The Commission felt that this would provide a buffer zone between the filling station and washateria and the more restrictive zoning on the east, and that this would be the logical zoning between the "C" Commercial and "BB" Residence zones. It was therefore unanimously

VOTED: To recommend that the request of P. E. Worsham for a zoning plan change from "BB" Residence to "O" Office for property at 1120 East 52nd Street be GRANTED.

C14-61-169 Thomas Black, Trustee: C-1 to C-2
San Jacinto Blvd. and E. 15th St.

STAFF REPORT: The property as zoned permits the sale of beer and the change is to permit a package store. There are quite a few parking spaces available. In view of the fact that this conforms to the policy of the Commission we recommend the change.

C14-61-169 Thomas Black, Trustee--contd.

Mr. Everett M. Funk (lessee) stated the following: I operate the Jade Cocktail Lounge here. Beer would be incidental to the operation of the business. This request is to avoid any difficulties that might arise with respect to selling beer with food. This is an entertainment and dancing place. The building is so large that I have to rent out a part of it and Mr. Stell proposes to operate a liquor package store. We have ample off-street parking.

Mr. Arthur G. Stell (sub-lease) said the general area along San Jacinto would not be injured by either use in the building. Mr. Thomas Black, Trustee, explained that he represents the owners of the property and there are other similar uses in the area and they feel the change would permit the use of the property in accordance with other property in the community. Mr. Willard Connolly (lessor) said he leased the building to Mr. Funk and they decided that this would be the proper use for this building.

Written objections were filed by Mrs. Beatrice E. Marko (306 East 14th Street) and Mrs. Victoria Blomquist (304 East 16th Street). They stated that there are already too many places on San Jacinto where beer is served near State buildings and the University, and this lowers the value of homes and the respectability of the neighborhood.

The Commission reviewed the existing development in this area and concluded that this request would conform to the policy of the Commission regarding "C-2" applications. Therefore, it was unanimously

VOTED: To recommend that the request of Thomas Black, Trustee, for a change in the zoning plan from "C-1" Commercial to "C-2" Commercial for property located at the northeast corner of San Jacinto Boulevard and East 15th Street be GRANTED.

C14-61-170 James K. Eichelberger, Jr.: BB to B
Manor Rd. and Oldham St.

STAFF REPORT: This property has an area of 16,380 square feet. It is presently developed as a single-family house and an apartment hotel is proposed. The surrounding area is developed with a mixture of single-family homes, apartments and rooming houses. The terrain is generally fairly level although the terrain in the majority of the area is generally rolling. We have "B" Residence between Red River and the half block east of Sabine, "C" Commercial on Red River, with some "B", and "BB" Residence between Swisher and Oldham which was established about five years ago. This is a part of the University area and apartments attached to the University for students or faculty. New development taking place in the immediate vicinity of this property is "B" or "BB". There is some high density development along Oldham conforming to "BB" or below maximum density permitted. There is a commercial zone across the street. Apartment development is quite low in density and there is a new apartment development of low density. The change from "BB" to "B" is to take advantage of apartment hotel development which will permit 21 units. Of most concern is the density taking place in the

C14-61-170 James K. Eichelberger, Jr.--contd.

University area. Over-all density is in good shape but on individual sites density is increasing and with that an increase in the number of automobiles. There is some justification for change in the area. We are making a study of zoning and the idea of having the same zoning on both sides of a street.

Mr. Eichelberger presented the following statements in support of his request: I agree with Mr. Osborne's statements. I want to build a 12-unit building for girls, with one unit for a house mother as required by the University. Each unit has two bedrooms, living room and kitchen, occupied by four girls who are graduate students. The terrain slopes 14 feet from the front to the back and we plan to park under the building in the rear, off the alley, and we would like to pave the alley. We intend to save two large trees by moving the building back. We will have 25 or 26 parking spaces.

Mrs. W. Trenckmann (700 East 23rd Street) said the whole neighborhood is changing to apartment development; a difference of 10 and 12 units will not harm anyone. Miss Albrecht (2106 Swisher Street) appeared in favor but made no comments.

Written comment from Mrs. Annie Mae Timmons (2105 Sabine Street) was that she objects because of increasing crowded parking conditions in this area.

