

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- May 8, 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  
Fred C. Barkley  
Howard E. Brunson  
Pericles Chriss  
S. P. Kinser  
W. Sale Lewis\*  
Emil Spillmann  
\*Left at 8:10 p.m.

Absent

Noble W. Doss

Also Present

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

MINUTES

Minutes of the meeting of April 10, 1962, were approved as submitted.

The following zoning change and Special Permit requests were considered by the Zoning Committee at a meeting May 1, 1962:

ZONING

C14-61-106 Nash Phillips: A to B (as amended)  
East 51st St. and Manor Rd.

STAFF REPORT: The applicant has revised the original application and has provided a tier of lots fronting on East 51st Street and proposes to develop the L-shaped tract with apartments, which is the only portion included in the request. Mr. Phillips has submitted a subdivision on this property, dividing it as shown on the staff report. Since it is on Old Manor Road, across the street from a large "GR" zone, abuts City property on the south and west, and is bounded on the south by a creek, we feel this would provide a proper buffer zone. Because of the relation of access of this property to Manor Road, a suggested site plan should be submitted before the Planning Commission meeting as this is a major intersection.

Mr. Watts was present at the hearing and made the following statements: We have single-family lots on the area on which there seemed to be objection before to apartment development (zoning would allow duplexes but Mr. Phillips has said he would put single-family there). We do not know Mr. Phillips'

C14-61-106 Nash Phillips--contd.

plan as to whether the apartment development would be one large building or several small buildings. A telephone cable across the corner makes this neck of land unusable for any use other than access to the apartment area.

One reply to notice was received favoring the request.

Written comment was received from one owner and six nearby owners appeared at the hearing in opposition and stated the following: We think that after he sold us our homes it would be unfair for him to decrease the value of our property by apartment development. We feel that as these apartment houses deteriorate the zoning will go down also. Apartments have mostly transient tenants who do not care for the property.

The Zoning Committee reported that it had referred this request to the Planning Commission and had instructed the staff to request a site plan for development for consideration.

At the Commission meeting Mr. Watts presented a study as requested by the Committee showing how they could achieve an entrance on and off Manor Road as the site was originally planned. He stated that there is a large creek through here to the south and if necessary, the property would be built up to and above the flood plain.

After further discussion and a review of the site plan and development of the tract it was unanimously

VOTED: To recommend that the request of Nash Phillips (as amended) 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 2213 East 51st Street and 5022-5026 Manor Road be GRANTED.

ABSENT: Messrs. Doss and Lewis

C14-62-38 J. G. Holloway, Jr. et ux: A to B  
Enfield Rd. and Possum Trot

STAFF REPORT: The applicant proposes a change from "A" Residence to "B" Residence for the stated purpose of apartment house development. This is of sufficient size to permit a 12-unit apartment hotel. In 1932, this property was zoned "B" Residence and later by petition of the majority of the people it was changed back to "A" Residence. Since then there has been some "B" zoning to the west. We feel that this would be a logical extension of the zone except for the street pattern of 30-foot streets. Because of the narrow streets and the influence a change of this particular lot would have on the area to the east and south, between Enfield Road and 12th Street, we recommend against the change.

Mr. J. G. Holloway, Jr., appeared at the hearing and his statements may be summarized as follows:

C14-62-38 J. G. Holloway, Jr.--contd.

1. I cannot see that traffic on Elton Lane would be affected. It would be more convenient for people to go on Enfield Road to Exposition Boulevard or into the downtown area by way of 12th Street.
2. Some of the owners on Elton Lane might request a change but the street is built up with houses of such a type that they would not be torn down and replaced with apartment houses. Other houses are too costly to convert into apartment houses. The only possibility would be the adjoining lot which is occupied by a house that is not too costly to be torn down. The question of changing these lots could not come up before ten or more years.

Written objection was received from one nearby owner and a petition from 26 owners was received and six nearby owners appeared in opposition. Statements presented may be summarized as follows:

1. There is an interested history of Lots 1-6, of Westfield A Addition. When this Addition was taken into the city it was taken in with part of Enfield and was all zoned "B" Residence. In 1949, about 80 per cent of the owners of Lots 1-6 petitioned the City to change from "B" Residence to "A" Residence. The Board of Adjustment recommended that the change not be approved. The City Council, on February 17, 1949, by unanimous vote changed those lots to "A" Residence. The change was influenced by the fact that the property under discussion has restrictions in the deeds showing that this property was to be used for residential purposes only. There is a different restriction on other lots that they would not have flats and apartments which was evidently the purpose of devoting Westfield A to residential development. We feel that a change of zoning of this lot would influence any changes on Enfield Road and in other blocks.
2. The traffic situation has become deplorable with other apartments on Enfield Road. There is not room for two cars to park and two cars to pass on narrow Possum Trot and an increase of traffic would create an impossible condition. We built expensive homes for the purpose of living in them the rest of our lives.
3. There are children on this street who ride bicycles and an increase in traffic would be dangerous for them.

The Commission noted that this would be spot zoning and would disturb an "A" Residence area of well maintained homes. It was also noted that this "A" Residence zone extends to the railroad on the south side of Enfield Road. It was felt that traffic is already congested and owners find it difficult to get in and out and this would tend to increase the use of the narrow streets. It was therefore unanimously

C14-62-38 J. G. Holloway, Jr.--contd.

VOTED: To recommend that the request of J. G. Holloway, Jr. et ux, for a change in the zoning plan from "A" Residence to "B" Residence for property located at the southeast corner of Enfield Road and Possum Trot be DENIED.

ABSENT: Messrs. Doss and Lewis

C14-62-39 Mrs. Otis Vaughan & Joe F. Mokry: A to O  
Glenview Ave., W. 34th St., and Kerbey La.

STAFF REPORT: This is an application to change two lots to "O" Office in a well established single-family area. A similar application by these owners was previously considered by the Commission and was withdrawn without action. We feel that the request should be denied for the same reasons as before -- that these lots and the area are single-family, with the nearest "O" Office being one block to the east and "LR" Local Retail on 25th Street, and that this would be spot zoning in an established residential area.

Mr. J. Malcolm Robinson (Attorney) appeared at the hearing and made the following statements: This is an application of two property owners to realize full protection of their properties. They have been approached a number of times by prospective purchasers and this zoning change would be a move toward a more stable residential area. There is business on 35th Street and "O" Office to the east at Mills Avenue. This property is immediately across the street from a public school but I think this objection could be taken care of with ample off-street parking. It would be more attractive to have an office here than a service station or drive-in grocery operation similar to that to the north on Jefferson.

Two replies to notice were received favoring the request.

One nearby owner appeared in opposition and written objections were filed by two owners. Reasons may be summarized as follows: This is a well developed residential area and it would be well to keep it that way. The filling station at 35th Street is in the commercial zone that is spreading that way but in this area there is no commercial except around 35th and Jefferson. There are many good reasons why it should remain residential, including the traffic on 34th Street which is quite heavy already and bad for the school.

The Commission noted that this would be spot zoning and would be disturbing a well developed "A" Residence District. It was therefore unanimously

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

DISQUALIFIED: Mr. Brunson

ABSENT: Messrs. Doss and Lewis

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Reg. Mtg. 5-8-62

C14-62-40 P. E. Worsham: O to C  
1120 East 52nd Street

STAFF REPORT: This was recommended to be changed from "BB" Residence to "O" Office and the applicant now proposes to change to "C" Commercial. He has recently erected an office building and a sign projecting from the building advertising the business and these are required to be flatwise against the building in an "O" Office District. That seems to be the applicant's problem. The Commission felt that "O" Office would be a buffer zone. We feel that the "C" Commercial will encroach and extend into the "BB" Residence area and encourage commercial zoning to extend down the street. We feel that "O" Office is the proper classification and recommend that the change be denied.

Mr. P. E. Worsham appeared at the hearing and made the following statement: The only reason I need the change is to use the sign I had moved and which is uneconomical to use any other way. This is not in a residential area and I just wish to utilize the sign.

One reply to notice was received favoring the request.

The Commission felt that "O" Office is the proper buffer zone and a change to "C" Commercial would encroach into a residential area. It was therefore unanimously

VOTED: To recommend that the request of P. E. Worsham for a change of zoning from "O" Office to "C" Commercial for property located at 1120 East 52nd Street be DENIED.

ABSENT: Messrs. Doss and Lewis

C14-62-41 Twelfth and Neches, Inc., Herman Blum, Pres.: O to C  
Neches and E. 12th Sts.

STAFF REPORT: This application is for two lots presently zoned "O" Office and Second Height and Area and they wish to change to "C" Commercial to erect an apartment hotel and engineering office. The "C" Commercial area across Neches was recently created. The area has mixed zoning. We feel that even though the request permits increased density the pattern is already created and we recommend this be granted. The Second Height and Area would permit 44 units and a waiver of setback from both Neches and 12th Streets. This is in the area where the City Council can determine the number of parking spaces needed.

Mr. Glen Meredith was present for the applicant and stated that the apartment hotel will consist of 37 units and there will be some one-bedroom and some two-bedroom units. He also said that twenty-eight parking spaces will be provided.

