

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- March 13, 1962

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

Present

D. B. Barrow, Chairman
Howard E. Brunson
S. P. Kinser
W. Sale Lewis
Emil Spillmann

Absent

Doyle M. Baldridge
Fred C. Barkley
Pericles Chriss
Noble Doss

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 February 13, 1962, were approved as submitted.

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting March 6, 1962:

C14-62-13 Austex Development Co., Ltd.: A to BB
Wellington, Dexmoor Dr., Belmoor Dr., Cheshire Dr.

STAFF REPORT: This is in a very new residential area developmentwise and is a part of Delwood Estates. A large part of the land is still in the name of the developers and notices of hearing were sent to the developers instead of the current owners since the tax list is used in compiling the property owner list for notification. We recommend, and the applicant is in agreement, that this case be postponed until a correct mailing list can be compiled since there have been so many new transfers.

A very large group of owners in this area appeared at the meeting in opposition to this request and, in response to the staff's suggestion for deferment, asked if a special hearing could be held in a room large enough to care for the people who would attend since they were not all able to get into the Council Room.

The Committee reported to the Commission that the case had been deferred until the next regular meeting and that they had agreed to consider the request that a special meeting be held in the neighborhood.

C14-62-14 Ralph T. Parker (owner): A to B
H. C. Carter, Jr. and Paul Brandt (purchasers)
2207-2211 Richcreek Road

STAFF REPORT: Property on Burnet Road is commercial in zoning and use and adjoins this property. The proposed zoning would permit a maximum of 24 regular units. The area to the north, east and south is developed residentially, with several new residences, and we feel this would be an encroachment into a residential area and so recommend that the request be denied. This would establish a condition to encourage similar requests all along the rear of Burnet Road commercial area.

Mr. H. C. Carter (purchaser) submitted the following information in support of this request: We contacted people within the radius notified by the staff and found no objection. We showed them a drawing of what is proposed and they all thought it would be a buffer and shield between the commercial on Burnet Road and the residential area. We plan to build 15 units in order to give adequate parking. We talked to the owner of property at the northwest corner of Richcreek Road and St. Cecelia Street who advised us that the FHA would not give a loan if the applicant's property is left vacant or zoned commercial as an expansion of the present commercial zoning, but would give a loan if this is zoned "B" with the resulting assurance that it would be developed with dwelling units.

Written objections were filed by three nearby owners, giving the following reasons:

1. We feel that "B" Residence is not to the best interest of this neighborhood. We are home owners who plan to stay here and we take pride in our homes. Apartment dwellers are in most cases temporary and usually do not take interest or pride in their homes or neighborhood. Also the owners and operators of an apartment house are interested in income and we feel that they will not care too much about the type of tenants they have, so that in the long run it will be detrimental to our family neighborhood. We have very high restrictions in our block and this addition would be in the opposite direction. This would lower the value of our homes.
2. There are quite a few small children in this neighborhood and with the increase in traffic from this apartment house there would be an added risk of injuries to these children.

Mr. Barrow agreed with the staff that there is a possibility of this encouraging other requests but, in view of the fact that this property is adjoining "C-1" and "C" Commercial zones, the Commission felt that this requested "B" zoning would be a buffer between the commercial and "A" Residence development. Therefore, it was unanimously

VOTED: To recommend that the request of Ralph T. Parker (owner) and H. C. Carter, Jr. and Paul Brandt (purchasers) for a change of zoning from "A" Residence and First Height and Area to "B" Residence and First Height and Area for property located at 2207-2211 Richcreek Road be GRANTED.

C14-62-15 Marion Edwards et al: A to B, 1 to 2
Cedar and West 35th Sts.

STAFF REPORT: This application for four lots and a part of the fifth lot is for the stated purpose of erecting apartments. These are individually owned lots and contain 8800 square feet each except the combined lot and portion of a lot (Tract D) which contains 13,200 square feet (total of 39,600 square feet). Tracts A, B and C will permit a maximum of 5 regular units or 11 efficiency units each. Tract D will permit a maximum of 8 regular or 17 efficiency units. The combined tracts will permit a maximum of 26 regular or 52 efficiency units. This will be spot zoning.

Mr. H. C. Byler (proposed purchaser) represented the applicants and was joined by three nearby owners. Written approval was received from four owners. Statements in support of the request may be summarized as follows:

1. This property is situated across from the Texas Confederate Women's Home and Nursing Home for the Austin State Hospital and adjoins "B" zoning on Speedway. There are apartments across the street on the south including some garage apartments.
2. These are old houses which will eventually be removed and this would benefit the neighborhood and the City. The whole area should be zoned commercial since 38th Street is now a speedway which makes ordinary living unpleasant there.
3. Brick apartments with 16 units are planned for the north portion.

Three nearby owners appeared favoring the change if it means new development but they do not favor it if the old houses are left on the properties. They would want the development limited to two-story units.

Written objections were received from four nearby owners who gave the following reasons:

1. There are too many apartment houses now and it would be too noisy for a residential district.
2. A building of the portion described in the notice would be very undesirable for the other residences in this block. Due to the convenience of this property to the University, it should be very carefully planned and utilized, and at this time the zoning should not be changed to allow a piece-meal development and thereby devalue the rest of the property.

Mr. C. C. Gillespie (agent) requested and was granted permission to speak to the Commission since he did not understand, because of his hearing difficulty, when the case was being discussed at the Committee meeting. He said he represents four property owners who feel that this property should be improved and that they wanted to get the whole block changed. He noted that there are no through streets through the area which slows down traffic and the proposed change would not create traffic congestion.

C14-62-15 Marion Edwards et al--contd.

Mr. Osborne called attention to the fact that this is spot zoning and would be an injection into the residential street which affects the entire area. He did not consider this a transitional question because these lots face one way and the property across the street faces the opposite direction.

The Commission discussed the statements presented and the development in the area. Mr. Barrow felt that this would be suitable zoning since there is a "B" Residence District along Speedway, then there would be this "B" District, and then the home area with the Confederate Women's Home between this property and the area to the west. Mr. Spillmann called attention to the present houses which are in a bad state of preservation and this seems to be the proper zoning to get new development in the area. He noted the wide streets in the area. It was concluded that the request for "B" zoning would be logical because of existing conditions but that Second Height and Area would permit too high density for the area and that the property should be zoned First Height and Area. It was therefore unanimously

VOTED: To recommend that the request of Marion Edwards, et al for a change in the zoning plan from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at the northeast corner of Cedar and West 35th Streets be DENIED; but that a "B" Residence and First Height and Area classification be established for the property.

C14-61-16 Harry M. Gilstrap: O to C-1
 905 East 41st Street

STAFF REPORT: This is an application for one lot to sell beer for off-premise consumption in a grocery store. There is "GR" across the street and to the east at the end of the block, with "O" on the corner which is proposed for filling station development. We feel that this is not a well developed commercial area and does not conform to the adopted policy of the Commission and therefore recommend against the request.

Mr. Gilstrap was present in support of his request and said he has an opportunity to sell the property for a drive-in grocery. He explained that he is bounded on the west and south by property on which a service station is to be built.

Written opposition was filed by one nearby owner on 40th Street for the reason that this proposed change will adversely affect all properties in that area and will not contribute anything to the taxable values of the City of Austin, but rather will reduce the values in the residential area.

The Commission felt this would tend to establish a pattern of "C" Commercial while the Commission feels it would rather have an "O" Office pattern. Also, it would be a spot zone and is not in a well developed commercial area and therefore does not conform to the Commission's policy regarding "C-1". It was therefore unanimously

C14-61-16 Harry M. Gilstrap--contd.

VOTED: To recommend that the request of Harry M. Gilstrap for a change in the zoning plan from "O" Office to "C-1" Commercial for property located at 905 East 41st Street be DENIED.

C14-62-17 Howard Pierson Estate: BB to C
 Rear 100-108 E. North Loop Blvd.

STAFF REPORT: This is a land-locked lot having no direct street access. The proposal is to expand the commercial building which fronts on North Loop and which is a public garage. Property to the north was recently zoned for apartments and a 4-unit building erected there. We feel we should recommend the change except for the access problem. This would give commercial access to residential streets over a dedicated easement along the west line of the "BB" zone. We feel that the property should be used with the adjoining property to give it access and it could be used with the commercial property to give it more depth or with the "BB" zoned property for expansion of the apartment development.

Mr. Frank Douglass (attorney) represented the applicant and four replies to notice were received favoring the request. Statements presented may be summarized as follows:

1. This area where the garage is located is completely covered with buildings which front on North Loop. The tract is 6375 square feet of island area which has no frontage on a street. Because of this the Building Inspector could not issue a permit for any separate structure.
2. The present garage extends to the rear property line. Before we bought the property we acquired a 20-foot written easement across the backs of Lots 25, 26, 27, 28 and 29, which will be used as an exit, with cars entering from North Loop. There is a barber shop and shoe shop in the building and the garage in the back of these uses, with a passageway through the building and through the garage. A parking area is in front. We propose to extend the building 35 feet toward the rear, with an overhead door in the back for parking or leaving by way of the easement. The building would cover less than 3500 square feet, leaving about 5000 square feet for parking at the rear of the garage. The extension will not go to the north or west property lines. With this extension, Mr. Boyd feels that all of the work can be done inside the building and as it is now there is a tendency to move some cars out if the garage becomes crowded.
3. To the west we have nothing but the back yards of homes. The nearest apartments are one lot to the north and there is a redwood fence along that south lot line.
4. We acquired the island tract in December, 1961. We felt it would be wise to buy the property when it was available. The previous owners had leased this property for use with the garage. We have no way to use this with apartment development. The easement has been there and in use for many years and is still in use.