The Commission felt that there is a need for this type of use in this area and that the proposed development would be the highest and best use of the property. It was therefore unanimously

VOTED: To recommend that the request of James K. Eichelberger, Jr., for a change of zoning from "BB" Residence to "B" Residence for property located at the southwest corner of Manor Road and Oldham Street be GRANTED.

C14-61-171 R. G. Lemmons: A & 1 to B & 2
5209-5215 Joe Sayers Avenue

STAFF REPORT: This change is for a tract of land comprising four lots which front on a dead-end street. The surrounding property is developed residentially with some undeveloped property immediately to the north. There is commercial development along Burnet Road about two blocks to the west. The proposed zoning would permit a maximum of 30 regular units, 60 efficiency units, or a 60-unit apartment hotel. We feel that this constitutes a spot zone and because of that and the location on a dead-end street with an entrance to North Loop Boulevard which would create an additional traffic burden, we feel that the request should be denied.

Mr. J. P. Darrouzet (attorney) represented the developers and Mr. Lemmons was also present. Mr. Darrouzet presented statements which may be summarized as follows:

C14-61-171 R. G. Lemmons--contd.

1. Mr. Horne and Mr. Hooper are interested in this and they intend to erect an apartment hotel of 48 units, 18 to be one-bedroom units and 30 to be two-bedroom apartments. This will have a swimming pool and a play pool and off-street parking will be provided as required.
2. This area is in a sense free from congestion and use and we feel there is a need for apartments in this area. This is the last sizable property here. The lots have a depth of 189 feet which is more than for ordinary residential lots. This is too deep for four single-family units and the depth detracts from the personal desire to acquire it for residential use. The most appropriate use would be apartments which are not necessarily noisy.
3. This is near the State Health Department, the State Highway Department, and other uses in an increase in the commercial development which all brings more employees to the area. Many people do not desire to own their own homes and want to live in apartments. This area has no apartments and no zoning for apartments.
4. Once the City decided to open North Loop as a thoroughfare, this would inhibit the large increase in traffic. This will not increase the traffic because it is away from North Loop. If all the lots were developed with houses you would have additional traffic on North Loop but that is the reason for having the streets.
5. The question of spot zoning is how big the spot is and we question whether the four lots would constitute spot zoning.

Mr. Robert B. Thrasher (attorney) represented Mr. and Mrs. Ellis (North Loop and Woodrow), and Mr. and Mrs. W. R. Bryson (5214 Woodrow Avenue) appeared, and one reply to notice was received, all opposing the requested change for the following reasons:

1. This area has been designated as "A" Residence and owners built their homes here with that understanding. This is fringe property and not in the center of town. There are other locations more suitable for apartments. This property is not convenient to the University, schools or other services. This is a quiet neighborhood and it would be a disaster to put an apartment house here. 98 per cent of the residents in this area are home owners. The two vacant lots next to this property have been bought for homes. There is one apartment house which stays vacant most of the time and is unsightly. Most of the people working for the Health Department and Highway Department are home owners.
2. North Loop and Woodrow Avenue are both thoroughfares and carry a great deal of traffic. This is a very bad and dangerous intersection. This traffic should not be increased by the proposed apartment hotel.

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C14-61-171 R. G. Lemmons--contd.

The Zoning Committee reported that it had recommended against the change because it would create a spot zone in an "A" Residence neighborhood.

The Commission received a letter from Mr. Lemmons requesting that his application be withdrawn with regard to the Height and Area change. Also, Mr. Robert C. Sneed (attorney) appeared before the Commission and added to the letter a request that the entire application be withdrawn. The Commission therefore unanimously

VOTED: To ACCEPT the withdrawal of this request of Mr. R. G. Lemmons.

C14-61-172 Mrs. Lallage J. Egleston: A to B
1149E and 1151E Nickols Ave.

STAFF REPORT: This is for two lots in a residential area with an area of 11,700 square feet. This is a residential area, lot and street. The change as requested would create a spot zone and we recommend against the change for that reason.

Mr. Elvin W. Brown (builder) represented the applicant who was also present and stated the following: The applicant has two adjoining lots and wishes to use them to get the maximum value. She is taking care of several grandchildren and wants some income for them. She talked of selling the property but wanted to keep it so the children would have a home in the future. She decided she would either put in apartments or a home for the aged. I have a contract with Mr. Hudspeth to build the rest home and have a down payment in order to build it.