The Commission discussed the surrounding property and the fact that this property is between two "C" Commercial zones and in an area where the character of uses is changing; there is "C" Commercial across the street and other com-

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Reg. Mtg. 5-8-62

C14-62-41 Twelfth and Neches, Inc.--contd.

mercial uses near. It was felt that this would be a logical extension of "C" Commercial. Therefore, it was unanimously

VOTED: To recommend that the request of Twelfth and Neches, Inc., Herman Blum, President, for a change in zoning from "O" Office to "C" Commercial for property located at 1107-1111 Neches and 501-505 East 12th Streets be GRANTED.

ABSENT: Messrs. Doss and Lewis

C14-62-42 W. H. Bullard: C to C-1  
Airport Blvd. and Goodwin Ave.

STAFF REPORT: This applicant proposes the sale of beer for off-premise consumption in a drive-in grocery store. This request conforms to the policy in that there is industrial and commercial development in the area, but we make no firm recommendation.

Mr. Bullard appeared at the hearing and stated that he has a contract with Town and Country contingent upon this requested change and permission to sell beer.

One reply to notice was received opposing the change for the reason that they did not want the selling of alcoholic beverages in any form. Two nearby owners appeared at the hearing but made no comments.

The Commission noted that there is "C-1" zoning to the south and felt that this request conforms to the policy of the Commission regarding "C-1" requests. It was therefore unanimously

VOTED: To recommend that the request of W. H. Bullard for a change in the zoning from "C" Commercial to "C-1" Commercial for property located at 1130 Airport Boulevard and 3609 Goodwin Avenue be GRANTED.

ABSENT: Messrs. Doss and Lewis

C14-62-43 J. J. Varden: B to LR  
East 30th and San Jacinto Sts.

STAFF REPORT: This is for one through lot, separated from an existing "LR" zone on the east by two lots. The purpose of the request is to permit a laundry pickup station. There are mixed uses in the area, including single-family dwellings, apartments and businesses. We feel that, since commercial zoning has been started in this block, if the intervening lots were included we would recommend this change; otherwise, it would be spot zoning. Mr. Fowler said if the other lots are changed the City-owned corner tract should be included.

C14-62-43 J. J. Varden--contd.

Mr. Roger Hanks was present and made the following statements: The three lots possibly should be included in the request. This street is commercially developed. The front of the proposed building would face toward the west and the City triangle.

Written comment was received from four nearby owners approving the change.

Miss Sterzing (representing her brother) stated that East 30th Street is very narrow and the effect on the traffic by this change would be questionable.

The Committee reported that it had felt that the entire block should be "LR" Local Retail because of the trend of development and that this request should be granted, and had instructed the staff to schedule a hearing on the remaining portion of the block.

The Commission affirmed the action of the Committee and therefore unanimously

VOTED: To recommend that the request of J. J. Varden for a change of zoning from "B" Residence to "LR" Local Retail for property located at 305 East 30th Street and 2911-2915 San Jacinto Boulevard be GRANTED.

ABSENT: Messrs. Doss and Lewis

C14-62-44 Leon Malkin et al: A to B, 1 to 2  
2821-2825 Rio Grande Street

STAFF REPORT: The purpose of this application is to permit an apartment hotel. The request consists of three separate lots with a total area of 29,250 square feet which would permit 39 units in an apartment hotel of 12 regular apartment units under the requested zoning. There was a recent request for a change to Second Height and Area in an existing "BB" Residence District nearby to permit a rooming house and this was denied. We feel that the entire block on the east side of Rio Grande should be changed to "B" Residence and First Height and Area but not to Second Height and Area which permits too great density in development. Therefore, we recommend that the Commission consider the entire block.

Mr. Leon Malkin appeared in support of his request and submitted the following information: We are adjoining a commercial zone on 29th Street and commercial across the alley to the east. The entire area is spot zoned. This is a University of Texas housing area and there are old houses here which are producing very little revenue. This proposal would replace these houses with a better building and would improve the area.

Written comment was received from two owners favoring the request.

At the Commission meeting, the Director reported that a letter had been received from Mr. Robert Sneed (Attorney) and also a restrictive covenant for

C14-62-44 Leon Malkin et al--contd.

the property providing one off-street parking space for each dwelling unit. Mr. Osborne stated that in Second Height and Area under the apartment-hotel provision, 39 units would be permitted whereas only 19 units would be permitted under First Height and Area. There could be 30 units per acre under First Height and Area and 60 under Second Height and Area. Mr. Barrow stated that there is a difficult traffic situation on Rio Grande and this would tend to increase both people and traffic.

The Commission concurred with the recommendation of the staff and this entire block on the east side of Rio Grande between 28th and 29th Streets should be zoned "B" Residence with First Height and Area since Second Height and Area would permit too high a density of development. It was further agreed that the Commission would consider it logical to recommend this change on all future applications in this area. Therefore, it was concluded that the present request should be denied but a First Height and Area established and it was unanimously

VOTED: To recommend that the request of Leon Malkin 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 2821-2825 Rio Grande Street be DENIED; but that a "B" Residence and First Height and Area classification be established for the property.

ABSENT: Messrs. Doss and Lewis

C14-62-45 St. Johns Corporation: A to DL (as amended)

5904-6600 Airport Boulevard, Rear 6201-6509 Chesterfield; Rear 100-306 E. and 100-302 W. Skyview Rd.

STAFF REPORT: This change is for a tract of land including approximately 27 acres which fronts along Airport Boulevard and has access from Denson Drive on the west. The owners have filed a subdivision plan which was held in abeyance pending consideration of this zoning request. There is a residential tier of lots on the west backing up to the property and another tier backing to the south portion. There is an elementary school on an adjoining tract to the west. We feel that, with the surrounding development and "C" Commercial across Airport Boulevard, this change to industrial would adversely affect the area; the School Board has indicated the intention of developing their property and would approve a street through the property adjoining their land but not for industrial use of the land. There is also a question of a street crossing the railroad track and approval of the railroad company. For these reasons we feel that "DL" Light Industrial should be denied as the property is suitable for residential development. This is not proposed as an industrial zone in the Austin Development Plan.

Messrs. Richard Baker (for St. Johns Corporation), Pearce Johnson and W. H. Curington appeared at the hearing and statements presented may be summarized as follows:



C14-62-45 St. Johns Corporation--contd.

1. This tract extends beyond the railroad and has frontage on Airport Boulevard. The balance of the original tract is located on the other side of Airport Boulevard. There is a drainage easement which separates this property from the tier of residential lots and from the school and provides a natural boundary. The western portion is low and it is questionable whether or not the owners of any residential development could sell the property to pay for the streets and utilities. The property is not of the type to be developed for residential use. We feel this is particularly suited for industrial development. There is adequate railroad frontage to make industrial development desirable.
2. There have been a lot of zoning changes and subdivisions in this area. Butter Krust Bread Company, the Carnation Milk Company, and the Southern Union Gas Company are located to the southeast of this tract at Koenig Lane and Airport Boulevard, where the property is zoned "C" Commercial. We are still working on a street which should be through the property. The applicants would give right-of-way for access across the railroad. We have had a discussion with the Railroad Company regarding crossing over in this area but no definite arrangements have been made since we have not worked out with the City where this crossing should be. The lots will be large tracts but it would be feasible for people traveling within the area to use the same access in and out of Airport Boulevard.
3. The main issue has been the school land on which a school has been constructed and on which I understand the School Board intends to construct some administrative offices. A junior high school site in the other portion of the St. Johns tract, in the middle of a "C" Commercial zone after it was so zoned was purchased within the last six months.
4. The proposed construction would be restricted to prudent development. The Zoning Ordinance places a demarkation line between "DL" and "D" regarding odors, fumes, etc. "DL" was created for the type of industry where you can have warehouses, which is our principal purpose. The Ordinance expressly sets forth a number of requirements, including a fence around the perimeter of a "DL" District. St. Johns Corporation is the largest owner in this area and has developed Huntland Heights, also owning an additional 280 acres in this area. If this zoning change is granted they will comply with the Ordinance requirements and there will be certain restrictions placed on the development which will restrict the new owners in their development.

Written comment was received from two nearby owners and two owners appeared at the hearing favoring the change.

Replies to notice were received from two owners and a petition from 257 persons was submitted opposing the request. At the meeting, 15 owners appeared in opposition and 5 expressed no opinion. Reasons for opposition are stated as follows:

C14-62-45 St. Johns Corporation--contd.

1. If this is industrial, Denson Drive will be opened in front of the elementary school, and we do not want it opened since it would be dangerous for the children. We tried but were unable to get a stop sign there.
2. This is a nice quiet residential area and the other portion of St. Johns property has a residential subdivision under development now. We bought our homes with the understanding that this would be a residential development. If the zoning is changed now it will definitely depreciate the value of our homes. We prefer to keep the area surrounding the school residential.
3. There are certain types of industry which might not be as objectionable but there are others which are objectionable and unattractive appearances and odors, fumes, etc. It does not seem to be good business to develop a good school and allow industrial adjoining it.
4. A large number of children will be crossing Airport Boulevard to attend school from the new subdivision across Airport Boulevard, and this industrial area will further congest this Boulevard.