C14-62-17 Howard Pierson Estate--contd.

Written comments were submitted by Mr. Wade Leuckie (111 Franklin Boulevard) approving the request only if the proposed use is not a shop or factory that will have equipment that would create noises to disturb them, since he and his wife are day sleepers, and some University students who live and sleep in quarters near this property.

Mrs. W. A. Burnett (101 East 54th Street) appeared in opposition and written objections were received from Mr. John L. James (5311 Link Avenue) and Mrs. Myrtle James (5313 Link Avenue). Reasons given were:

1. Noise will be moved nearer homes in the area and more slum areas will be created with cars and the resulting noise, fumes and smoke from the garage. We objected to the apartment zoning but it was granted, and now we have a request for "C" Commercial.
2. There are modest and some more expensive homes in the area to the north and west which would have a view of this garage operation. We would like to be able to enjoy our homes in peace and comfort in a quiet neighborhood.

Mr. Stevens reported to the Commission that, after further inspection of the property, he has some questions regarding the safety problem. He said he found the easement seemingly well traveled, mainly by children going to the shopping center, and felt there is a safety problem at the intersection of the easement and Franklin Boulevard; if there is much use of the back entrance, there could be a hazard. The easement has a graveled roadway one lane wide. Mr. Osborne said the easement is presently used as an alleyway and there would be a violation of the Zoning Ordinance if cars cross the residential property to get to the shops.

The Commission recognized that this would be an extension into the residential area but also that this is an isolated tract of land which must be used with some other property if developed. In response to a suggestion that the property be zoned "GR", since some uses in "C" Commercial could be objectionable in view of the use of the easement by residents to get to the shopping center, Mr. Douglass said if they later have a tenant with a different type use he might want to use the addition for other than a garage. Mr. Stevens suggested that "LR" could be established and the use be granted by special permit. A majority of the Commission then concluded that this is the only way the property can be utilized and felt that it should be "C" Commercial. Therefore it was

VOTED: To recommend that the request of Howard Pierson Estate for a change of zoning from "BB" Residence to "C" Commercial for property located at the rear of 100-108 East North Loop Boulevard be GRANTED.

AYE: Messrs. Brunson, Kinser, Lewis and Spillmann

NAY: None

ABSENT: Messrs. Baldridge, Barkley, Chriss and Doss

PRESENT BUT NOT VOTING: Mr. Barrow

C14-62-18 Mrs. Antonia B. Trevino and Louis Silberstein: B to C
East 12th and Sabine Sts.

STAFF REPORT: The site is developed with 4 single-family dwellings. The adjoining property to the west and immediately north and south is undeveloped. The property to the east along Sabine Street is mixed development consisting of commercial establishments, one and two-family dwellings. Property to the west along Red River is dense commercial development. The applicants propose construction of an office building for the Austin Municipal Federal Credit Union. We feel this proposal is sound. It is between commercial areas and we feel it should be granted.

Mr. Louis Silberstein was present but offered no statements. Written approval was received from Mr. W. H. Cochran, owner of nearby property, but no reasons were given.

The Commission felt that this is logical zoning between two commercial areas and it was therefore unanimously

VOTED: To recommend that the request of Mrs. Antonia B. Trevino and Louis Silberstein for a change in the zoning from "B" Residence to "C" Commercial for property located at 615 East 12th Street and 1112-1116 Sabine Streets be GRANTED.

C14-62-19 Thomas B. Beatty: C to C-1
1009-1117 East 11th St.

STAFF REPORT: These are two lots jointly owned, in a "C" Commercial District. There is a motel on the south portion of this property, a church across the alley, a service station adjoining on the corner, and a lodge to the east. Across the street there are a number of business uses and "C-1" and "C-2" Commercial zoning to the north and east. We feel that this does conform to the adopted policy of the Commission and recommend granting of the request. The church property is from 20 to 30 feet higher than this property.

Mr. Byron Fullerton (attorney) represented the applicant, who was also present, and stated the following: I talked with the men at the lodge who were in favor of this proposal. The motel units are back of the property and the filling station next door. It is proposed to erect a Town and Country grocery store here with the sale of beer for off-premise consumption.

The Commission reviewed the staff report and the statements presented and felt that this request should be granted since there is beer all the way on this street and the motel separates this use from the church. It was therefore unanimously

VOTED: To recommend that the request of Thomas B. Beatty for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at 1009-1117 East 11th Street be GRANTED.

C14-62-20 P. E. Worsham: A to C
Tirado St. and Middle Fiskville Rd.

STAFF REPORT: Across the street and along the Interregional Highway is "C" Commercial. We recommend that the request be granted with the understanding that Tirado Street, if it all goes commercial, be made adequate in width to serve the commercial uses.

Mr. Worsham was present and submitted the following information in support of his request: Storage for lumber is planned, probably some sheds. There is access from Middle Fiskville Road as well as from Tirado Street. I only own six lots on Tirado and the Mid-Tex Milk Products owns the property on the north side. It would be hard to widen Tirado. Middle Fiskville Road, with a proposed 80-foot width, is sufficient to serve this since it is located on the corner. I have small houses on the other six lots.

The Commission felt that this requested zoning would be in harmony with the existing zoning pattern established in this area. The narrow width of Tirado Street was considered but it was concluded that because of existing development on both sides it would be difficult to widen the street. It was therefore unanimously

VOTED: To recommend that the request of P. E. Worsham for a change of zoning from "A" Residence to "C" Commercial for property located on the southeast corner of Tirado Street and Middle Fiskville Road be GRANTED.

C14-62-21 W. S. Birdwell, Jr., J. J. Pickle and Robert Mueller: B & C-2 to C
609-613 East 12th St.

STAFF REPORT: The site is undeveloped and the property immediately to the north and south is undeveloped. The property east of the site along Sabine Street is developed with mixed uses including commercial establishments and one and two-family dwellings. Property west of the site along Red River Street consists of dense commercial development. We feel this is a sound proposal and that it should be granted since it is between commercial areas.

Mr. J. J. Pickle (applicant) was present and explained that they only want to have the same zoning as that on both sides since they are in the middle of the block and sandwiched in.

The Commission discussed the surrounding area and felt that this was logical zoning between two commercial areas and it was therefore unanimously

VOTED: To recommend that the request of W. S. Birdwell, Jr., J. J. Pickle and Robert Mueller for a change of zoning from "B" Residence and Second Height and Area and "C-2" Commercial and Second Height and Area to "C" Commercial and Second Height and Area for property located at 609-613 East 12th Street be GRANTED.

C14-62-22 Thomas Black, Trustee: C-1 to C-2

1813 (1809) Guadalupe and Rear 317-319 W. 19th St.

STAFF REPORT: The present zoning is "C-1" Commercial and "C-2" has the same privileges but in addition permits the sale, storage, dispensing or otherwise handling of malt, vinous, and spiritous liquors for on-site or off-site consumption. There are commercial uses along Guadalupe and 19th Streets. There is a dwelling adjoining on the south and other residential uses in the area, becoming more intensive further to the south. The YWCA is located at West 18th and Guadalupe and the new Telephone Company building is under construction one block further south. We feel this conforms to your policy in that it is in a well developed commercial area. There is a liquor store on 19th Street west of Guadalupe Street, one in the 3000 block of Guadalupe Street, one at 17th and San Jacinto, and one at 15th and Lavaca Streets.

No one appeared to represent the applicant.

Several attorneys representing owners in the area and also several nearby owners appeared in opposition and written protests were received from 11 owners. Reasons given may be summarized as follows:

1. We feel this is contrary to the purpose and objectives of our Zoning Ordinance to promote the health, safety, morals and welfare of the general area. This is still primarily a rooming house and residential area, with the YWCA nearby housing some teen-age girls, is near the University, a church, one block from an approved rooming house for University students, and an apartment house across the street.
2. It is the purpose of the Planning Commission to conserve values and cause the property to be used as most appropriate for that area. We contend that the use by a package store would depreciate values. We will be less able to entice people to live in apartments. We feel this area is well suited for apartments and rooming houses, especially for University students. University housing is extending in this direction and the trend is toward apartments and rooming houses. The zoning change is not necessary and would not be in the best interest of the University neighborhood. Seventy-five to eighty per cent of the neighborhood is opposed to the change. This is not in keeping with Zoning Ordinance purposes and is contrary to the trend in building in this area. There is an approved University rooming house across the street with about 50 boys. With a liquor store here it would be impossible to maintain it in accordance with University regulations. The present liquor store on 19th Street is non-conforming.
3. We have an unusual situation because of the University of Texas. If you grant this where would you stop? It is clearly spot zoning. For years "C-2" has been kept away from the University. If they had a multi-story apartment house with a liquor store inside, this would be different, but that is far removed. The Comprehensive plan of zoning cannot remain if you grant this.

C14-62-22 Thomas Black, Trustee--contd.