Mr. Charles Hudspeth (proposed lessee) appeared and stated that he favors the rest home. He explained that he has two rest homes and if the applicant builds this one he wants to consolidate the two into this one home since the ones he has are not as they should be and this place would be an improvement. He felt that there is a need for some homes for the aged.

One reply to notice was received from Mr. Roy Haywood, Jr. (1152 Nickols Avenue) favoring the request.

The Commission concluded that this request should not be granted to create a spot zone in an "A" Residence area. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. Lallage J. Egleston for a change in the zoning plan from "A" Residence to "B" Residence for property located at 1149E and 1151E Nickols Avenue be DENIED.

DISQUALIFIED: Mr. Kinser (owner of nearby property)

C14-61-173 Episcopal Theological Seminary of the Southwest: A & 1 to B & 2
Bellvue Pl., Duval St., and Rathervue Place

STAFF REPORT: The basic problem here is density. The application is for property fronting along Duval Street consisting of four lots from which two single-family homes have been moved and rebuilt elsewhere. The surrounding area to the west has apartments, commercial and single-family homes. To the south is another apartment and rooming house area. Immediately to the east there are duplexes, single-family homes and some apartments, some with two duplexes on a lot. To the north of 32nd Street there are single-family homes. There is efficiency apartment development in the area to serve the University. Across the street is an apartment house which causes congestion on Duval Street where people park instead of driving to the back parking lot. This is typical of efficiency apartments. There will be visitor parking to be considered. I could not recommend Second Height and Area but would go along with "B" Residence.

Mr. Charles Granger (architect and agent) and Mr. Roberts (Business Manager to the Seminary) appeared in support of this request and submitted statements which may be summarized as follows:

1. We have had some very spotted development in this area. The Seminary has acquired these lots and two lots to the east. There is a need for expansion of the Seminary and as it has developed it has been found that married students are returning and they need housing. The two lots to the east will be used for expansion of the Seminary. We have dormitories for all single students and the proposed units will be for married students. This would be of great benefit to the Seminary since monies coming to endowed institutions of this type are limited and uncertain.
2. We plan two efficiency apartment buildings, with one unit having parking from Rathervue and the other from Bellvue. There will be walk-in entrances but no car entrances from Duval Street. These are long-life units and the type of construction will be similar to that of the Seminary. Garbage would be accumulated and collected from the alley. 36 efficiency units are permitted and we will have 36 off-street parking spaces. The parking of the students could be controlled but if we have any non-student residents their parking could not be so controlled. We have a lower zoning classification to the south and across the street which would permit a higher density and could create more traffic than our proposed use.
3. Efficiency apartments are needed in this area. The wives are working and neither the students nor their wives have time to maintain a large apartment.

Dr. and Mrs. T. R. McNeely (501 Bellvue) and Mrs. C. B. Sterzing (305 LeGrande) appeared and presented the following statements.

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C14-61-173 Episcopal Theological Seminary of the Southwest--contd.

1. Mrs. Sterzing said she would not oppose this if it were only for Seminary students nor if the property is taxable, but she felt that if no taxes are paid it would not be fair to the other people in this type of business. (Mr. Roberts said the property is taxable if used as proposed.)
2. Dr. McNeeley felt that his building would be overshadowed by the proposed development and noted that there is no other Second Height and Area zoning in the area. He said his patients park on Bellvue and this would be eliminated under the proposed plan. He thought that if occupants of the apartments park in the street it would affect his business. (Mr. Granger said he felt that the problem of on-street parking where the requirements for parking have been met should not be considered.)

Replies to notice were received from two nearby owners favoring the request but giving no reasons. One reply opposing the request was received from Mrs. Laura J. Suehs (600 Bellvue Place) but she stated no reason.

The Commission reviewed the staff report and the information presented, including the present congestion of parking on Duval Street and the trend toward this practice in connection with apartment development. It discussed the program of the Seminary and the fact that additional land is being purchased as possible around the present property for future expansion. It was felt that this is a special discussion because of the nature of development and that this property will eventually be used by the Seminary in its expansion program. Mr. Barrow noted that he is usually opposed to an increase in intensity on busy streets but would consider this an unusual situation. It was concluded that the proposed use would be in line with the general development of the area and needs of the Seminary and it was therefore unanimously

VOTED: To recommend that the request of Episcopal Theological Seminary of the Southwest for a change of zoning for property located on Duval Street between Bellvue Place and Rathervue Place be GRANTED.