The Committee reported that it had referred this request to the Commission pending further study because of the problems involved.

At the Commission meeting, the Director reviewed the surrounding area and the discussion by the Committee. The following factors were brought out:

1. If Denson Drive is opened into and through this area as shown on a pending subdivision or as suggested by the Department on a study sketch, traffic would be considerably increased by the elementary school and through the residential area on the west. If a street is developed it is preferable that it follow the existing water line. The water Department and school officials feel they would like to have a street but not if this property is developed industrially. People driving to the school and others crossing from Airport Boulevard to Lamar Boulevard would use Denson Drive. Traffic would also be increased on this street by industrial uses. There would probably have to be a culvert across the creek which extends along the west property line.
2. Industrial development would conflict with adjoining residential development and with the Development Plan which shows this area as generally residential. This would require an amendment to the Plan by the City Council. This Plan was adopted after much study of the entire city. There is not much demand for industrial in the area. The property is suitable for residential use as there are many homes to the north and south which back up to the railroad and this is not an uncommon occurrence.

C14-62-45 St. Johns Corporation--contd.

3. There is a question of what would be a buffer if industrial uses extend back to residential development. There is a creek on the west which makes a good buffer but no buffer on the south. Warehousing, wholesaling and some forms of food processing are all permitted in a "C" Commercial District. There could be mixed development with apartments, single-family or duplex type residences depending on how it could be planned, but the area would be quite limited as far as commercial uses on a retail basis are concerned because of the railroad separating most of the property from Airport Boulevard. There is a question of possible sound retail development.

Mr. Barrow said he did not believe there is a satisfactory answer and this is an extremely difficult situation. He felt that it is not desirable for industrial uses with the street extending through this property and the residential area as it should be done and definitely increasing the traffic and the relation to access from Airport Boulevard. He said one primary thing to consider is that zoning would decrease the safety of not only the school children but residents on both sides if it were commercial or industrial. Mr. Kinser thought the property is suited for commercial use more than it is for residential development. The Commission then

VOTED: To recommend that the request of St. Johns Corporation, as amended, for a change of zoning for property located at 5904-6600 Airport Boulevard, rear 6201-6509 Chesterfield Avenue, and rear 100-306 East and 100-302 West Skyview Road be DENIED.

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

C14-62-46 Tom Moses Attal: A to C, 1 to 6  
 Burnet Rd., Ohlen Rd., and Bowling Green Dr.

STAFF REPORT: We feel that the pattern is established as strip zoning and that the change should be granted in some form but that "C" Commercial be denied and "GR" General Retail granted if the strip zoning is to be extended.

Mr. Robert Sneed (Attorney) represented the applicant and made the following statements: The principal reason for filing this application in advance of completion of the subdivision is that any person purchasing a home in the subdivision will not be caught by any zoning change which might be granted later. The first section of development has already started, beginning at Sidney Lanier Junior-Senior High School. Our purpose in presenting this at this time is to try to tie it in with the zoning already established in Dixie Terrace and from there on to the interchange with Burnet Road. The proposed development will be the type already existing along Burnet Road. The uses will be restricted to residential with the only commercial tied in with the subdivision in this area.

C14-62-46 Tom Moses Attal--contd.

One reply to notice was received favoring the request.

The Commission concluded that "GR" General Retail should be established for this property because of the existing zoning pattern across Burnet Road and to the south of this property. It was therefore unanimously

VOTED: To recommend that the request of Tom Moses Attal for a change of zoning from "A" Residence and First Height and Area to "C" Commercial and Sixth Height and Area for property located at 8217-8241 Burnet Road; 2801-2815 Ohlen Road, and 8216-8218 Bowling Green Drive be DENIED; but that a "GR" General Retail and Sixth Height and Area classification be established for this property.

ABSENT: Messrs. Doss and Lewis

C14-62-47 G. C. Carlin (owner) and Lawrence Hernandez (purchaser): C to C-1  
Webberville Road and Wayne Street

STAFF REPORT: The proposal is for the sale of beer for off-premise consumption in an existing grocery store. This property adjoins a "C-1" zone established in 1957. While there are residences surrounding this and the adjoining lot, we feel that the granting of the "C-1" zone to the south establishes the pattern here and that the request should be granted.

Written comment was received from one owner favoring the request and Mr. Lawrence Hernandez (purchaser) was present at the hearing but offered no additional statements.

The Commission concurred with the recommendation of the staff that this would be a logical extension of the "C-1" zoning on the south. It was therefore unanimously

VOTED: To recommend that the request of G. C. Carlin (owner) and Lawrence Hernandez (purchaser) for a zoning change for property at 2806 Webberville Road and 700-704 Wayne Street be GRANTED.

ABSENT: Messrs. Doss and Lewis

C14-62-48 Henry G. Sanders: LR to C-1  
4136 East 12th Street

STAFF REPORT: This is for an interior tract of land within a commercial tract, and the applicant proposes the sale of beer for off-premise consumption in an existing grocery store. There is a drive-in, "Dairy Queen" type of eating establishment on the adjoining tract and a laundromat on the south of the applicant's property. The area is generally residential, with an elementary school across Springdale Road. We feel that since the sale of beer will be confined to the grocery store the request should be granted.

C14-62-48 Henry G. Sanders--contd.  
4136 East 12th St.

Mr. Byron Fullerton represented the applicant who was also present and made the following statements: Mr. Sanders has operated this food store for over a year and has a lease agreement with Town and Country subject to the rezoning and alteration of the building. The Town and Country will remodel the building as they do in other sections of the City. All of the parking is paved except the northwest corner and it will be paved. The business now is not a typical drive-in store. Representatives of the public schools said as long as the footage requirement of 300 feet from the school is maintained they would not object.

The Director read a letter from Mr. Robert Sneed (Attorney) stating that a restrictive covenant was attached, prohibiting the sale of beer or wine on any portion of the leased premises, save and except for off-premise consumption.

The Committee reported that it had considered this to be spot zoning and had felt that the request did not conform to the policy of the Commission with regard to "C-1" Commercial zoning changes. They noted the proximity of the elementary school to this property.

At the Commission meeting, Mr. Kinser stated that he had looked at the property and felt that since the zoning is tied down by field notes to the portion of the property on which the store is operating it would not be too objectionable. It was therefore unanimously

VOTED: To recommend that the request of Henry G. Sanders for a zoning change from "LR" Local Retail to "C-1" Commercial for property located at 4136 East 12th Street be GRANTED.

C14-62-49 Sam Robinson: A to C  
8418-8546 Burnet Road

STAFF REPORT: The applicant proposes to establish a golf driving range on his property, about 90 feet of which is in the City and the remainder in the County. When the land to the south was zoned "C" Commercial it was the concern of the Department that proper streets be planned. At this time we still have no plan of what the street pattern will be. We have presented a suggested street plan and feel that there should be possibly three streets to serve this area.

Mr. Sam Robinson was present in behalf of his request and stated: This portion of the property has been in the city for ten years. I have a man who wants to rent the property by the month for use as a driving range and this would require a change of zoning. There would be no permanent buildings here. The entire tract of land is about 900 feet by 960 feet in size.

C14-62-49 Sam Robinson--contd.

One reply to notice was received favoring the request.

A majority of the Committee felt that this would be a logical extension of the present "C" Commercial zoning. Mr. Chriss was opposed to the plan for the reason that this strip could be developed without providing proper access to the property in the rear unless a street pattern is established.

Mr. Barrow felt that the streets should have been developed or laid out prior to development of this property. After further discussion, it was decided by a majority of the Commission that the request should be granted since the adjoining property on the south is already commercial. It was therefore

VOTED: To recommend that the request of Sam Robinson for a change in the zoning plan from "A" Residence to "C" Commercial for property located at 8418-8546 Burnet Road be GRANTED.

AYE: Messrs. Barrow, Barkley, Brunson, Kinser, Spillmann

NAY: Mr. Chriss

ABSENT: Messrs. Doss and Lewis

C14-62-50 Dr. Walter K. Long: A & O to O, 1 to 2  
Leon and W. 24th Sts.

STAFF REPORT: The major part of this property was zoned "O" Office in 1946 but there is a small portion in the southeast corner which is still "A" Residence. The purpose of the request is to permit apartment hotel development. Under the proposed zoning, 40 units would be allowed. We feel that the "O" zoning is proper here but that Second Height and Area should be denied since it not only increases the number of apartments but also waives the setback requirements.