4. (Walter Wukasch) In 1936 I operated a liquor store and later the City passed the "C-2" Ordinance because of problems resulting from taverns and similar uses. We had a fire in 1953 and several buildings were lost. At that time I, having operated under non-conforming status, asked to put up a new building. I obtained the use of other property on both sides but because of the Zoning Ordinance I could not do anything but rebuild the same size building as I had before and only changed the shape of the building to provide off-street parking. As a result I had to lease ground for parking. If my competitor were allowed to come in without this off-street parking, I would be in an unfair position. I think the applicant should provide more parking. He has about 20 per cent in parking and 80 per cent in building, as proposed, which is the opposite of what I have.
5. (Dr. Wooten) My property is across the alley. This and the property on Lavaca is not for sale to them. I bought this property with the idea of moving my office here from downtown because of space for parking facilities. From the standpoint of a doctor's office, I do not think it would be desirable to have a liquor store across the alley from my office. I would feel the effect of the parking problem created.
6. One purpose is to keep cars moving. Traffic is very bad at this corner. This use would increase the traffic problem.

The Committee reported that it had reviewed the arguments presented and the letter from Mr. Nowotny as it outlines the hazards and conditions of the City in not allowing beer and liquor to come too close to the students. It had considered the fact that this neighborhood is developing into a University apartment area and the trend toward that type of use. It was suggested that, although the property on 19th Street is a well developed commercial area, sometimes a use cannot be integrated into a community because of the specific use in neighborhoods of a specific interest, in this case the University. It was felt that this is an area where a commercial use of this type conflicts with the general atmosphere and usage of the neighborhood which is slanted toward University use, and that the request should be denied. For the above reasons, it was then voted to recommend that the request of Thomas Black, Trustee, for a zoning plan change be denied.

At the Commission meeting, the staff reported that the applicant has requested withdrawal of this request and has stated that he will submit a letter formally requesting this action. The Commission therefore unanimously

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

C14-62-23 W. B. Houston: B to O
Nueces and West 28th Sts.

STAFF REPORT: This area is zoned for apartments and developed with single-family and multi-family residences except along Guadalupe. There is a problem that is hard to overcome zoningwise. The lot was cut into three parcels, all of which are very small. Development of these small sites would be a problem. Unless the entire block were changed this would definitely be a spot zone.

Mr. Dan Priest (agent) appeared for the applicant and stated the following: Immediately to the west there is a small business in the garage called the Fixit Shop. To the north is Beyer Hearing Service. Present owners have tried to get a building permit to build some type of building but could not because of size. There is a garage and tavern across the street. For apartment purposes this is very bad. I did not think a very small office would be as objectionable as a University type of rooming house. I think the present "B" properties to the north could get "O" Office. These residences are of an age that will result in their replacement in the next few years but they are still livable.

Mr. W. R. Coleman (architect) showed a plan of the proposed building and explained what this plan involved: We propose approximately 1500 square feet of office space with 10 parking spaces. Only 5 spaces are needed for the amount of building we propose. A single-family home or duplex could not even be built on this lot. There is a wide right-of-way on both streets but narrow paving and a very large sidewalk area.

The Zoning Committee reported that, since there were only three members present and Mr. Brunson was disqualified to vote on this case, the request was referred to the Planning Commission.

The Commission discussed the information presented and the size of the tract. It was felt that, although this is a very small tract of land, the request should be granted due to the nature of development in the neighborhood and that "O" zoning would be the most suitable zoning and would create less traffic with what uses that would be permitted in that classification. It was agreed that this is not a suitable tract for residential development and it appears that "O" Office would be suitable for all of this property in the block fronting on Nueces Street because of the uses across the street. Therefore, it was unanimously

VOTED: To recommend that the request of W. B. Houston for a change in the zoning plan from "B" Residence to "O" Office for property located at the northwest corner of Nueces and West 28th Streets be GRANTED.

DISQUALIFIED: Mr. Brunson

C14-62-24 Martin L. Anderson: A to O
1007 East 40th St.

STAFF REPORT: One tract in between this property and property on the Highway was included for purpose of hearing. The proposal is to erect an apartment house. The requested zoning will permit a maximum of 7 units on the tract. There is an "O" Office on the north side of 40th Street and the balance of the property to the west is zoned and developed residentially. We feel that this request follows the zoning pattern established in the past. We think apartment development would be suitable in this area.

Mr. John C. Treuhardt and Mr. John P. Cavileer (agents) represented the applicant, who was also present, and two replies to notice favoring the change were received. The following statements were presented in support of the request:

1. This property is close to the Interregional and across the street from "O" Office. The commercial near here would enhance the use of this property and this would increase property values in the area.
2. We had thought of having 14 units under Second Height and Area as is in the contract for sale of the property.

No one appeared in opposition but written objections were filed by four nearby owners, giving the following reasons:

1. There is no need for any further commercial zoning in this residential area, since north of the property mentioned is the "East 40" recently sold to Sears Roebuck and Company.
2. We see no reason to contaminate this quiet residential neighborhood on East 40th Street with business ventures of any kind. Any business designation of an area next door to a residence necessarily lowers the property value of the residence.
3. The proposed change in zoning would be distinctly detrimental to other property. If this change is permitted, then the only fair thing for the Planning Commission and City Council to do is to go ahead and include our property in the rezoning, so that we will at least have a chance to make some business use of our little residence and not be caught in a "no-man's land", that is neither suitable for a residence any more, nor approved for any kind of business.

After hearing the testimony and the discussion, Mrs. Anderson explained that she wanted to sell the lot and that no one had advised them to request Second Height and Area. She said she would like to withdraw this request and file for "O" Office and Second Height and Area. The Commission then unanimously

VOTED: To permit Mrs. Anderson to withdraw her request.

C14-62-25 Park L. Myers: C to C-1
5100-5102 Duval St. and 406 E. 51st St.

STAFF REPORT: This is vacant land and the property to the south is vacant. There is a small commercial center to the southeast. The northeast corner is vacant and across Bruning Avenue there is a hamburger stand and cafe. There was a previous request for a change to "C-1" in 1961 for the lot across 51st Street to the south but the recommendation of the Commission was to deny and the applicant withdrew his request. The recommendation is to deny as this is contrary to "C-1" policy of the Commission.

Mr. R. L. Rhodes (agent) represented the applicants, who were also present, and explained that they propose to establish a Town and Country store here. In reply to a question as to the remainder of these lots, Mr. Rhodes stated that this was also owned by the applicants. One reply to notice approving the request was received but no reasons were given.

Three nearby owners appeared in opposition and written objections were filed by 7 owners who stated the following reasons:

1. We have the same objections as we had before for the property to the south. This is not a well developed commercial district but primarily a residential section and a vital point for many children crossing at this corner going to Ridgeway School.
2. A drive-in establishment at this point would be another traffic hazard in spite of standard stop signs. This area is too congested for "C-1"; there should not be any "C" Commercial added in this area. Duval has become busier and there is a grocery store near here and we do not need this business.
3. This type of business is not the same type of use as those existing across Duval Street where people work during the day and cars do not come in and out of the areas. This is mainly a residential area and this would be a detriment to our property if the time comes when we should want to move. It would also lower the value of surrounding property.
4. We are opposed to the sale of beer at this particular location. We would approve consideration by the Planning Commission of something in the nature of the existing uses.

The Commission noted that this request does not conform to the adopted policy of the Commission and that this is an intersection where many children going to school have to cross. For these reasons, it was unanimously

VOTED: To recommend that the request of Park L. Myers for a change in the zoning plan from "C" Commercial to "C-1" Commercial for property located on the northwest corner of East 51st and Duval Streets be DENIED.

C14-62-26 Montandon & Pihlgren Co.: B to O
313 (309) East 16th St.

STAFF REPORT: This is one lot adjoining commercial property along San Jacinto. The purpose is to have a real estate and insurance office on the property. We feel that "O" zoning east of San Jacinto Boulevard is the proper zoning for this area. The Department recommends that the request be granted.

Mr. Arthur E. Pihlgren appeared in behalf of the applicants and presented the following statements: We purchased this lot for the purpose of erecting a real estate and insurance office. We propose a building of about 1500 square feet and will provide off-street parking for customers and personnel. We feel this is suitable zoning, more so than any other use. This is a through street to the Interregional Highway and ingress and egress to the property is adequate.

One reply to notice was received favoring the request but no comments were made.

Two nearby owners appeared in opposition for the following reasons: This is a narrow and deadend street with very few cars. There are mostly home owners here. Four of us own our homes. From San Jacinto to Red River are residences and to have this office building would upset the pleasure of living on this street and would increase the traffic. There is one office building on Red River and a cafe on San Jacinto. Occupants of office buildings do not usually care for their property. We think it would be ideal for an apartment house district but feel it would be better to leave it until the whole area is considered and not just zone one lot at a time.

The Commission felt that this request fits in with the trend of development in the area and after discussion and a review of the staff report it was unanimously

VOTED: To recommend that the request of Montandon and Pihlgren Co. for a zoning plan change from "B" Residence to "O" Office for property located at 313 (309) East 16th Street be GRANTED.