C14-61-175 P. E. Worsham: C to C-1
Interregional Hwy. and Brooks St.

STAFF REPORT: This application is for the privilege of serving beer with food in a restaurant. The applicant made application to the Board of Adjustment for a variance on the location of a restaurant and withdrew the request. The property across Brooks Street is zoned both "A" Residence and "C" Commercial. Zoning in the area is mixed. I do not think this conforms entirely to the Commission policy but realize that the two highways are commercial and raise the question as to whether or not you think this conforms to the policy.

Mr. Worsham appeared in support of his request and stated the following: Mr. Swaner, who operated the Chicken Shack for many years, has a lease on this property for ten years. I withdrew the request to the Board of Adjustment because I found I could get a better building to comply with the requirements. If there is objection to the head-in parking we can park cars across the street.

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C14-61-175 P. E. Worsham--contd.

Mr. Swaner was also present but offered no further information. Mrs. Marion Ross stated that she owns the adjoining property and they wanted to plan for one development on both properties.

The Commission felt that this area is in a period of transition because of its location on the two highways and that the proposed use would be the highest and best use for the property which is not suitable for residential use. It was therefore unanimously

VOTED: To recommend that the request of P. E. Worsham for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at the north intersection of Interregional Highway and Brooks Street be GRANTED.

C14-61-176 Phillip and Ernest Joseph: A to C-1
Peacock (Oak Crest) and S. 1st St.

STAFF REPORT: This request is for the purpose of permitting a drive-in grocery store with the privilege of selling beer. The property is directly across South 1st Street from the Mollie Dawson Elementary School and we feel that the request does not conform to the Commission's policy.

No one appeared to represent the applicant. Mrs. Linda Gibbs (608 Peacock Lane) appeared but expressed no opinion.

The Commission noted the location of the property and the surrounding development. It was concluded that this would create a spot zone and would create a traffic hazard since it is so near the school. It was therefore unanimously

VOTED: To recommend that the request of Phillip and Ernest Joseph for a change in the zoning plan from "A" Residence to "C-1" Commercial for property located at the southwest corner of Peacock (Oak Crest) and South 1st Street be DENIED.

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of December 4, 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:

C8s-61-147 Henry E. Ulrich, Resub. Lots 29 & 30, Hyde Park Annex

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of December 4, 1961, on the minutes of this meeting.

PRELIMINARY PLAN

C8-61-37 Collier Street Dedication Plat
S. Lamar and Collier St.

The staff reported that this is a proposal by the City to build Collier Street as a connecting street between Kinney Avenue and South Lamar Boulevard, and that the plat shows Jessie Street extending south of this proposed street in accordance with a preliminary plan previously submitted by Mr. J. D. Howard. It was felt that this would probably come in later as a short form subdivision. The staff suggested that Jessie Street end in a cul-de-sac until such time as it might be extended further southward. It was explained that there is at present no connecting street between Hether Street and Treadwell Street and that trucks from the fire station at Kinney Avenue and Collier Street must detour to one of these streets to serve the area to the east. The Director stated that this plan was generally agreed upon by Mr. Seaholm when he was City Manager with Mr. Howard that the City would participate in the development of Collier Street extension. He said that about two months ago, Mr. Howard discussed with him the dedication of Collier Street through his property. Mr. Osborne noted that under this plan there will be a small piece of the Robinson Brothers' property which will have to be acquired by Mr. Howard.

In response to a question by the Committee, Mr. Osborne stated that the City has received a dedication from Mr. Howard of the portion of Collier Street through his property and that it is not necessary for Jessie Street to be included in this street dedication plat since it is the City's interest to get the extension of Collier Street. Mr. Barrow suggested that it might be better to leave Jessie Street out until the land is subdivided and a preliminary plan is submitted. Mr. Stevens stated that he does not know whether or not Jessie Street was included in the drainage plan and estimate of the Storm Sewer Division. The Committee then

VOTED: To APPROVE that portion of the plat of COLLIER STREET DEDICATION PLAT showing Collier Street only.