Mr. Wallace A. McLean represented the applicant who was also present at the hearing and made the following statements: The present plan for this property is for 37 units instead of the permitted 40 and for 28 off-street parking spaces. I also have plans showing a proposed setback from the streets which would meet the requirements of the Ordinance. Second Height and Area is already the predominant zoning in this area. The alley to the west was vacated but we do not know if the entire alley was attached to this property. This would increase the area of the property. The applicant has indicated that if it is shown that his dimensions are not correct the number of proposed units would be reduced to conform to the requirements. Off-street parking has been provided for each of the proposed units. Each unit would be occupied by a maximum of four persons who would possibly be girl students of the University of Texas. This proposal is consistent with the existing Second Height and Area. Regardless of the Height and Area, this property would be dedicated to something other than residential use. It would be developed with a substantial building which would outlast residential buildings in the area.

C14-62-50 Dr. Walter K. Long--contd.

One reply to notice was received and one nearby owner appeared at the hearing opposing the change.

The Commission felt that "O" Office is the correct classification for all the property but that First Height and Area should be retained since Second Height and Area would permit too great a density and would also permit a waiver of setback requirements. It was therefore

VOTED: To recommend that the request of Dr. Walter K. Long for a zoning change from "A" Residence and "O" Office to "O" Office and from First to Second Height and Area for property located at 2306-2310 Leon Street and 1101-1105 West 24th Street be DENIED; but that an "O" Office and First Height and Area classification be established for the property.

ABSENT: Messrs. Doss and Lewis

C14-62-52 N. J. Wonsley (owner) and Clifton S. Winstead (purchaser): A to B, 1 to 2  
501-509 Wonsley Drive

STAFF REPORT: This request includes 83,200 square feet out of a large tract of land and is for the stated purpose of developing with a multiple dwelling unit. The surrounding area is "A" Residence except for a "C" Commercial zone at the Interregional Highway. There should be a street pattern established for this area. Wonsley Drive does not have adequate right-of-way since streets serving other than single-family residential development should have a minimum right-of-way of 60 feet. A street connecting Wonsley Drive with Northeast Drive will be needed 200 to 300 feet west of the subject tract as the distance from the Interregional Highway to the proposed extension of Georgian Drive is 2200 feet. A schematic plan showing the proposed development of the surrounding area would be beneficial in determining the desirability of the proposed use of the property. We would possibly need a regular subdivision since it could involve streets. The proposed zoning would permit a maximum of 55 regular units, 110 efficiency units, or 110 units in an apartment hotel. Mr. Fowler explained that a building permit could not be issued on this property as it has not been subdivided.

Mr. Trueman O'Quinn (attorney) appeared at the hearing and stated the following: This property is optioned to my client, Mr. Clifton S. Winstead. There is a large undeveloped tract of land to the south. Mr. Wonsley has sold off some tracts, including one on the east of the subject property and another on the west for churches. Mr. Winstead and I do not control the property of Mr. Wonsley but are interested only in this tract of land. This property is higher than that on the south and has a view of the city. Because of this and access by Anderson Lane, I thought it would be a good place for an apartment house with 110 units which would call for Second Height and Area. We would have adequate off-street parking.

Mr. N. J. Wonsley was also present and said that he did not want any zoning which would hurt his property or the church properties.

Cl4-62-52 N. J. Wonsley and Clifton S. Winstead--contd.

Two replies to notice were received from nearby owners opposing the request.

Mr. Fred L. Foster (500 Wonsley Drive) appeared in opposition for the following reasons: I am building a home across the street from this land and am planning a street to connect Lola Drive to the east and then south to Wonsley Drive. I would like to see plans for this development; however, I am opposed to apartments and see no need for an apartment house this far out. It would be congested with 110 apartments.

The Commission felt that this change and proposed development would have an adverse effect on the surrounding property, since there is no street pattern established, and would be out of character with the surrounding development. It was further noted that it would be spot zoning. The Commission therefore unanimously

VOTED: To recommend that the request of N. J. Wonsley (owner) and Clifton S. Winstead (purchaser) for a zoning change from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at 501-509 Wonsley Drive be DENIED.

ABSENT: Messrs. Doss and Lewis

## SPECIAL PERMITS

CP14-62-1 Elaine W. Heard: Television and Radio Repair Service  
Russell Dr. and West Ben White Blvd.

STAFF REPORT: (Reviewed the recent zoning in this area along Ben White Boulevard) This application is for a TV and radio repair service. The uses permitted in a "GR" General Retail District are permitted on this property under Special Permit since it is across the street from a "GR" District. Clarification should be made as to the total area available for the repair service, including storage facilities. Storage of old radio and television sets as well as antennas can become a major problem. In some of these types of use, outside storage of parts is done and this should be controlled. Outdoor storage for this type of equipment is highly undesirable even though enclosed by a solid fence.

## DEPARTMENTAL COMMENTS

Office Engineer: Do not recommend automobiles backing into moving traffic on Ben White Boulevard. Indicate an enter and exit arrangement, also autos to maneuver on parking lot. Separate request for driveways necessary.

Director of Public Works      Curb basis on Ben White Boulevard is 37 feet, more or less, instead of 25 feet as shown. The 27-foot driveway should be widened to about 30 to 35 feet to permit



CP14-62-1 Elaine W. Heard--contd.

traffic to turn around and head into Ben White Boulevard instead of backing into it. The 22-foot driveway nearest the curb line has to be concrete. The remainder may be asphalt to City specifications. This is a policy that has been followed on other commercial drives on Ben White Boulevard. The 10-foot driveway should be closed if not to be used. If not, then the same specifications hold for this one as for the aforementioned driveway.

Planning Department: Clarification should be made as to the total area available for the repair service, including storage facilities. Storage of old radio and television sets as well as antennas can become a major problem. Outdoor storage for this type of equipment is highly undesirable even though enclosed by a solid fence.

## TESTIMONY

Mrs. Heard was present in support of her request and stated: In our purchase contract for the property the bank would not give the loan unless this were permitted and they had something from Mr. Osborne that this could be done. We do not have cars backing into Ben White Boulevard to get off the property. There is ample space to turn cars and head out into the Boulevard. We are back  $25\frac{1}{2}$  feet from the fence and there is 38 feet from the Boulevard to the fence. Each time Mr. Meyer represented us in the zoning hearings, this intended use was mentioned. We have parking spaces for four cars in the driveway. We are also planning to widen this. If additional parking is needed we can park in the Russell Drive driveway.

The Committee reported that it had reviewed the site plan and felt that the special permit should be granted provided the departmental requirements are met and had so voted.

The Commission reviewed a revised plan showing a single driveway on the east with a fan-shaped entrance to a parking area on the property providing for angular parking. Mrs. Heard stated that she did not intend to use the driveway on the west for this business and the Director of Public Works withdrew his comments pertaining to that driveway. The Director of Planning reported that the television and radio repair service is permitted here in this "LR" Local Retail District because it is across the street from "C" Commercial. He suggested that the parking spaces be revised for right-angle parking and the turning area on the east parking area be increased from 8 feet as proposed to 12 feet to permit adequate turning space. He reported that the Building Inspector has approved this parking arrangement. The Commission concluded that the site plan, revised as suggested by the Director, should be approved. It was therefore unanimously

CP14-62-1 Elaine W. Heard--contd.

VOTED: To APPROVE the site plan subject to revision of the parking arrangement to provide for right-angle parking and to providing 12 feet for turning space, and to authorize the Chairman to sign the necessary resolution issuing the Special Permit.

ABSENT: Messrs. Doss and Lewis

CP14-62-2 A. F. DeLoney: General Hospital and Clinic

Tract 1: 1301-13 W.38th, 3701-13 Alamo Blvd., 1300-04 W.37th, 3700-12 Bailey La.

Tract 2: 3400-3712 Alamo Blvd., 3401-3713 Lakeside Blvd.

Tract 3: 1400-06 W.35th St., 3501-09 Mills Ave., 1401-07 W.37th St., 3500-12 Lakeside Blvd.

STAFF REPORT: This is one of the uses permitted in any zone subject to special permit. The basic question which has been submitted to the Legal Department is whether or not the required five acres can be separated by a public street. In this case we have three tracts, Tract 2 having a creek which is proposed to be spanned by a footbridge. When this was considered for rezoning, the Planning Commission indicated that they were not willing to consider vacation of the streets at that time. The Drainage Division would like to see topographic information regarding filling to keep it from flooding; the footbridge would have to be at least one foot above to avoid overflow; and a drainage easement would be required in the area between Lakeside Boulevard and Alamo Boulevard. The following comments were filed by the Public Works Department: 1) possibility of the City needing acquisition of a portion of the tract at the northwest corner on 38th Street for drainage purposes, 2) City Council action on vacation of streets, 3) require separate request for driveways into parking areas, 4) driveway approaches must not exceed 45 feet maximum opening, and 5) walkways across Alamo Boulevard and Lakeside Boulevard subject to vacating of said streets.

## TESTIMONY

Mr. Dan Felts (attorney) represented the applicant and stated: We feel that the intent of five acres is to have adequate parking and this is fulfilled when you have access to the land. It would take 85 to 90 parking spaces to satisfy the Ordinance and this plan shows 200 spaces. I understand an addition has been considered for Brackenridge Hospital. This would eliminate the need for this addition at this time. We are creating no traffic problems in the area. 38th Street has been designated to be extended, giving access from that street and 34th Street. We feel this is a facility needed in this part of the city. There will be emergency treatments although it is not primarily for that. It will be staffed with doctors and dentists on a 24-hour basis. There will only be lighting sufficient to guide people at night. So much of this creek area at this time is not maintained. In time this entire area will be landscaped and will enhance the entire area.