C14-62-27 N. O. Pope: A to C-1
2017 Holly Street

STAFF REPORT: This request is for the extension of "C-1" zoning in order to expand the grocery and market. The surrounding property is predominantly residential consisting of single-family dwellings except commercial establishment adjoining subject property on the east. Since the purpose is to expand an existing use and the property is already "C-1", we recommend that this be granted.

Mr. Arthur E. Pihlgren (agent) represented the applicant and stated that the purpose of the request is to permit expansion of the present grocery and market. Mr. John Mercado appeared in favor but offered no statements. Reply to notice was received from Mr. Otis R. Gil (2108 Holly Street) favoring the request.

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C14-62-27 N. O. Pope--contd.

The Commission reviewed the staff report and concluded that the request should be granted as a logical extension of an existing zone to permit expansion of an existing use. It was therefore unanimously

VOTED: To recommend that the request of N. O. Pope for a change in the zoning from "A" Residence to "C-1" Commercial for property located at 2017 Holly Street be GRANTED.

DEFERRED CASES

C14-61-174 Linden Jones: A to B
West Ave. and W. 32nd St.
(Deferred 1-15-62)

The Director reviewed the recommendations made at the public hearing and the action of the Commission deferring this request until this meeting of the Commission. He stated that he felt this case should be considered along with the entire area (C14-61-185). He called attention to the various individual requests in the area.

Mr. Richard Baker (attorney) reported that plans are being prepared for the construction of 28 units for this property and proposed that the zoning be changed to "B" Residence and Second Height and Area and a restrictive covenant be filed to restrict the number of units to the planned 28. He said the architect and finance people have recommended 28 units for the property and the architect has been instructed to design the building in a colonial design to conform to the design of the Heritage house across West Avenue. He stated that these plans are due to be completed in April and if the Commission would delay action on this case until the plans are completed they would be glad to present them to the Commission for consideration.

The Commission considered the request of the applicant. Some members felt that this zoning is premature since there are some nice homes in the area and it is too early to say that "BB" or "B" Residence is the proper use for the area. Mr. Barrow stated that this is definitely a spot zone, surrounded on all sides by "A" Residence and with no "B" Residence zoning near it. Mr. Brunson suggested that if the land is changed it is better to change the entire area instead of having spot zones mixed in the area. Mr. Kinser said he would like to have more time to give more study to the entire area. As suggested by Mr. Baker and agreed to by the Commission, it was

VOTED: To DEFER action on this request until the next regular meeting of the Commission when a change to "B" Residence and Second Height and Area will be considered.

C14-61-185 Planning Commission: Area Study
W. 29th, W. 34th, Lamar Blvd. and Guadalupe St.
(Deferred 1-15-62)

The Director reviewed the recommendations and testimony presented at the public hearing and called attention to the following individual requests within this area. These areas were studied and action was taken as shown.

1. Two lots in the 3100 block of Lamar Boulevard now zoned "A" Residence, requested to be zoned "C" Commercial in accordance with adjoining property. The Director said he had no objection to this change. The Commission felt that this would be a logical extension of "C" Commercial zoning and it was therefore unanimously

VOTED: To recommend that the two "A" Residence lots on the east side of Lamar Boulevard in the 3100 block be changed to "C" Commercial.

2. One tract at the northeast corner of Rio Grande and West 29th Streets, requested to be zoned "C-1" Commercial. The Director expressed no opposition since there is "C-1" zoning on the northwest and southeast corners of the intersection. The Commission considered this to be proper zoning because of the commercial development on 29th Street in this block and that across the street. It was therefore unanimously

VOTED: To recommend that the tract at the northeast corner of Rio Grande and West 29th Streets be zoned "C-1" Commercial.

3. Area bounded by Washington Square Alley, the rear of lots fronting on the south side of West 31st Street, the "C-1" Commercial zone along Guadalupe Street, and West 30th Street, the portion abutting Fountain Place and Fountain Terrace, being requested for "B" Residence and First Height and Area. The Director recommended that the entire area be zoned "B" Residence and First Height and Area which requires 2000 square feet per dwelling unit instead of Second Height and Area which allows one unit for each 1500 square feet. The Commission then

VOTED: To recommend that the area described above be zoned "B" Residence and First Height and Area.

No action was taken on other property in the area under study.

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R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of March 5, 1962. The staff reported that no appeals had been filed for review of the Committee's action but that 7 cases had been referred to the Commission without action on:

C8-62-3 Fawn Ridge
C8-62-8 Northcape
C8-62-12 Barton Terrace
C8-62-14 Balcones Terrace
C8-62-15 Santa Monica Park
C8s-62-26 Fiskville School Addn. #7
C8s-62-29 Minnie Rankin Estate

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of March 5, 1962, on the minutes of this meeting.

PRELIMINARY PLANS

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

The staff reported that the subdivider has requested an extension of six months for preliminary approval on this subdivision. The Committee

VOTED: To GRANT a six-months' extension of preliminary approval of the plan of BOULDIN ESTATES SEC. 1.

C8-62-3 Fawn Ridge
Parker La. S. of Woodland Ave.

The staff called attention to the fact that this was referred back to the Committee by the Planning Commission pending further study. The Director reported that he had discussed this plan with the engineers and in the Department with regard to a revision of the plan and that these discussions did not result in any revision and the Department is recommending approval as it was presented.

Mr. Walker presented a suggestion that the two lots shown on the Department study sketch, as being created by moving Sylvan Drive to intersect Parker Lane further to the north, be made into one lot so that any dwelling constructed thereon would face to the southwest instead of having a building backing to Parker Lane and toward his and Mr. Zike's lots across the street. He reviewed some of the discussion at the previous meetings on this plan and stated that the plan of the subdivider will make an alley use of Parker Lane which would hurt him and Mr. Zike.

C8-62-3 Fawn Ridge--contd.

Mr. Jack Andrewartha stated that he owns about 13 acres located 350 feet from this subdivision and wants to be able to subdivide with lots backing to Parker Lane if Fawn Ridge is approved. He explained that there are two churches across Parker Lane which face into his property and he wanted it shown on the record what he proposes to do.

Mr. Jeryl Hart (Marvin Turner Engineers) said if this development had not been started in accordance with the subdivision to the north there might have been something worked out but they did not want to lose a lot and had tried to get the maximum number of lots out of the area.

The Director said he recognizes the problem but felt that the new plan would result in the loss of one lot and that the plan presented by the subdivider can be worked out, especially with the deep lots across Parker Lane which will be a collector street. He advised that the through lot north of Woodland Avenue was so developed because of topographic conditions.

Mr. Kinser said he felt that the proposed plan provides for the best circulation but he would like to require a planting strip along the rear of lots abutting Parker Lane to eliminate the possibility of ingress and egress from both streets and prohibit access from Parker Lane. It was agreed that this plan should be passed to the full Commission and that the people interested should get together before the Commission meeting and try to work out some solution to the problems. Therefore, it was

VOTED: To REFER this subdivision to the Planning Commission and to suggest to the people interested that they get together and work out a solution to this problem.

The Commission considered the REFERRAL of this subdivision. It was reported by the staff that an inspection of this property was made by Mr. S. P. Kinser, representing the Subdivision Committee, as requested by the Committee, and the staff, and it had been agreed that a 10-foot planting strip would be provided along the rear of lots backing to Parker Lane to provide a shield for the lots across Parker Lane. Mr. Walker said he had agreed to the lots backing up to Parker Lane and he had advised Mr. Gilbreth that he would not contest it any further provided he would put a hedge that would be 8 or 10 feet tall along the rear of those lots.

The staff called attention to the fact that Block D has lots that back to the sides of other lots and recommended that this be corrected as it makes it difficult to follow the lot lines with utility easements and is an undesirable design with the middle lot a key lot. Mr. Barrow felt that this is not a desirable situation but it is often done and it is possible to build houses on other corner lots with houses backing up to other lots. Mr. Osborne noted that normally the frontage of these houses is toward the narrow side of the lot. It was then

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C8-62-3 Fawn Ridge--contd.

VOTED: To APPROVE the plan of FAWN RIDGE subject to the following conditions:

1. That a 10-foot planting strip be provided with the understanding that planting will be installed on the rear of lots backing to Parker Lane, and
2. Compliance with all departmental requirements.

C8-62-8 Northgate (Northcape)

Middle Fiskville Rd. and Rundberg La.

The staff reported that the subdivider has presented a revised plan showing a preserved area on the corner for future commercial use but has filed an alternate plan showing how this area could be used residentially if it does not go commercial and how it could be resubdivided later. It was further reported that at the request of the staff the name of the subdivision has been shown as "Northcape" to avoid conflict with an existing "Northgate" subdivision. Because of lack of a quorum, the Committee

AGREED: To REFER this subdivision to the Planning Commission without a recommendation.

ABSENT: Mr. Lewis

The Commission considered the referral of this subdivision. The staff reported that this subdivision has been redesigned and shows a commercial area on the corner of Middle Fiskville Road and Rundberg Lane, and recommended approval subject to compliance with departmental requirements. The Commission therefore

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

C8-62-10 Mimosa Manor

Manchaca Rd. and Caladium

It was reported by the staff that this subdivision is affected by a thoroughfare and it is recommended, and requested by the subdivider, that no action be taken on this plan. The Committee therefore

VOTED: To REJECT the plan of MIMOSA MANOR for filing.