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following plats:

C8s-61-144 Bredlow-McGrow Subdivision
U. S. Highway 183

C8s-61-145 Welton City Resub. Lots 1 & 2, Pt. O.L. 47, Div. B
Maple Ave. at E. 21st St.

C8s-61-140 Henry G. Sanders Subdivision
Springdale Rd. and E. 12th St.

The following factors were submitted by the staff: There is a residence on Lot 2 and it is proposed to have a filling station on Lot 1. Lot 1 has already been sold and deeded with a depth of 125 feet. East 12th Street is proposed in the Thoroughfare Plan as a 90-foot street and in order to give the necessary 15 feet for the widening of the present right-of-way, as shown on the plat, it has been necessary to reduce the size of Lot 2 to provide the 125-foot length of Lot 1, reducing the area of Lot 2 to 5500 square feet instead of the required 5750 square feet. The subdivider is also providing for 20 feet to widen Springdale Road. Because of the small deficiency in lot area for Lot 2, the staff recommended a variance.

Mr. Joe F. Gray (Gray and Becker) was present to be sure they will get the 125-foot depth they have purchased from Mr. Sanders.

The Committee felt that the variance in lot area for Lot 2 was justified because of the small deficiency. It was therefore

VOTED: To APPROVE the plat of HENRY G. SANDERS SUBDIVISION and to grant a variance from the Subdivision Ordinance on lot area requirements for Lot 2.

C8s-61-142 Harry Terrio Subdivision
Theckla Terrace and Joe Sayers Ave.

The staff reported that Joe Sayers Avenue has a right-of-way of 40 feet instead of the required 50 feet but the subdivider is giving his 5-foot portion for the widening, but this dedication is not in the proper form, and also a variance in street width will be needed. It was further reported that all departmental reports have not been received. The Committee then

VOTED: To DISAPPROVE the plat of HARRY TERRIO SUBDIVISION pending receipt of all necessary departmental reports and showing of the 5-foot additional right-of-way for Joe Sayers Avenue in the proper form on the plat, and to grant a variance from the Subdivision Ordinance on street width requirements.

C8s-61-143 Olen E. Hager Subdivision
W. 8th and Blanco Sts.

It was reported by the staff that West 8th Street has a right-of-way of 48 feet instead of the minimum 50 feet required but that the Public Works Department had not felt that the additional two feet was needed. It was recommended by the staff that a variance be granted. The Committee therefore

VOTED: To APPROVE the plat of OLEN E. HAGER SUBDIVISION and to grant a variance from the Subdivision Ordinance on street width requirements.

C8s-61-146 River Oaks, Sec. 1, Resub. Lots 1, 2 and 22
Summit St. and Lupine La.

The staff reported that the subdivider should be advised that existing utility lines must be moved at the subdivider's expense, that all departmental reports have not been received, and that the subdivision is not submitted in the proper form since it involves two small lots which are not shown. The Commission therefore

VOTED: To DISAPPROVE the plat of RIVER OAKS, SEC. 1, RESUB. LOTS 1, 2 AND 22, pending submission of the plat in its proper form.

C8s-61-147 Henry H. Ulrich, Resub. Lots 29 & 30, Hyde Park Annex
E. 46th St. and Ave. G

It was reported by the staff that all departmental reports have not been received and that this subdivision creates two lots facing on East 46th Street which has a right-of-way of only 40 feet instead of the required 50-foot minimum width. The staff felt that the subdivider should give his 5-foot portion for the widening of the street, but if he does he will not be able to build duplexes on the lots as he proposes but can create three lots out of the present two lots. Attention was called to the fact that other lots facing on 46th Street are small and there are no duplexes.

The Committee felt that further consideration should be given this subdivision and it was

VOTED: To REFER this subdivision to the Planning Commission pending further study.

C8s-61-149 Royal Oak Estates, Sec. 2, Second Resub. Lots 5 & 6, Blk. 0
Rogge La. and Sandhurst Circle

The staff reported that the engineer had submitted this plat to the necessary departments and had obtained their written approval. It was noted that this subdivision involves moving the common lot line of these two lots a few feet. The Committee therefore

VOTED: To APPROVE the plat of ROYAL OAK ESTATES, SEC. 2, SECOND RESUB. LOTS 5 & 6, BLK. 0.