CP14-62-2 A. F. DeLoney--contd.

Mr. Dudley Fowler said a drainage problem to the north of this has been occurring because of flooding. (Mr. DeLoney explained that this was caused by fill by one man.) I requested that a study be made by the Water and Sewer Department with regard to the costs of restoring this Lake. There is an additional question of ownership of Tract No. 2 which is presently under consideration.

Identical letters signed by 17 persons stated that they had been shown a copy of the floor plan and the architect's rendering of the proposed hospital and believe that this will be an asset to the neighborhood as well as to the City of Austin.

Five nearby owners appeared favoring the proposal.

The Committee reported that this request had been referred to the Commission pending further information and study.

The Commission considered the vacation of the existing streets and Mr. Fowler explained that in cases where streets are vacated the property lines of abutting properties extend to the center of the street. He questioned the suitability of this as a hospital site and he said he would have to construe it as not being a site. He asked for an expression by the Commission as an alternative to give the Legal Department something to work with. In response to his question regarding the City having considered the closing of these streets, the Director recommended the vacation of Alamo Boulevard but not Lakeside Boulevard. The Director reviewed the reports from other departments and the problem created by having 84 parking spaces around the hospital and another 125 spaces across the creek because of a large amount of parking needed during visiting hours. He doubted that parking in the immediate area would be adequate.

Mr. Barrow felt that the existence of the creek and the access from 38th Street, which is now a narrow street, is not desirable for a hospital. The Director noted that the access will be reasonably good but the parking and congestion problem, particularly in late afternoon hours, would be there as it is now on 32nd Street at St. David's Hospital. The question of future expansion was also considered and its pressure on other land areas in the neighborhood.

At the Commission meeting, Mr. Fowler explained that as he interpreted the Ordinance, the five-acre site required must be as uninterrupted land ownership. He noted that they are planning to treat out-patients and a clinic treats out-patients only, and he did not have a definition of a hospital. He said he did not know whether the Commission can grant a permit for the hospital on a tract of less than five acres in an "A", "BB", or "B" Residence zone but the Commission could proceed and grant the permit on the tract in question in an "O" Office zone and that would eliminate the question of the five acres as a condition for approving a special permit.

CP14-62-2 A. F. DeLoney--contd.

Mr. Felts stated that Mr. DeLoney has a title policy on this property and it shows that he owns the entire area subject to the City easements and dedicated streets. He said they cannot use the lake area for parking and intend to landscape it, with the City having good drainage rights across it. He reported that Mr. DeLoney has agreed to any type of easement.

The Commission considered the problems involved, including the lack of information on the qualifications of this property for a hospital site under the present zoning, and concluded that no action should be taken on this request at this time. It was therefore unanimously

VOTED: To DEFER action on this request.

ABSENT: Messrs. Doss and Lewis

## AREA ZONING STUDY

C14-61-185 Planning Commission: Area Study (Tract 4)  
805-807 West 34th Street  
 (Carl C. Hardin, Jr.)

The Commission considered the request of Mr. Carl C. Hardin, Jr., for a change of zoning from "A" Residence to "O" Office for two lots on the south side of West 34th Street and east of Grandview, and also an additional area known as 801-803 West 34th Street.

The Director reviewed a previous hearing on this entire area south of 34th Street and stated that he felt "O" Office is the appropriate zoning for the property requested by Mr. Hardin, if the additional area is included, since it would adjoin an existing "O" Office District east of West Avenue. The Commission then unanimously

VOTED: To recommend that the request of Carl C. Hardin, Jr., for a change of zoning from "A" Residence to "O" Office for property located at 805-807 West 34th Street be GRANTED; and that the property located at 801-803 West 34th Street be included in the change.

ABSENT: Messrs. Doss and Lewis

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of April 30, 1962. The staff reported that no appeals had been filed for review of the Committee's action but that 2 cases had been referred to the Commission without action on:

C8-62-25 Richland Estates  
C8-62-27 Seeling Place

The Commission therefore

R146 Subdivision Committee--contd.

VOTED: To accept the following report and to spread the action of the Subdivision Committee of April 30, 1962, on the minutes of this meeting.

## PRELIMINARY PLANS

C8-62-25 Richland Estates  
Dalton Lane

The staff called attention to the nearness of this subdivision to Bergstrom Field and the fact that planes fly over this property, but further noted that at the present time the City has no height regulations. Mr. Beddow stated that he has lived across the street from this property for 20 years, being nearer the end of the runway than this subdivision, and planes do not come within 500 feet of this location and he has had no damage.

The staff then presented the following comments which were discussed:

1. Dalton Lane is shown on the Austin Development Plan as a major thoroughfare with a proposed right-of-way of 200 feet, but the Department feels that 130 feet is adequate, pending final determination, and the subdivider is providing 70 feet of this 130-foot right-of-way. A variance on the 200-foot requirement was recommended.
2. Harrison Lane should extend south of Pringle Circle, and the name should be changed to Drive or Street. This would provide access to the adjoining property and permit lots backing to the drainage channel. Mr. Beddow agreed to this suggestion.
3. Block G exceeds the length permitted by the Ordinance, being approximately 1700 feet in length, but a variance is recommended since this block is along a creek.
4. Sherman Lane should be dedicated to the east end of Lot 3, Block H. Mr. Beddow stated that he does not own this property and cannot dedicate the extension. He stated that there is a 40-foot county road extending through there now.
5. The Subdivision Ordinance requires that an arrangement placing adjacent lots at right angles to each other shall be avoided.

The Committee discussed the location of this residential subdivision in relation to the flight pattern of Bergstrom Field and other recommendations by the Department, and concluded that further study should be given the matter. Therefore, it was

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

C8-62-25 Richland Estates--contd.

The Commission considered the REFERRAL of this subdivision. The staff reviewed the discussion before the Subdivision Committee and the fact that the matter was referred for further study. He called attention to the nearness of this subdivision to Bergstrom Air Force Base and the question of whether or not the City should obtain avigation easements and what the City's responsibility would be concerning any damage resulting from planes flying over the houses since this is in the flight pattern from Bergstrom.

Mr. Barrow noted that the Subdivision Committee was led to believe that Bergstrom personnel had reported to the City that this subdivision was in the line of the flight pattern but the subdivider had reported that it was not. Mr. Kinser said he had inspected the site and found that the planes did not come within 500 feet but more like 1000 feet from the property. The Director reported that the commander of Bergstrom had said this was in line with and about 3000 feet from the north end of the runway. He explained that the approach is fan shaped and very wide and extends out from the runway to include this area. He stated that the Department's concern is that this is a subdivision development with rather intensive noise and possible danger, and that Airport Zoning does not cover development but only the height of buildings. He reported that some airports have used the method of land acquisition as part of the approach to the airport. Mr. Barrow expressed his opinion that the decision as to whether the Planning Commission should approve the subdivision on the basis of its location in the flight pattern is out of the jurisdiction of the Commission which should consider it on the basis of whether or not the layout is sound and not on whether or not the subdivision should be here. In response to a question from Mr. Kinser, the Director explained that planes are affected by the wind current within the flight pattern.

The staff then called attention to the proposed 200-foot designated thoroughfare and recommended a variance as the subdivider only shows 130 feet on the plan. He also recommended a variance from block length requirements for Block G since it backs up to a creek. Attention was also called to other recommendations by the staff as presented to the Subdivision Committee. The Commission then

VOTED: To APPROVE the plan of RICHLAND ESTATES subject to the following conditions:

1. Sherman Lane being dedicated to the east end of Lot 3, Block H,
2. Compliance with departmental requirements, and
3. Clearance from the Legal Department regarding avigation easements before a final plat is considered by the Commission and an opinion on the City's responsibility for any damage from planes flying over this property;

and to grant variances from the Subdivision Ordinance to permit 130 feet of right-of-way for Dalton Lane (designated thoroughfare) and on block length requirements for Block G.

C8-62-26 Forest Wood  
Euclid Ave. S. of Oltorf St.

The staff reported that there is one lot in the northeast corner which was previously purchased by H. E. Butt Grocery Company and which should be included in this subdivision, and that Euclid Avenue at this location should be widened to its required width on the final plat of this subdivision. It was further reported that a zoning change request is pending on this lot and the H. E. Butt Company does not want to join in the subdivision for that reason. Mr. Claude F. Bush (surveyor) stated that Mr. McCandless does not have title to this lot and did not own the property when it was sold, and that he would have to get HEB to dedicate the additional right-of-way.

The Committee realized that it would be difficult to include the HEB lot but felt that the street should have the proper width. It was therefore

VOTED: To APPROVE the plan of FOREST WOOD subject to Euclid Avenue having the proper right-of-way width when a final plat is submitted, and subject to compliance with departmental requirements.