C8-62-12 Barton Terrace

Barton Hills and Trailside

The staff presented one basic question regarding a proposed secondary thoroughfare through this area and reported that Robert E. Lee Road is

C8-62-12 Barton Terrace--contd.

being considered for this thoroughfare. This Road now has an existing right-of-way of 60 feet. The proposed right-of-way is 70 feet, to be paved 40 feet wide, with 10 feet possibly being taken from the west side. Mr. Oscar Holmes (engineer) advised that the area between the curbs is about in the center of the right-of-way.

The Director further reported that there is a question of provision of access into the Glover S. Johns property because of the steep grade. This lot is very deep and extends to Rabb Road. The three adjoining lots are very deep but there are no houses except on the Johns tract. The grade drops about 20 feet at the southwest end of these lots and there is a problem of access from Rabb Road.

Mr. George L. Walling stated that he was the architect for the dwelling on the Johns tract and they had to serve this dwelling with a septic tank since there are no sewer facilities available. Barton Hills has been developed with a density of about 7 houses per acre and there will be a change of density in the proposed subdivision which the City should consider with regard to the size of utilities which will be required. With the change of density there will be four or five times the present demand. Mr. Walling requested the Committee to consider the following problems: the density problem, the deep lots which have frontage only on Rabb Road, a street in Miss Jean Pinckney's lot where there are no utilities, and the drainage from the east which will cross this subdivision. The Director explained that in general this subdivision meets the requirements of the Subdivision Ordinance on lot sizes, and in fact exceeds the requirements, and that the Planning Commission has to work primarily with the standards of the Ordinance although it may be agreed that larger lots would be more desirable. Mrs. Johns stated that Mr. Walter Seaholm (developer of Barton Hills) had assured her that she would never have trouble getting access to the rear of her property.

Mr. Holmes explained that this subdivision has preliminary plans for utilities and that the sanitary sewer in Barton Springs Road is adequate to take care of this subdivision and any owners on Norris Drive could connect to this service. Mr. Holmes said another solution for the deep lots would be to combine several of the lots and design a good subdivision.

Mrs. Kimball (Norris Drive) stated that the owners in that area were now served with a community septic tank. She also said she did not want to see this subdivision developed to the detriment of the present owners in the area.

Mr. Jack Andrewartha (subdivider) stated that there has been no agreement between the developers and the City except that money has been deposited for the sanitary sewer. Therefore, the people on Norris Drive are using a sewer line connected to the temporary septic tank and that line, constructed about three years ago, will be connected to the line in Spring Creek Drive.

C8-62-12 Barton Terrace--contd.

Other problems and recommendations were not presented by the staff since the Committee felt that further study should be given this subdivision and that an inspection of the site would be very desirable. It was then

VOTED: To REFER this subdivision to the Planning Commission and to instruct the staff to schedule a field trip for an inspection of this site and the area.

The Commission considered the REFERRAL of this subdivision. The staff reviewed the points raised in consideration of this subdivision by the Subdivision Committee and again pointed out the problem of relation to the adjoining deep lots fronting on Rabb Road, whether or not there should be any alteration of Cliffside Drive by moving it further to the south and splitting it between the subdivider and the property owners. Moving the street creates a problem because the terrain to the south ascends rather sharply, Mr. Andrewartha would gain four or five lots but would lose some others, costs would be increased in the neighborhood of \$15,000. Moving the street to the top of the hill would be a disadvantage. Each of the deep lots has a plateau, a bluff, another plateau, and then another drop, and there does not seem to be adequate area to provide more than a few lots. The staff feels that Mr. Andrewartha is obligated to provide access to these lots only if it can be done economically. The only other alternative is a combination subdivision of these properties. With a cooperative plan with Mr. Andrewartha, the Johns property would have a building site below the bluff.

Mr. Andrewartha again pointed out that a master plan of this area was presented to and approved by the City in 1955, and the layout of this subdivision is taken from that plan. He said he could not see how this subdivision would have any relation with the other lots because there is a natural separation between the two areas.

Dr. Caroline Crowell (owner of one of the deep lots) said she only has 50 feet of access and the land is gravel where septic tanks do not work. The Director stated that a sewer system has been worked out but Mr. Andrewartha said he does not have the right to give a sewer line to this property since the money deposited with the City is tied up with the Builders Corporation and no contract has been consummated with the City. Dr. Crowell said she also has a problem of drainage.

The Director recommended that Cliffside Drive be left in its present position and that the sanitary sewer be provided to the east line of the subdivision at two points at the expense of the subdivider, with the suggestion that an attempt be made by the owners to take care of an additional lot on the Johns property.

Mr. Holmes explained that the surface drainage will be through the streets and the overflow water from the adjoining lots will probably be diverted along the back lines of the abutting lots to easements and to the streets.

C8-62-12 Barton Terrace--contd.

Miss Pinckney explained that she developed Michael Street in its present location at the City's request and was told it would be continued, although she wanted a street at a different location. Mr. Osborne said he did not think this street can well be continued, while it might have been practical five years ago. He said that when this property is annexed to the City sanitary sewer will be provided.

Mr. Walling and Major L. C. Kimball (1505 Norris Drive) joined with others in voicing their opposition to the increase in the number of lots and decrease in the area in relation to those shown on the master plan. They said they built their homes based on this plan and felt that the smaller homes to be developed here would increase the child population in the area. (Mr. Barrow explained that the master plan presented at that time did not require that lots now be of the same size shown then.) They also mentioned plans for a school in the area and Mr. Andrewartha advised them that the School Board has owned a 9-acre tract for several years and a playground is proposed near this property.

The Director brought up the question of the extension of Robert E. Lee Road up the hill and the need for additional right-of-way.

Commenting on the sanitary sewer question, Mr. Fowler stated: The Ordinance provides that each lot in the subdivision shall be provided with sanitary sewer service and Section 23.30 requires that where the Director of Public Works finds that easements in areas adjoining the subdivision are necessary to provide adequate drainage or to serve such subdivision with utilities, the subdivider shall obtain such easements or shall make arrangements with the City to obtain them. This is to serve his land instead of someone else's land. It is my thought that it is the duty under this Ordinance for these upper land owners to make their own provision for drainage and sanitary sewer. I would suggest that if the plan is to be approved in its present form, easements be set aside for drainage and sewer to permit passage from these higher lots to the north. It would be more convenient for the purchaser to buy lots knowing the easements were there than to have this question arise later. The Ordinance requires that streets be made to conform to the master plan.

The staff presented the following comments which Mr. Andrewartha agreed to work out:

1. Block 5 exceeds the maximum block length requirement of the Subdivision Ordinance and a variance is recommended because of the topography.
2. Some of the lots in Block 1 do not meet the minimum lot area requirements of the Subdivision Ordinance. The engineer has agreed to correct these lots. Several of the lots in this same block have less than 100 feet of depth. A better design for this block is recommended and the engineer has stated he feels this can be accomplished by a land trade with an adjacent property owner.

C8-62-12 Barton Terrace--contd.

3. The staff recommends that Norris Drive curve into Spring Creek Drive (west) to gain braking distance after the sharp hill on Norris Drive.
4. It is recommended that only one street intersect with Robert E. Lee Road which will be a thoroughfare requiring 70 feet of right-of-way, the additional 10 feet to be provided by Mr. Andrewartha's property.
5. There is a question of ownership of Lot 17 in the southeast corner of the subdivision. The Tax maps show it as a part of this subdivision but Mrs. Bulian claims ownership.

Mr. Barrow felt that this is something the people concerned should get together and work out rather than its being presented to the Commission. Mr. Kinser noted that there are many problems here, that it is a beautiful country and could be made more beautiful, and that this would involve a cooperative effort of the individual owners of the large lots if they could not be connected with the subdivision. Mr. Holmes then asked if he could get approval of the area which is intended to be included in Section 1 and pending working out of the other problems, since Section 1 will not involve any of the controversial points. The Commission then

VOTED: To APPROVE that portion of the plan of BARTON TERRACE which will be included in Section 1 as outlined in red on the map filed, subject to the following conditions:

1. Lots in Block 1 meeting the minimum lot area requirements of the Ordinance and a better design for this block being worked out,
2. Norris Drive curving into Spring Creek Drive (west),
3. Provision of only one street intersecting with Robert E. Lee Road,
4. Determination of the ownership of Lot 17 in the southeast corner of the subdivision, and
5. Compliance with departmental requirements.

DISQUALIFIED: Mr. Lewis

C8-62-14 Balcones Terrace

F.M. Rd. 1325 and Kramer La.

The staff reported that this is a residential subdivision located in an industrial area as shown in the Development Plan and does not conform to the requirements of Sec. 23.21 of the Subdivision Ordinance which requires that subdivisions shall conform to the master plan of the city. The staff, therefore, recommended that the plan be rejected. It was

C8-62-14 Balcones Terrace--contd.

further reported that Mr. Holmes has filed a letter requesting that the Development Plan be amended to permit this subdivision and Mr. Holmes was present to explain that the site and playground of Summit School is located entirely in this proposed industrial area. Because a quorum was not present, the Committee then

AGREED: To REFER this subdivision to the Planning Commission.

ABSENT: Mr. Lewis

The Commission considered the REFERRAL of this subdivision. The staff explained that this is a residential subdivision located in a proposed industrial district as shown in the Development Plan. The Director recommended that no amendment be made to the Plan to permit this type of subdivision.