R810 SUBDIVISION RULES AND PROCEDURES

The Director reported that the Legal Department has submitted an opinion with regard to the acceptance of plats where tax certificates are required to the effect that it is necessary that taxes only be paid for the previous year up to January 1st and that the Planning Commission cannot vary from the tax requirements of the Subdivision Ordinance. Mr. Stevens reported that the County considers this a questionable legal question for subdivisions outside the City on subdivisions which are submitted to the Commissioners Court and will continue to require tax certificates as they do now.

SUBDIVISIONS - FILED

C8-61-40 Eubank Acres Sec. 3-A; Resub. Lots 1 & 11, Blk. 1, Eubank Acres Sec. 2
Krause La. and Oakwood Dr.

The staff reported that all necessary departmental reports have not been received and it was recommended that the Commission accept the plat for filing. The Commission therefore

VOTED: To ACCEPT for filing the plat of EUBANK ACRES SEC. 3-A; RESUB. LOTS 1 & 11, BLK. 1, EUBANK ACRES SEC. 2.

C8-61-42 Northtowne Sec. 3, Phase 1
Steck Ave. and Rockwood La.

It was reported by the staff that departmental reports have not been received and the engineer has requested the Commission to authorize the staff to poll the members when all reports have been received. It was further reported that the final plat has been checked and found to comply with the preliminary plan. The Commission therefore

VOTED: To ACCEPT for filing the plat of NORTHTOWNE SEC. 3, PHASE 1, and to authorize the staff to poll the Commission members when all satisfactory departmental reports have been received.

SUBDIVISION PLATS - CONSIDERED

C8-61-44 Greenwood Cemetery, Sec. 2
U. S. Hwy. 183 South

The staff reported that this plat satisfies all the standards of the Subdivision Ordinance and is recommended for final approval. The Commission therefore

VOTED: To APPROVE the plat of GREENWOOD CEMETERY, SEC. 2.

The following subdivision plats were presented for layout approval only because fiscal arrangements have not been completed. The Commission therefore

VOTED: To DISAPPROVE the following plats pending completion of fiscal arrangements and to authorize the staff to poll members when these are completed as shown:

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

C8-61-38 Granberry Park
Parker La. and Woodland Ave.
(poll members)

C8-61-39 Oak Lawn Subdivision
Webberville Rd. and Meander La.
(poll members)

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

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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 Commission therefore

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

C8s-61-151 Miller and Mason Sub.
Old Lockhart Hwy. and Del Valle Rd.
C8s-61-152 Lindy Huber Sub.
U. S. Hwy. 81

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following plats:

C8s-61-148 University Hills, Sec. 1, Resub. Lots 5 & 6, Blk. E
Notredame Dr.
C8s-61-150 South Lund South, Resub. Lots 2, 3, 4, Blk. C; Resub. Lot:
5-A of Resub. Lots 5 & 6, Blk. C
Dwyer Ave.
C8s-61-157 University Hills, Sec. 3, Phase 2, Resub. Lots 9 & 10, Blk.3
Syracuse Circle

The following plats were presented and action was taken as shown:

C8s-61-142 Harry Terrio Sub.
Theckla and Joe Sayers

The staff reported that all departmental reports have not been received, guy easements need to be shown as recommended by the Electric Department, and that the plat has not been presented in the proper form. The Commission therefore

VOTED: To DISAPPROVE the plat of HARRY TERRIO SUB. pending receipt of all necessary departmental reports, showing of electric guy wires on the plat, and presentation of the plat in the proper form.

C8s-61-146 River Oaks, Sec. 1, Resub. Lots 1, 2 & 22
Summit St. and Lupine La.

It was reported by the staff that there is a power pole which must be moved at the subdivider's expense if it is moved, and that the plat satisfies all of the standards of the Subdivision Ordinance and is recommended for approval with the above notification to the subdivider. The Commission therefore

VOTED: To APPROVE the plat of RIVER OAKS, SEC.1, RESUB. LOTS 1, 2 & 22, subject to the subdivider being advised that the existing power pole must be moved at the subdivider's expense if it is moved.