C8-62-27 Seeling Place  
U.S.Hwy. 183 and Loeke La.

The staff explained that this property is within two miles of the city limits but is classed as a suburban subdivision because of the size of the lots, and that there is a large drainageway through the property. It was reported that water is available from District #6 but additional sanitary sewer easements are needed. The sanitary sewer is available within 550 feet but Mr. Nicholson said it might be necessary to go as far as 1500 feet to connect with a line large enough to serve the subdivision. Mr. Whitney said he has had contact with the adjoining owners on the south who have long, narrow strips of property. He noted that the proper ownership of these tracts should be shown and the size should be designated to determine the necessary location of streets.

The Committee felt that further study should be given the sanitary sewer question and that the ownership of the adjoining property on the south should be cleared. It was therefore

VOTED: To REFER this subdivision to the Planning Commission and to instruct the staff to obtain further information on the sanitary sewer and the ownership of the adjoining property on the south.

The Commission considered the referral of this subdivision. The staff reported that since this subdivision was considered by the Subdivision Committee, Mr. Nicholson has advised that the sanitary sewer is about 3500 feet from this property, but this is a suburban subdivision and the lots are of such size that they may later be divided into two lots. It was further reported that

C8-62-27 Seeling Place--contd.

this is near Bergstrom Air Force Base and there is a question as to whether or not avigation easements will be needed. The Commission then

VOTED: To APPROVE the plan of SEELING PLACE subject to the following conditions:

1. Clearance from the Legal Department regarding avigation easements before a final plat is considered by the Commission and an opinion on the City's responsibility for any damage from planes flying over this property, and
2. Compliance with departmental requirements.

C8-62-28 Crestland

Rogge La. and Gloucester La.

The staff presented a study sketch and recommended a change in the street layout to provide some outlet for future development of the large tracts surrounding this subdivision, lots along Reicher Drive having been sold and prohibiting access from that street. It was further recommended that Edgedale Drive be extended to the west line of the subdivision and a street dedication reference be shown on the final plat.

Mr. Vernon Cook stated that he individually owns a tract abutting Edgedale Drive and Reicher Drive and also owns two adjoining tracts on the south which cannot be subdivided because people have life estate in the property. He felt that this property could be subdivided with a street through the center since it is 230 feet in width and 90-foot depth lots on each side of a 50-foot street could be provided. He explained that there is a lake and a very bad drainage problem on the west and one or two houses which would have to be removed if Edgedale Drive were extended to Manor Road.

Mr. Claude F. Bush (surveyor) stated that the reason for the design submitted is because of difficulty in getting drainage easements to the west. He said they could omit that portion which might be needed to provide for the extension of Edgedale Drive to the west; otherwise, this could be sold as a lot. He felt that they could not obtain drainage easements on the adjoining property. He said they could place a plat restriction restricting the use of the lot until such time as the City could determine the necessity of its use for street purposes. He said one lot will have to be retained by Mr. Cook for access as long as this property on the east is in life estate.

The Committee reviewed the statements and recommendations and felt that by removing the questionable lot from sale to the public and as long as Mr. Cook owns one tract with access on a dedicated street, the plan could be approved. It was therefore



C8-62-28 Crestland--contd.

VOTED: To APPROVE the plan of CRESTLAND subject to removing the lot from sale to the public which would provide for extension of Edgedale Drive to the west if it is found to be needed, and to compliance with departmental requirements; and to instruct the staff to discuss the procedures for these conditions with the Legal Department.

C8-62-29 Heritage Hill

U.S. Hwy. 81 and Rutherford

The staff presented the following comments which were discussed:

1. Blocks E and I exceed Ordinance requirements for length, Block E being approximately 1450 feet and Block I 1500 feet in length. A variance is recommended because of the drainage.

Mr. Nicholson said the Water Department feels that block lengths should be kept within the requirements because it affects the City's distribution system. He said they would like to see the blocks more evenly divided or made into three blocks because of the undeveloped property abutting this and the lack of any knowledge at this time of how the adjoining property will be subdivided. He would like to see how the other area will develop.

Mr. Thomas Watts (Marvin Turner Engineers) explained that they have a schematic on the adjoining Karl Wagner property which Mr. Wagner has seen and agreed to follow. He noted that the street pattern is affected by a drainage channel extending in a diagonal direction through this Wagner property. He noted that there is another drainage channel which affects the length of Block E.

2. Hermitage Drive must be built at the grade of the frontage road for U. S. Highway 81 which will require fill and perhaps drainage facilities.
3. It is recommended that Lot 1, Block A, and Lot 15, Block B, be used for residential purposes and a residential layout provided on the preliminary subdivision pending an application for annexation and zoning. These lots are designated on the plan as commercial. They are adjacent to the creek and there are five nice homes adjacent to them on the highway.
4. Lot 14, Block E, and Lots 16, 17 and 22, Block H, do not meet Ordinance requirements for width. Variances are recommended for these lots.
5. Section 23.34 of the Subdivision Ordinance requires that an arrangement placing adjacent lots at right angles to each other shall be

C8-62-29 Heritage Hill--contd.

avoided. Blocks G and H: Mr. Watts explained that their reason was that there is one lot across the street facing into these lots but this problem could be worked out.

The Committee felt that a schematic on the adjoining property should be presented to the Commission for review at the next meeting. It was then

VOTED: To APPROVE the plan of HERITAGE HILL subject to the following conditions:

1. Building of Hermitage Drive at the grade of the frontage road for U. S. Highway 81,
2. A residential layout being shown on Lot 1, Block A, and Lot 15, Block B, pending an application for annexation and zoning,
3. Changing of some lot lines, and
4. Compliance with departmental requirements;

and to grant variances from the Subdivision Ordinance on block length requirements for Blocks E and I, from lot width requirements for Lot 14, Block E, and Lots 16, 17 and 22, Block H, and from the requirement regarding lot arrangement for Blocks C and H.

C8-62-30 Highland Hills, Sec. 6, Phase 2-B, Sec. 7, Phase 1  
Highland View and Hillbrook

The staff presented the following comments which were discussed:

1. There should be a statement on the plat concerning ownership, supervision and maintenance of the private area to be used by abutting owners. Mr. Watts said there would be a statement on the plat that adjoining owners will be entirely responsible for the tract, with an undivided interest in this property. (Mr. Whitney stated that the Legal Department has agreed to the proposed statement on the plat.) Mr. Kinser suggested that it might be better to designate a certain portion to each individual owner. Mr. Watts explained that this is a canyon which is suitable for a neighborhood park. Mr. Tom Bradfield (subdivider) said the restrictions placed on the plat will also be included in the deeds to abutting lots. He explained that much of this hill country has pockets which cannot be used and this seems to be the ideal way to solve it, and that they have had experience with property on Lake Austin with neighborhood parks on which the abutting owners have paid taxes and maintained the park.

C8-62-30 Highland Hills Sec. 6, Phase 2-b, Sec. 7, Phase 1--contd.

2. Hillbrook Circle should provide more of a right angle intersection with Hillbrook Drive.
3. Hillbrook Drive must provide a grade not in excess of 20 per cent. Mr. Watts said according to their information the grade is about 15 per cent and it will be difficult to change the intersection. He said they could install a small island to channel traffic onto the through street instead of the cul-de-sac because of the grade here. Mr. Lewis suggested a sign at the entrance to the cul-de-sac.
4. Highland View Drive south of Hillbrook Drive will be a dead-end street 400 feet in length until another section adjoining is filed. Mr. Watts stated that the lots on the south will be brought in when the lots around Hillbrook Circle are being developed and this will provide an intersection on the southwest.

Mr. Whitney called attention to the revised plan eliminating the dogleg which is an improvement since it only served two lots and sometimes there is confusion when people driving on a street encounter a dogleg of this type.

Mr. Bradfield stated they were deleting three lots on the original plan because of water pressure. He asked for some suggestion from the Committee and personnel as to whether or not they should think of bringing in their own water line from Highland Hills or wait until the high pressure line is installed to the north of this area. Mr. Nicholson said he realized the problem and has been asking for master plan information on this area which would help answer this problem. He felt that it could be worked out. Mr. Barrow said that, as a property owner, he found that it is not always possible to do what you want until other developments are made and it is difficult to have a master plan, but that we are all anxious to solve these problems.

The Committee then

VOTED: To APPROVE the plan of HIGHLAND HILLS, SEC. 6, PHASE 2-B, SEC. 7, PHASE 1, subject to the following conditions:

1. That a statement be included on the plat concerning ownership, supervision and maintenance of the private area shown for the use of abutting owners,
2. That some method be worked out or a sign be placed at the entrance to Hillbrook Circle to show that it is a dead-end street, and
3. Compliance with departmental requirements.

C8-62-31 St. Johns Commercial Tract  
Denson Dr. and Airport Blvd.

It was explained by the staff that the subdivider has requested deferral of this subdivision pending a decision on a zoning request now being processed and the question of conflict with the Development Plan. The Committee therefore

VOTED: To DEFER action on this subdivision as requested by the subdivider.