Mr. Oscar Holmes (engineer) again explained that this property is adjoining the Summitt School and playground and he felt that there should be a residential subdivision near the school.

The Commission felt that an inspection of the area should be made before a recommendation is made to the City Council regarding an amendment to the Development Plan. It was therefore

VOTED: To REJECT for filing this plan of BALCONES TERRACE, and to instruct the staff to schedule a field trip for inspection of this area.

C8-62-15 Santa Monica Park

Ben White Blvd. W. of Burleson Rd.

The staff reported that the subdivision plan shows a proposed commercial area on the north side of Ben White Boulevard and recommended that none of the property on Ben White Boulevard be used for commercial since it has no frontage roads for slow traffic to turn into the commercial area. It was further recommended that this proposed commercial tract should have an alternate plan for residential use, and it was noted that there is another problem in the elevation in relation to the Highway. It was further noted by the staff that the area to the south is designated on the Development Plan as an industrial area. Mr. M. O. Metcalfe (engineer) explained that the entire area of the subdivision will be site graded to level the land, lowering and raising the front portion to street level and eliminating the drainage ditches. Mr. Whitney recommended only one connection into Ben White Boulevard but Mr. Metcalfe said two accessways would be needed for ingress and egress to the commercial area.

C8-62-15 Santa Monica Park--contd.

Mr. Kelly DeBusk (subdivider) said the main reason he bought this 13-acre tract was to develop the commercial to serve the subdivision and called attention to the pattern of commercial which has been established on Ben White Boulevard between Manchaca Road and the railroad. He further explained that he is developing this subdivision for low-cost FHA homes and he understands there is a need for housing for Bergstrom Field personnel.

The staff presented the following comments which were discussed:

1. Mr. Oscar Reissig has requested that some access into his property on the east be provided. Mr. Metcalfe said Ventura Drive is on the location of a 50-foot gas easement which connects to Burleson Road. Mr. Metcalfe stated they also would provide access into Mr. Reissig's property. Mr. DeBusk also agreed to that street, although it would mean losing one lot.
2. Block H exceeds Ordinance requirements for length but Mr. Metcalfe noted that providing the street into Mr. Reissig's property would eliminate that condition.
3. It is the intention of the subdivider to install a sanitary sewer system and to construct a sewage disposal plant to serve this subdivision. If this should not be done, the lots are not large enough for the installation of septic tanks. Mr. DeBusk said he is willing to install the sewer system at a cost of \$20,000. He advised that there will be a City sewer to serve this area within two years and the subdivision will not be developed to the density shown within that time, that the property is not suitable for septic tank development but if the City will not participate in the sewer system, Mr. DeBusk will make the lots larger.
4. Corner lots 151 and 177 do not meet Ordinance minimum requirements for a width of 60 feet. A variance is recommended for Lot 151 as the building site is adequate, having a width of 90 feet in the front but with an angling side line. Lot 177 does not have as adequate a building site. Mr. Metcalfe said they would make these changes.

The staff called attention to the recommendation of the Electric Department and the Telephone Company that additional easements are needed and some lot line changes are required to line up. Mr. Metcalfe said they would lose a lot in each block by lining up the lot lines but this can be worked out before the Planning Commission meeting. Since a quorum of the Committee was not present, it was

AGREED: To REFER this subdivision to the Planning Commission without a recommendation.

ABSENT: Mr. Lewis

C8-62-15 Santa Monica Park--contd.

The Commission considered the REFERRAL of this subdivision. The staff and Mr. Metcalfe reviewed the information presented at the Subdivision Committee meeting regarding proposed fill and leveling of the land, access from the proposed commercial property to Ben White Boulevard, and the drainage problems involved if the present natural drainage is filled and streets located there as proposed. It was reported that the City Council has considered the matter of sewerage in the area and is considering extending the sewer up from the main at the River in connection with St. Edwards University and other property in the area. It was noted that this area will be in the city when it is developed. The staff felt that further study should be given the plan since the subdividers are planning to change the terrain and it is difficult to tell how the plan will fit in with the drainage and the effect on adjoining property.

Mr. Metcalfe said the drainage will be taken care of by an open ditch or storm sewer and will be worked out with the Drainage Department.

The staff advised that a letter had been received from the Gas Company stating that they do not want a street or lot over their easement and Mr. Metcalfe said he was aware of that.

The staff reviewed the comments presented at the Subdivision Committee meeting and Mr. Metcalfe said corrections had been made after this meeting or will be made to the satisfaction of City departments.

Mr. Kinser again suggested that only one intersection with Ben White Boulevard be made. The Commission felt that the subdivider should be put on notice that there is a major drainage problem. It was then

VOTED: To APPROVE the plan of SANTA MONICA PARK subject to the details being worked out with the Department and to the satisfaction of other departments.

FINAL PLAT - CONSIDERED

C8-61-36 Lanier Terrace Sec. 1
Burnet Rd. and Pacific Railroad

The staff reported that fiscal arrangements for this subdivision have been completed and that approval is recommended. The Committee therefore

VOTED: To APPROVE the plat of LANIER TERRACE SEC. 1.

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-62-24 Rosedale E, Resub. Lots 11-13, Blk. 16
Shoalwood S. of 43rd St.
C8s-62-27 Georgian Acres, Resub. Lot 4, Blk. E
East Drive and Capital Dr.
C8s-62-28 Grove Sub. No. 1
Montopolis Dr. W. of Bastrop Hwy.

C8s-62-8 Meiske & Moritz
U. S. Hwy. 81

It was reported by the staff that this subdivision would create several lots on a private county road which has never been dedicated according to present information and is not maintained by the County. This road does not have adequate right-of-way and should first be dedicated before the plat is accepted for filing. The subdividers have promised to attempt some solution and it is recommended that the plat be rejected for filing in its present form. The Committee therefore

VOTED: To REJECT for filing the plat of MEISKE & MORITZ subdivision.

C8s-62-29 Minnie Rankin Estate
LaVista St. and S. Congress Ave.

The staff reported that there are some questions which the Department has not had a chance to clarify and it is felt that the plat is not eligible in its present form for acceptance for filing. The staff felt that these problems could be studied before the Planning Commission meeting and recommended that it be referred to the Commission for acceptance of filing. The Committee therefore

VOTED: To REFER the plat of MINNIE RANKIN ESTATE to the Planning Commission for consideration of acceptance of filing.

The Commission considered the REFERRAL of this subdivision. The staff reported that this subdivision does not include the corner lot and would require a variance from signature requirements. The corner lot abuts a street with a right-of-way of only 40 feet. The approved plan of Brinwood Section 3 provides the additional 10 feet of right-of-way for this street, all on the north side, and the width if continued would require 10 feet from the proposed corner lot which has a width of only 50 feet and is zoned commercial but developed residentially. Existing stone buildings are located on the property line on the south side. It was further reported that 1961 taxes

C8s-62-29 Minnie Rankin Estate--contd.

are not paid on the corner lot and the Department recommends disapproval. Mr. Kinser explained that this property was a division of an estate and was made in 1948. In accordance with the recommendation of the staff, the Commission

VOTED: To DISAPPROVE the plat of MINNIE RANKIN ESTATE.

SHORT FORM PLATS - CONSIDERED

C8s-62-23 Cole Street Addn.

Interregional and E. 30th St.

The staff reported that there is an existing residence on the lot which the subdivider intends to remove, and that, since this property is located in a commercial zone, a restriction should be placed on the plat restricting the use of this property against future residential use. The Committee therefore

VOTED: To APPROVE the plat of COLE STREET ADDN. subject to a restriction being placed on the plat restricting the use of this property against future residential use and showing existing easements.

C8s-62-26 Fiskville School Addn. #7

Ferncroft W. of Fiskville

The staff reported that variances are needed on signature and lot width requirements, but since there was not a quorum of the Committee present, it was

AGREED: To REFER the plat of FISKVILLE SCHOOL ADD. #7 to the Planning Commission without a recommendation.

ABSENT: Mr. Lewis

The Commission considered the REFERRAL of this subdivision. It was reported by the staff that this subdivision consists of only one lot since the corner lot is owned by several heirs and Mr. Doak Rainey (engineer) felt that it would be impossible to get the signatures of these heirs. This corner lot is fully developed and there is not enough remaining space for any other development. Taxes have been paid on all of the property but the proposed lot is only 55 feet in width instead of the 60 feet required for septic tank installation; however, a report from the Health Department approves this lot. The Commission therefore

VOTED: To APPROVE the plat of FISKVILLE SCHOOL ADDN. #7 and to grant a variance from the Subdivision Ordinance on lot width and signature requirements.

C8s-62-30 Heritage Way Sec. 2
Heritage Way S. of W. 12th St.

This subdivision was presented to the Committee after the subdivider had taken the plat to the various departments this afternoon and obtained the approval of all the City Departments. The Committee therefore

VOTED: To APPROVE the plat of HERITAGE WAY SEC. 2.