C8s-61-147 Henry Ulrich Resub. Lots 29 & 30, Blk. 2, Hyde Park Annex
East 46th St. and Avenue G

The Commission considered the REFERRAL of this subdivision. The staff reviewed the discussion of the Committee and the need for additional right-of-way for 46th Street. It was further explained that Lots 29A and 30A would be large enough for duplexes as proposed but if the necessary 5-foot of right-of-way is provided the owner could still get three lots but a duplex could only be built on one lot. Mr. Barrow said he felt that when the number of units is increased on a street which is substandard in width, the subdivider should provide his portion for the widening of the street.

Mr. Ulrich was present and explained that he has a man interested in buying one lot and that he proposes to use the other two lots. He said he would have to study the shifting of lot lines. The Commission then

VOTED: To DEFER action on this subdivision until the next meeting to give the subdivider time to work out a satisfactory plan.

C8s-61-153 Chernosky Sub. No. 9, Resub. Lots 41 & 42, Blk. R
E. 12th and Luna Sts.

The following information was presented by the staff: This property fronts on 12th Street which is designated as a thoroughfare with a right-of-way of 120 feet, but the Department feels the City could get by with 90 feet, requiring an additional 10 feet being provided on each side of the street. The corner lot has an old existing house and a dwelling is proposed to be located on the second lot and piers are already in place 25 feet from the front property line, the piers having been placed before a moving permit was obtained from the City and we could ask for a greater setback.

Mr. Jarvis (Carrington Fine Built Homes) stated that this work was done inadvertently. He said they made arrangements for the house mover to move the house and in order to get a plot plan he called the Building Inspector's office and got the information, but stopped the work being done on the lot when they found there would have to be a short form subdivision. He explained that the house on the corner lot has a setback of about 18 feet from the side line and about 30 to 32 feet on the east side, facing on 12th Street. He noted that other houses existing along East 12th Street have the same setback of about 25 feet.

The Commission discussed the possibility of widening 12th Street, considering the number of existing houses with 25-foot setbacks, and noted that widening the street would take most of the front yards of these houses. The Director said he would recommend against leaving the new house as it is until the street is widened but felt that the right-of-way should be obtained on this lot. He stated that any variance on the new house would then have to be granted by the Board of Adjustment after the street is widened.

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C8s-61-153 Chernosky Sub. No. 9, Resub. Lots 41 & 42, Blk. R--contd.

Mr. Kinser said he was familiar with this area and felt that the street should be widened since this is a street leading to the district park across the street and is a very congested street, and that the plat should not be approved unless the additional right-of-way is provided. The Commission then

VOTED: To REJECT the plat of CHERNOSKY SUB. NO. 9, RESUB. LOTS 41 & 42, BLK. R.

C8s-61-154 Continental Addn. Sec. 2
Merle Place

It was reported by the staff that the corner lot is owned by Continental Oil Company and the owner of Lots 1 and 2 wishes to separate them from the other property but ran into the usual complications with obtaining the signatures of oil company officials. It was explained that Lot 1 is a substandard lot but is in a commercial area and the Subdivision Ordinance does not cover this type of division; however, there is a statement on the plat that Lot 1 is not to be used for residential purposes. Mr. Russell Rowland (agent for Continental Oil Company) stated that there would be a pharmacy on Lot 1 and the Texas Restaurant on Lot 2. The Commission then

VOTED: To APPROVE the plat of CONTINENTAL ADDN. SEC. 2 and to grant a variance from the Subdivision Ordinance on signature requirements.

C8s-61-155 Annie Mae Timmons Sub.
Wheless Lane

The staff reported receipt of a letter from Mr. Truman H. Montandon (agent for the owner) requesting that the Planning Commission grant a variance from the Subdivision Ordinance requiring that the full tract be included in the subdivision, inasmuch as the owner of the remaining one-acre tract (Jack D. Crawford) owes back taxes and is unable at this time to pay the back taxes which would enable him to join in the subdivision. The staff further reported that Wheless Lane has a narrow right-of-way and Mrs. Timmons is giving about 15 feet for widening, although Mr. Crawford has given no additional right-of-way. Attention was called to a report from the Gas Company stating they would like to serve this lot from an existing line in Wheless Lane which is larger than the existing gas line crossing this property.

Mr. Montandon stated that Mrs. Timmons purchased this property in 1955 without knowing the Subdivision requirements and she is now being jeopardized by not being able to sell her property.