C8-62-33 Tomanet Estates, Sec. 1  
Parmer Lane

The staff explained that, in accordance with a previous discussion on this subdivision and the proposed thoroughfare on the south, the subdivider is not asking for approval of Lot 1, Block A, Lots 1 and 20, Block B, and Lot 1, Block C, but that all of the subdivision will be brought in for final except these lots. The Committee therefore

VOTED: To APPROVE the plan of TOMANET ESTATES, SEC. 1, subject to the following conditions:

1. Setback lines being shown on the lots,
2. Omission of Lot 1, Block A, Lots 1 and 20, Block B, and Lot 1, Block C, from the plan, and
3. Compliance with departmental requirements.

C8-53-62 Avon Heights  
Rabb Rd. and Rabb Glenn St.

The staff reported that a final plat was considered for Section 5 of this preliminary subdivision but the owners filed a short form (C8s-62-57) rather than wait for final approval since no streets were involved, and the owner is now requesting that this portion be withdrawn from the original preliminary plan. The Committee then

VOTED: To permit the subdivider to withdraw that portion of the preliminary plan of AVON HEIGHTS shown on the short form for Section 5 (C8s-62-57) from the original plan.

SHORT FORM PLATS - FILED

C8s-62-59 Giblins Resub. Pt. Blk. B, Dean Terrace  
Elm St. and Pecan Dr.

The staff reported that reports have not been received from several departments and that no action on this plat is recommended at this meeting. It was further reported that this is a combination of two short form

C8s-62-59 Giblins Resub. Pt. Blk. B, Dean Terrace--contd.

plats, with lots being separated by a street, and that Lots 7-A and 7-B are not large enough for septic tank installation but Lots 1-A and 2-A have sufficient area. Mr. Nicholson explained that sanitary sewer will be available after October of this year. The Committee then

VOTED: To ACCEPT for filing the plat of GIBLINS RESUB. PT. BLK. B, DEAN TERRACE subject to a restriction being placed on the plat that Lots 1-A and 2-A are restricted to only one house on the two lots until City sewer lines are constructed in this area and are available for both lots and the houses on the lots are connected to those City sewer lines.

## SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following plats:

C8s-62-42 Banister Acres, Resub. Lots 1-2  
Banister La. and Casey St.

C8s-62-52 Eubank Acres, Resub. Lots 18 & 19, Blk. K, Sec. 3-A  
Indianhead and Krause La.

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

C8s-62-43 Winn Subdivision, Resub. Lots 1 & 2  
Finley Drive

The staff reported that fiscal arrangements have not been completed. The Committee therefore

VOTED: To DISAPPROVE the plat of WINN SUBDIVISION, RESUB. LOTS 1 & 2, pending completion of fiscal arrangements.

C8s-62-45 Brentwood Terrace, Resub. Lot 1, Blk. C  
Karen La. and Goodnight La.

The staff reported that there is an existing duplex on the proposed corner lot and the owner has divided the lot with an angling lot line to provide sufficient lot area for the duplex and a single-family residence lot which he proposes to sell. It was explained that this meets the technical requirements of the Subdivision Ordinance but the adjoining lots are of the same depth as the original lot proposed for subdivision and are deep lots. The Committee did not approve of the angling lot line and expressed a preference to granting a variance in lot area and have a straight line. (The Committee was informed that this would require a variance from the Zoning Ordinance.) It was then

C8s-62-45 Brentwood Terrace, Resub. Lot 1, Blk. C--contd.

VOTED: To REJECT the plat of BRENTWOOD TERRACE, RESUB. LOT 1, BLK. C, and to instruct the staff to advise the owner that the Committee would rather have a straight lot line and grant a variance.

C8s-62-49 Chernosky Sub. No. 17, Resub. Lots 2-3, Blk. 13, & Lots 43-44,  
Blk. 12  
 Cruz St. and Vargas Rd.

It was reported by the staff that additional electric and drainage easements are required and it was recommended that the staff be authorized to give administrative approval when these easements have been shown. Therefore, the Committee

VOTED: To DISAPPROVE the plat of CHERNOSKY SUB. NO. 17, RESUB. LOTS 2-3, BLK. 13, AND LOTS 43-44, BLK. 12, and to authorize the staff to give administrative approval when these easements are shown on the plat.

C8s-62-58 Hill Subdivision, Resub. Lot 1, Blk. 3  
 Bennett Ave. and E. 54th St.

The staff reported that this subdivision is submitted for layout approval only since reports have not been received from several departments. It was explained that this is a division of one lot into two which are smaller than other lots in the neighborhood and that the owner has sold off the rear part of the original lot and one lot is now substandard in area and that we do not feel that we can recommend this. It was further stated that Mr. Gage, the new owner, would deed back to the former owner the excess area in his lot but this would make the corner lot substandard since it would have 6650 square feet instead of the required 6900 square feet. Mr. Kinser explained that the lady who owned the original lot sold off part of the lot to pay for paving along Bennett Avenue, and that she had previously borrowed money to pay for the paving on 54th Street. The Committee then

VOTED: To DISAPPROVE the plat of HILL SUBDIVISION, RESUB. LOT 1, BLK. 3, but to indicate to the owner that the Committee would not object to having a minimum area on the rear lot and add the excess area to the corner lot.

#### ADMINISTRATIVE APPROVAL

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

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

- C8s-62-55 Dean Terrace, Resub. Lots 1 & 2, Blk. C  
 Dungan St. and Walnut Dr.  
C8s-62-57 Avon Heights, Sec. 5  
 Rabb Rd. and Rabb Glenn St.

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PRELIMINARY PLANS

C8-62-28 Crestland  
Rogge La. and Gloucester

The staff reviewed the action by the Subdivision Committee. The Director recommended that Lot 13 as the extension of Edgedale Drive either be a dedicated street or a lot rather than having it as a lot restricted from use as suggested by the Committee. The staff reported that no reply has been received from the Legal Department regarding a restriction being placed on the plat that no home will be built on this lot until it is determined if it is needed for a street. The Commission concluded that the wording of an agreement or restrictions on Lot 13 and working out the procedure for future right-of-way is under the jurisdiction of the Legal Department. It was then

VOTED: To sustain the approval of this subdivision by the Subdivision Committee subject to the procedures for the future extension of Edgedale Drive to the west being worked out by the Legal Department.

C8-62-29 Heritage Hill  
U. S. Hwy. 81 and Rutherford

The staff reported that the schematic plan requested by the Subdivision Committee has been submitted to show two streets which could be extended through the Karl Wagner property. The Commission discussed whether or not one or two streets should be provided as this is a long block which could present a problem in serving this tract with water service. It was agreed that the plan would be acceptable if it meets with the approval of the Water Department. It was then

VOTED: To APPROVE the schematic plan subject to its approval with two streets by the Water Department, and to sustain the decision of the Subdivision Committee in approving this subdivision subject to certain conditions.

C8-62-31 St. Johns Commercial Tract  
Denson Dr. and Airport Blvd.

The Director recommended that Denson Drive be continued straight through the tract and that the tract be used residentially, but if it is to be used industrially, he would not recommend a connection with Denson Drive. It was reported that the School Board recommends that Denson Drive be continued through the tract and that the tract be used residentially and not for industrial use. The Commission then

VOTED: To DEFER action on this subdivision pending a decision on a zoning application now under consideration.

PRELIMINARY AND FINAL SUBDIVISION

C8-62-26 Forest Wood  
Euclid Ave. S. of Oltorf St.

The staff reported that this subdivision is being presented for preliminary and final approval. It was further reported that additional right-of-way is needed for a part of Euclid Avenue but since this property is owned by a separate person a separate instrument will be filed. The Commission then

VOTED: To APPROVE the plan of FOREST WOOD with the understanding that the separate instrument for additional right-of-way for Euclid Avenue will be filed.

The Commission then

VOTED: To DISAPPROVE the plat of FOREST WOOD pending receipt of a deed for the necessary additional right-of-way for Euclid Avenue, and to authorize the staff to poll the Commission when this has been completed.

SUBDIVISION PLATS - FILED

C8-62-3 Fawn Ridge  
Parker Lane

It was reported by the staff that this is a resubdivision and involves re-locating Hopkins Street, which is a dedicated street within this subdivision, before final approval is given. The Director said the vacation of Hopkins Street will have to be done by the City Council and he has not discussed this with the Director of Public Works, but the Planning Commission has inspected the area. The Commission therefore

VOTED: To ACCEPT for filing the plat of FAWN RIDGE.

C8-62-35 Allandale Park, Sec. 8  
Whiteway and Shoal Creek

The staff reported that a variance is needed on block length requirements for blocks T and W but this variance is not recommended by the staff. The Commission reviewed the plat and felt that the variance is justified since other sections of Allandale Park to the south have been approved with similar block lengths. It was therefore

VOTED: To ACCEPT for filing the plat of ALLANDALE PARK, SEC. 8, and to grant a variance from the Subdivision Ordinance on block length requirements for Blocks T and W.