ADMINISTRATIVE APPROVAL

The staff reported that 7 plats had received administrative approval under the Commission's rules. The Committee therefore

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

- C8s-62-15 Perlitz-Houston
Bonnie Rd. and Robin Hood Trail
- C8s-62-16 Shoal Village Sec. 7
West 45th St.
- C8s-62-17 R. T. Parker
Richcreek Rd. E. of Burnet Rd.
- C8s-62-20 Resub. Lot 1, Tarrytown Riveroaks and Lots 5-6, River Road
Park
River Rd. W. of Pecos
- C8s-62-21 Crestview Addn. Sec. 2
Rutgers & Anderson La.
- C8s-62-22 Barton View Sec. 4-A
Dudley Dr. and Bruce Dr.
- C8s-62-25 Ridge Oak Park
Western Hills and Ridge Oak Dr.

OTHER BUSINESS

R808 DEVELOPMENT PLANS
Fredericksburg Rd. and Dudmar Dr.

Mr. Robert J. Potts (attorney for the subdivider) requested the Committee to consider a proposed subdivision of three lots. He explained that this plat has not been accepted by the Department since Mr. J. H. Carruth, the original owner, had not signed the plat as required by the Subdivision Ordinance because he did not want the portion he sold to be divided into two lots. Mr. Potts stated that this was Mr. Carruth's only reason for not signing the plat. Mr. Ford Smith (local agent and Texaco distributor) explained that they plan a service station on Lot 3 but cannot get water service until this subdivision is approved. He said they have no plans for the use of Lot 2 but since it will not be used with the filling station they thought it would be advisable to use it as another lot.

R808 Fredericksburg Rd. and Dudmar Dr.--contd.

The Committee reviewed the plat as presented and, because of a lack of a quorum, suggested that the staff accept the plat for consideration by the Planning Commission regarding acceptance for filing.

ABSENT: Mr. Lewis

PRELIMINARY PLANS

C8-61-14 Northtowne Sec. 3 (Northtown West)
Steck Ave. W. of Burnet Rd.

The staff reported receipt of a letter from the subdivider requesting permission to change the name of this subdivision to "Northtown West" to distinguish it from an existing Northtowne subdivision. The Commission therefore

VOTED: To APPROVE the change of name from "Northtowne Sec. 3" to "Northtown West".

C8-61-48 Greenwood Hills
E. of S. Congress, S. of St. Elmo Rd.

The staff reported that the City Council had amended the Development Plan to exclude this subdivision from the proposed industrial area shown on the Plan. The staff then explained that Section 1 will only include Salut Road and the lots will provide septic tanks as no sanitary sewer is available at present, and that the balance of the tract is proposed to be served by sanitary sewer when the sewer is available. The subdivision is designed to back lots to the sides of the tract in order to help protect this subdivision from possible industrial development on all sides. The first section will have access from South Congress Avenue by Salut Road, which will eventually tie into the Interregional Highway, and a second thoroughfare is provided by Rafele Trail which is proposed to extend from South Congress to the Interregional Highway. The following comments were presented and discussed:

1. Blocks C, D, E, F and K exceed the maximum block length allowed but a variance is recommended because of the drainage situation.
2. Lot 8, Block P, Lot 1, Block I, and Lot 1, Block J, are below the minimum lot area requirements and should be enlarged to meet these requirements.
3. The lot arrangement in Blocks E and M should be redesigned to eliminate lots backing to the sides of other lots.

The staff further reported that the Telephone Company has agreed to have Anatole Trail located over their cable and easement with the condition that any adjustment in the line must be paid for by the developer. A 10-foot easement is existing on each side of the cable which extends into the building setback area of Blocks M, N, O and P.

C8-61-48 Greenwood Hills--contd.

Mr. Isom Hale (engineer) agreed to these conditions. The Commission therefore

VOTED: To APPROVE the plan of GREENWOOD HILLS subject to the following conditions:

1. That all lots meet the minimum lot area requirements,
2. That the lot arrangement in Blocks E and M be redesigned to eliminate lots backing to the sides of other lots,
3. Providing access to the subdivision from South Congress Avenue, and
4. Compliance with all departmental requirements;

and to grant a variance from the Subdivision Ordinance on block length requirements for Blocks C, D, E, F and K.

SUBDIVISION PLATS - FILED

The staff reported that all departmental reports have not been received and the engineers on the following plats have attempted to pay the County taxes on the properties but the County at this time has been unable to determine the amount due. It was recommended that the plats be accepted for filing pending receipt of tax certificates. The Commission then

VOTED: To ACCEPT the following plats for filing pending receipt of necessary tax certificates.

C8-61-45 Allandale Park Sec. 5
Burnet Rd. and Silverplume
C8-61-46 Allandale Park Sec. 6
Shoal Creek and Silverway
C8-62-7 White Plains Sec. 3
Plains Trail and Kramer La.

It was reported by the staff that all departmental reports on the following plats have not been received and it is recommended that no action be taken on them at this meeting. The Commission therefore

VOTED: To ACCEPT the following plats for filing:

C8-61-49 Cherrylawn Sec. 1
Walnut Hills S. of Manor Rd.
C8-62-16 Barton View Sec. 5
Dudley Dr. and Cupid Dr.
C8-62-17 North Ridge Terrace Sec. 3
Hardy Dr. and Redland St.
C8-62-18 Huntland Heights Sec. 2
Huntland and St. Johns Ave.

SUBDIVISION 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:

- C8-61-14 Northtown West Sec. 1
 Steck Ave. and Rockwood
 (Re-approval caused by change of subdivision name)
- C8-61-43 Northtown West Sec. 2
 Steck Ave. and Stillwood
 (Re-approval caused by change of subdivision name)
- C8-62-13 North Ridge Terrace Sec. 2
 Hardy Dr. and Vallejo St.

SHORT FORM PLATS - FILED

- C8s-62-36 H. B. Edwards Resub. Lot 31, Theodore Low Heights
 Manchaca Rd. near Prather La.

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

VOTED: To ACCEPT for filing the plat of H. B. EDWARDS RESUB. LOT 31, THEODORE LOW HEIGHTS.

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 approval. The Commission therefore

VOTED: To APPROVE the following plats:

- C8s-62-24 Rosedale E, Resub. Lots 11-13, Blk. 16
 Shoalwood Ave. S. of 43rd St.
- C8s-62-27 Georgian Acres, Resub. Lot 4, Blk. E
 East Dr. and Capitol Dr.
- C8s-62-28 Grove Subdiv. No. 1
 Montopolis Dr. W. of Bastrop Rd.

The following plats were submitted under Short form procedures and action was taken as shown:

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C8s-62-18 Bill's Addn., Resub. Lots 1-4, Blk. D
East Crest Dr. and Croslin St.

The staff reported that fiscal arrangements for water and sanitary sewer are required, additional easements are required, and a note is required on the plat stating that the 35-foot tract of land is not to be used as a separate lot but will be keyed in with one of the adjoining lots. The Commission therefore

VOTED: To DISAPPROVE the plat of BILL'S ADDN., RESUB. LOTS 1-4, BLK. D, pending completion of fiscal arrangements, showing of additional easements, and placing a note on the plat stating that the 35-foot tract of land is not to be used as a separate lot but will be keyed in with one of the adjoining lots.

C8s-62-31 Barton View, Sec. 3, and Sec. 2, Resub.No. 2, Resub.Lot 11-B
Stearn's La. and Fredericksburg Rd.

The staff reviewed the presentation of this case (R808) to the Subdivision Committee at the last meeting and reported that the signature of the owner of Lot 1 is necessary and also 1960 and 1961 School District taxes are not paid on Lot 1 which is to be used commercially; and the subdivider should provide a 60-foot right-of-way on Stearn's Lane to meet the Ordinance requirements. It was further reported that the owner of Lots 2 and 3 owes back County taxes. The Department recommended disapproval.

Mr. J. H. Carruth was present and stated that his taxes have been paid. He explained that he did not know the purpose of this resubdivision of the lots since the ground was bought for the purpose of building a Texaco filling station as a part of a community shopping center. He said he had nothing but a verbal agreement with the Texaco representative but it was his understanding that there would be no walls, no fences between the station and his shopping center. This was to be tied back into Ben White Boulevard in accordance with the master plan. He noted that the agents had insisted they have 200 feet for the station which they promised would be a three-base station and one which he thought would benefit the area. He stated that the gas tank is 30 feet over into the proposed 50-foot lot now, that he does not want a 50-foot strip for an unknown purpose, and that no requests were made of him except that he sign the plat.

Mr. Robert J. Potts (attorney for the Stalong Company, or Texaco) stated that in August of 1960 the east 200 feet was sold without a short form plat and the Texaco station was started but they could not get water service because this was not a subdivision. He said of the 200 feet, Mr. Ford Smith (Vice-President of Stalong Company) concluded that he only needed 150 feet for the station and that he (Mr. Potts) had suggested that he make the other 50 feet into a lot so that he would not later have another water problem. Mr. Potts said neither he nor his client object to making it one lot but he would be forced to make another subdivision later if he wanted to cut off the 50 feet for a second lot.

C8s-62-31 Barton View, Sec. 3 and Sec. 2, Resub. No. 2, Resub. Lot 11-B--contd.

Mr. Fowler reported that according to the City Attorney's opinion it is not proper to approve the subdivision but wants to get the signatures of other owners. He said that making the sale in the first place, if the owner were within the City, he would be guilty of violating a City ordinance and subject to a complaint filed against him. He noted that at the present time Mr. Caruth would not be entitled to utilize service on his land as long as he has sold off part of his land in violation of the Ordinance.