Mr. Fowler explained that the City Attorney has ruled that all of the original owners must sign the plats, and that in some cases this signature requirement has been waived, but the Planning Commission does not have the power to waive the requirement for payment of taxes. The Director pointed out that if Mr. Crawford's property is not included this would still in effect be creating a two-lot subdivision, and that additional right-of-way is needed from his property.

C8s-61-155 Annie Mae Timmons Sub.--contd.

The Commission discussed the situation resulting and the hardship on one person when other owners fail to join in the subdivision, but recognized the limitation of the Commission regarding the granting of a variance from the tax payment requirements. It was then

AGREED: That the Planning Commission would take no action on this subdivision.

C8s-61-156 T. T. Smith Subdivision
San Gabriel and W. 23rd Sts.

The following factors were presented by the staff: Lot 1 now has a frontage of 80 feet and Lot 2 a frontage of 41 feet. There is an apartment house on Lot 1 and a triplex on Lot 2. The owner proposes to resubdivide the lots to provide a frontage of 60.5 feet for each lot on San Gabriel Street, and to convert an unused portion of the triplex into an apartment, making a four-unit apartment house on Lot 2. No changes will be made to the building on Lot 1. There is a carport there which opens on 23rd Street. Lot 1 sides on West 23rd Street which has a right-of-way of 30 feet and a pavement of about 20 feet. If the pavement is ever widened the entire right-of-way would have to be paved and utility lines would then be under the pavement. This paving of narrow streets sometimes presents problems. We would like to see 23rd Street widened if possible since there are some rooming houses along the street.

The Commission agreed that the proposed development and resubdivision would not change the situation on 23rd Street but the change, if any, would be on San Gabriel which has a right-of-way of 60 feet. It was concluded that a variance on street width requirements for West 23rd Street would be justified. Therefore, it was

VOTED: To APPROVE the plat of T. T. SMITH SUBDIVISION and to grant a variance from the Subdivision Ordinance requirements on street width requirements.

OTHER BUSINESS

R808 DEVELOPMENT PLAN
Ravey Addition

The staff presented the following information and history of this property: This subdivision was started when a preliminary plan was approved as "Ravey Addition" consisting of 10 lots but it was never completed and never recorded. Later the owners requested water service in the subdivision and, after considerable effort to work out a plan, divided it into six tracts which was approved by the Council, but was never recorded. Subsequently, before 1956, some of the land was sold off. Mr. Joe Hoffman then submitted a plat in 1956 excluding the tracts heretofore sold. The Subdivision Committee at

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R808 Ravey Addition--contd.

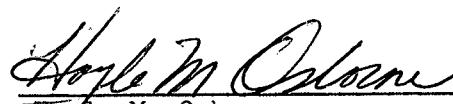
that time felt that the entire tract should be included in the subdivision as originally approved in 1952 and voted to disapprove the second plan. In 1958 another plat was submitted to comply with the Committee's action which included the signatures of all the then owners of the subdivision. The problem of getting a sanitary sewer easement outside the subdivision was accomplished and the easement obtained but other problems arose regarding authorization by the City Council for the recording of the six-lot plat never recorded, which was placed on record in 1960 by certification but not by approval of the Planning Commission. Mr. Hoffmann is now requesting permission to submit a short form plat (since the street is dedicated) and omit Lot 11 since Mr. Gage (owner) owes back taxes for eight years and is not willing to pay them. Most of these lots already have houses located on them.

The Commission reviewed the history of this property and the problems encountered and felt that it would be satisfactory to omit Lot 11 from the plat as an inspection of the plat now on record subdivides it as a separate tract. It was therefore

VOTED: To inform the subdivider that the Commission would look with favor on accepting this plat, omitting Lot 11, for filing subject to compliance with departmental requirements, and to authorize the staff to give administrative approval when the plat has met all departmental requirements.

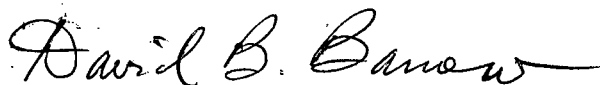
ADJOURNMENT

The meeting was adjourned at 10:00 p.m.



Hoyle M. Osborne
Executive Secretary

APPROVED:



Chairman