C8-62-36 Wooten Village, Section 2  
Peyton Gin Road

It was reported by the staff that the preliminary plan was approved with a 60-foot right-of-way for Peyton Gin Road, and there is an existing width that varies with about 50 feet adjacent to this subdivision. The owner is pro-



C8-62-36 Wooten Village Sec. 2--contd.

viding 5 feet of additional right-of-way which would be his portion to make the total of 60 feet; however, since the preliminary was approved two schools have been located on or near Peyton Gin Road (a high school adjacent to the subdivision and an elementary school further to the west), and the staff feels that 70 feet of right-of-way with 44 feet of paving should be provided.

Mr. Clifford Coffman (Isom H. Hale and Associates) stated that they feel the 60-foot right-of-way is sufficient since it was approved on the preliminary plan. The Commission agreed with the staff that 70 feet would be needed for this street and that 10 feet of additional right-of-way should be provided on this plat. It was therefore

VOTED: To ACCEPT for filing the plat of WOOTEN VILLAGE, SECTION 2, notifying the subdivider that 10 feet of additional right-of-way should be provided for Peyton Gin Road, 35 feet from the centerline.

## 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:

- C8-62-7 White Plains, Sec. 3  
Kramer Lane
- C8-62-16 Barton View, Sec. 5  
Dudley and Cupid
- C8-62-18 Huntland Heights, Sec. 2  
Huntland Dr. and St. Johns
- C8-62-19 Allandale Terrace, Sec. 2, Phase 4  
Mohawk and Lexington

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

- C8-61-26 Pecan Garden  
Thompson St.

The staff reported that 1961 taxes have not been paid and that this property is subject to flooding from rainfall. The Commission therefore

VOTED: To DISAPPROVE the plat of PECAN GARDEN pending receipt of the necessary tax certificates and to working out the problem of drainage to eliminate the flooding from rainfall.

- C8-61-46 Allandale Park, Sec. 6  
Shoal Creek and Silverway

It was reported by the staff that fiscal arrangements have not been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of ALLANDALE PARK, SEC. 6, pending completion of fiscal arrangements.

C8-61-49 Cherrylawn, Sec. 1  
Walnut Hills and Manor Rd.

It was reported by the staff that a separate instrument providing the required sanitary sewer easement and storm sewer easement will be filed instead of its being shown on the plat. The Commission then

VOTED: To DISAPPROVE the plat of CHERRYLAWN, SEC. 1, pending filing of a separate instrument providing the required sanitary sewer easement and storm sewer easement.

C8-62-5 North Lamar Park, Sec. 1  
North Lamar Blvd.

The staff reported that fiscal arrangements have not been completed and requested permission to poll the Commission when they are complete. The Commission then

VOTED: To DISAPPROVE the plat of NORTH LAMAR PARK, SEC. 1, pending completion of fiscal arrangements, and to authorize the staff to poll the Commission members when these arrangements are complete.

C8-62-23 Oasis Village, Sec. 2  
Mojave Dr. and Sahara Ave.

The staff recommended that a notation be placed on the plat restricting each lot from occupancy until a septic tank has been installed, inspected and approved by the Health Department. Mr. Claude Bush (surveyor) requested the Commission to authorize the staff to record the plat after this restriction has been placed on the plat. The Commission then

VOTED: To APPROVE the plat of OASIS VILLAGE, SEC. 2, and to authorize the staff to hold the plat from recording until a notation has been placed on the plat restricting each lot from occupancy until a septic tank has been installed, inspected and approved by the Health Department.

SHORT FORM PLATS - FILED

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

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

C8s-62-60 Eubank Acres, Sec. 1, Resub. Lots 17 & 18, Blk. F  
Hornsby St. and Braker La.

C8s-62-61 Curtis Addition  
S. 5th N. of Oltorf

The staff reported that there is a small narrow strip omitted because of some discrepancies in engineering which would involve a great amount of work and the cost would fall on the subdivider. The staff recommended approval of the four lots and a variance from signature requirements because of this small strip which was omitted. The Commission then VOTED: To grant a variance from the Subdivision Ordinance on signature requirements.

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SHORT FORM PLATS - CONSIDERED

C8s-62-39 Payne and Dieter Sub.  
Virginia and Cater Dr.

It was reported by the staff that fiscal arrangements are needed for installation of water and sanitary sewer lines, that additional drainage easements are needed and existing electric easements need to be shown. The Commission therefore

VOTED: To DISAPPROVE the plat of PAYNE AND DIETER SUB. pending completion of fiscal arrangements and showing of existing and needed utility and drainage easements.

C8s-62-50 Banister Heights, Resub. Lots 2 & 3  
Ben White Blvd.

The staff reported that Fort View Road has insufficient right-of-way and 15 feet of additional right-of-way is needed on the north side but the owner of Lot 3-A does not wish to give the 15 feet and it will either be necessary to omit Lot 3-A, on which there is a house, or to grant a variance on street width. In response to a question as to the time this original property was first divided, the subdivider stated that the first part was sold off about 1953 or 1954 and the other 18 feet of Lot 3-B was acquired from the City when Ben White Boulevard was constructed, it being excess right-of-way and not needed for the Boulevard. The Commission discussed the problems presented and felt that the subdivision should be approved with Lot 3-A since the owner would not give the additional right-of-way. The Commission then

VOTED: To APPROVE the plat of BANISTER HEIGHTS, RESUB. LOTS 2 & 3, subject to the plat being revised to delete Lot 3-A from the plat.

C8s-62-58 Hill Subdiv., Resub. Lot 1, Block 3 (Revised)  
Bennett Ave. and E. 54th St.

The staff reviewed the action of the Subdivision Committee and their opinion that they would rather see the plat revised to add the excess area of Mr. Gage's lot to the corner lot. It was noted that the corner lot would still be substandard in area but a better situation would exist. The Commission concluded that the revised plat would provide a better solution and it was therefore

VOTED: To APPROVE the plat of HILL SUBDIV., RESUB. LOT 1, BLOCK 3 (revised) subject to compliance with departmental requirements.

C8s-62-62 Neighbors Addition  
Airport Blvd. and Manor Rd.

It was reported by the staff that 15 feet of additional right-of-way is needed on 38 $\frac{1}{2}$  Street but the two owners on the north would not join in this subdivision and, therefore, this right-of-way could not be obtained. It was further

C8s-62-62 Neighbors Addition--contd.

reported that this property was divided by deeds after 1946, with four separate owners. The Director noted that the owner of one lot is trying to develop his lot immediately with a skating rink and he is not permitted to do this without approval of the subdivision, but at the same time the Commission is faced with the situation where there would be approval of an incomplete subdivision and is only considering about nine-tenths of the original property. The staff further explained that of the two lots being omitted, one is a narrow, 25-foot lot and the other is 279 feet long and owned by the Realty Mortgage Company.

Mrs. Sue Sanders (Metcalf Engineering Company) asked if the two remaining tracts could not later be subdivided by a short form subdivision when they apply for building permits and was advised by the Director that it could be done. Mrs. Sanders felt that this problem could be cleared at that time.

The staff explained that all taxes have been paid on the entire property and the only variance needed would be on signature requirements if the two lots are omitted from the plat. The Commission then

VOTED: To APPROVE the plat of NEIGHBORS ADDITION subject to the two north tracts being omitted and to grant a variance from the Subdivision Ordinance on signature requirements, and to authorize the staff to hold the plat from recording for the signature of one owner who is presently out of the city.

## ADMINISTRATIVE APPROVAL

C8s-62-53 Menkings Resub. Pt. Lot 61, Fairview Park  
Riverside Dr. and LeGrande 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 MENKINGS RESUB. PT. LOT 61, FAIRVIEW PARK.

## OTHER BUSINESS

C10-62-1(g) ALLEY VACATION

Ave. H. Alley S. from E. 47th St.

The staff presented a petition signed by the abutting owners of Avenue H Alley south from East 47th Street requesting that this alley be vacated because it is only 200 feet long and comes to a dead end and it is not and cannot be used for this reason. The Commission agreed that the alley should be vacated because of existing conditions. It was therefore

VOTED: To recommend that the portion of Avenue H Alley south from East 47th Street be VACATED subject to the City retaining necessary utility easements.

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REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported that the following subdivisions were considered by telephone poll on the dates shown, and that a majority of the Commission had

VOTED: To APPROVE the following plats:

C8-60-2 Barton Hills Sec. 5

Barton Parkway and Wilke Dr.

Polled 5-1-62

NOT CONTACTED: Messrs. Barrow, Barkley and Doss

C8-62-4 Brinwood Sec. 3


Brinwood Ave. and El Paso St.

Polled 4-18-62

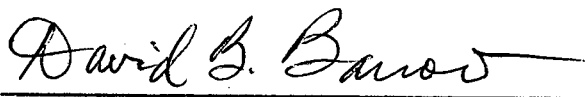
NOT CONTACTED: Messrs. Chriss, Doss and Kinser

ADJOURNMENT

The meeting was adjourned at 11:00 p.m.

  
Hoyle M. Osborne  
Executive Secretary

APPROVED:

  
Chairman