The Commission reviewed the proposal and noted that, if the 200 feet included in the subdivision had been a part of a short form plat and the owner had decided to resubdivide into two lots, the Commission would have considered it on that basis. It was concluded that since the lots comply with the Ordinance with regard to area and size, the plat layout should be approved, and a variance granted. It was therefore

VOTED: To DISAPPROVE the plat of BARTON VIEW SEC. 2 AND 3, RESUB. LOT 11-B, subject to compliance with departmental and Ordinance requirements, and to grant a variance from the Subdivision Ordinance on signature requirements.

C8s-62-32 Theodore Low Hgts., Resub. Blk. 25
Manchaca Road

It was reported by the staff that these are two long, narrow lots fronting on Manchaca Road and that a street (Valley View Road) is proposed to be located later at the rear of the lots which will have to be developed in connection with the adjoining property. It was further reported that City taxes are not paid for 1961 on Lot 2 on which there is a dwelling.

Mr. Paul Murchison (subdivider) explained that he purchased these lots two weeks ago and when he applied for a building permit was informed that he needed a short form subdivision. He said when he approached the original owner he did not want to pay his taxes. Mr. Murchison said he had paid the State and County taxes for this owner but did not want to pay the City taxes and would like to exclude his property from the subdivision. He stated that a brother and sister had inherited this property in 1954 and had subdivided the land by deed and the sister's part is now owned by her son from whom he purchased the property.

Mr. Osborne called attention to a legal opinion that the Commission does not have the power to vary on tax requirements. The Commission then

VOTED: To DISAPPROVE the plat of THEODORE LOW HGTS., RESUB. BLK. 25, pending receipt of the necessary tax certificates.

C8s-62-35 Inwood Hills, Resub. Lots 16, 17, Blk. 8
Bluebonnet and Arpdale

The staff reported that in 1948, the owner of the corner lot purchased 10 feet from the owner of the adjoining lot, creating a substandard interior lot in area, and that there are houses on each lot. It was further reported that the present owner of the corner lot proposes to convert his house into a duplex and was unable to obtain a building permit since no short form plat was approved on the division.

Mr. Robert Kelton (owner of the corner lot) reported that City tax rolls show that taxes on the interior lot have not been paid since 1949 and he cannot contact Mr. Harry Nolen (present owner of the interior lot) to get his signature on the plat. He said he had tried several times but Mr. Nolen's business phone was temporarily disconnected and he could not reach him at home.

The Director stated that the purpose of the plat is to provide for a duplex and if Mr. Kelton provided only 250 square feet to add to the interior lot it would make it a standard lot and solve the problem. The Commission considered the conditions of the transactions since the 10 feet was originally sold and concluded that a variance on signature requirements would be justified. It was therefore

VOTED: To APPROVE the plat of INWOOD HILLS, RESUB. LOTS 16, 17, BLK. 8, and to grant a variance from the Subdivision Ordinance on signature requirements.

C8s-62-37 Martha Subdivision
S. Congress Ave. at St. Elmo Rd.

The staff reported that a variance is needed since St. Elmo Road is less than the minimum of 50 feet required but the subdivider has given his portion of the necessary right-of-way for widening. The Commission therefore

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

C8s-62-38 Laura E. Mueller Subdivision
Springdale Rd. bet. E. 5th and E. 7th Sts.

The staff reported that this subdivision includes four tracts of land but that variances from the Subdivision Ordinance on signature and right-of-way requirements are necessary since there is a small tract between Tract 1 and Tract 2 owned by Mr. Joe Lightsey who has refused to sign the plat and give his portion for the widening of Springdale Road. The staff further reported that a letter was filed by Mr. R. G. Mueller, Jr. (subdivider) requesting that approval be given and stating that Mr. Lightsey was contacted by him and the plat dedication checked with him in person, and that Mr. Lightsey had stated that he would not join in this subdivision and his property was therefore excluded from the plat. The staff recommended granting the variances and authorizing the staff to give administrative approval when satisfactory reports from all the City departments have been received. The Commission then

C8s-62-38 Laura E. Mueller Subdivision--contd.

VOTED: To grant the variances from the Ordinance on signature and right-of-way requirements and to authorize the staff to give administrative approval when satisfactory reports have been received from all City departments.

ADMINISTRATIVE APPROVAL

C8s-62-33 Ridgetop Gardens Sec. 2, Resub. Lots 1-2
Lancaster Court and E. 52nd St.

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

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of the plat of RIDGETOP GARDENS SEC. 2, RESUB. LOTS 1-2.

OTHER BUSINESS

C10-62-1(a) ALLEY VACATION
Holly St. Alley E. from Mildred St.
(Deferred 2-13-62)

The staff reported that a letter has been filed by the owner of property on the south side of the alley, joining with the owner on the north in his request for vacation of this portion of the alley. The Commission felt that this section of the alley did not serve any purpose since it dead-ends and is not being used. It was therefore

VOTED: To recommend to the City Council that the portion of Holly Street Alley east from Mildred Street as shown on the attached sketch be VACATED subject to the necessary easements being retained by the City.

C10-62-1(c) STREET VACATION
W. 10' of East 51st St. N. from Manor Rd.

It was reported by the staff that a letter has been received from the Marvin Turner Engineers (agent) stating that Mr. Nash Phillips, owner of Lot 62, Manor Hills Section 8, is requesting the vacation of the westerly 10 feet of the existing right-of-way of East 51st Street. Reasons given in the letter were that the present right-of-way requested by the City for East 51st Street has been for 90 feet instead of the present 100 feet and this additional 10 feet would permit Mr. Phillips to resubdivide this property to its fullest advantage. The Director said there is a question of whether or not vacating a portion of the street should be done in this fashion, by taking it all from one side, and that the property owners across the street have not been in-

C10-62-1(c) East 51st St. Vacation--contd.

cluded. He noted that the street was originally dedicated by Mr. Frank Barrow as subdivider and Mr. Phillips now proposes apartment development on the side where the 10 feet is located. He advised that there is no effect on planning involved and that the 90-foot right-of-way is sufficient.

The Commission discussed this request and the possibility of a wider right-of-way being needed in the future. It was concluded by a majority that this 100 feet should be retained, since it is already dedicated, in the event it is needed in the future. Mr. Barrow felt that 90 feet is all that will be needed. It was then

VOTED: To recommend to the City Council that the request for vacation of the westerly 10 feet of East 51st Street north from Manor Road as shown on the attached sketch be retained and not vacated.

NAY: Mr. Barrow

C10-62-1(d) STREET VACATIONMedical Arts Square streets

The Director stated that a request was filed by the owners of lots in Medical Arts Subdivision requesting that the streets in that subdivision, which was dedicated in 1954, be vacated for public use for the reason that University of Texas students are using it for parking. He explained that this is a 50-foot loop street with a 60-foot entrance street from Red River Street and with a parking area in the center for use of the doctors' patients and visitors. He called attention to the fact that there are two vacant lots on which the owners could not obtain building permits if the streets are vacated, and that present buildings could not be remodeled if these lots do not front on a street.

The letter as presented stated that this subdivision was developed for the sole purpose of providing medical offices and facilities and is so restricted by the original deed, that the streets are not usable as thoroughfares and the primary purpose is to provide driveway access and parking for patients. It was further stated that this use has been increasingly abused by persons using the area for parking while engaged in activities away from the Medical Arts Square, and that the signers realize that there will be increased tax evaluation and responsibility for maintenance if this petition is granted.

The Commission reviewed the request and the problems involved, but felt that the streets should not be vacated because it would result in having all of these lots without frontage on a street and without the possibility of building permits being issued. It was therefore

VOTED: To recommend to the City Council that the request of the owners of property in Medical Arts Square that the streets in that subdivision be vacated be DENIED.

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C10-62-1(e) STREET VACATION

Brinwood Sec. 3 (Brackenridge Heights)

The staff reported receipt of a letter from the owners of Brinwood Section 3 requesting vacation of the existing streets in Brackenridge Heights in lieu of the new streets in Brinwood Section 3, which is a resubdivision of Brackenridge Heights, explaining that these streets must be vacated prior to recording the final plat of Brinwood Section 3. The Commission then

VOTED: To recommend to the City Council that the streets in Brackenridge Heights as shown on the attached sketch be vacated in lieu of the new streets to be dedicated in Brinwood Section 3.

SUBDIVISION APPROVAL BY TELEPHONE APPROVAL

C8-61-32 Deer Park Subd. Sec. 1

Manchaca and Stassney La.

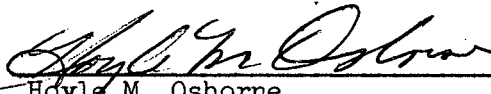
The staff reported that members of the Planning Commission had been polled by telephone February 15, 1962, and that a majority had

VOTED: To APPROVE the plat of DEER PARK SUBD. SEC. 1.


MEMBERS CONTACTED: Messrs. Barrow, Barkley, Brunson, Kinser, Lewis and Spillmann

ADJOURNMENT

The meeting was adjourned at 11:50 p.m.


Hoyle M. Osborne
Executive Secretary

APPROVED:


Chairman