

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- June 5, 1962

The meeting of the Commission was called to order at 7:00 p.m. in the Council Room, Municipal Building.

Present

D. B. Barrow, Chairman
Fred C. Barkley
Howard E. Brunson*
*Left at 8:30 p.m.

Pericles Chriss
S. P. Kinser
W. Sale Lewis
Emil Spillmann

Also Present

E. N. Stevens, Chief, Plan Administration
Leon Whitney, Associate Planner
Dudley Fowler, Assistant City Attorney
Jamie Boyd, Assistant City Attorney
W. A. Wroe

MINUTES

Minutes of the meeting of May 8, 1962, were approved as submitted.

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting May 29, 1962:

C14-62-53 J. W. Bird, Jr.: A to C
2603 South 1st Street

STAFF REPORT: This is a one-lot application for the stated purpose of operating a TV repair shop. The lot itself is rather small with an area of about 5222 square feet. There is an existing TV shop on the adjoining lot to the north which is zoned "GR" General Retail. Beyond that to the north is a "C" Commercial zone as well as "C" Commercial to the south but separated from this tract by the "A" Residence area. We feel that the "C" Commercial zone to the south should revert back to "GR" General Retail zoning and we recommend that "GR" be established for the subject property in which the proposed use would be permitted.

Mr. Bird appeared at the hearing but only stated that his application is for the purpose shown. One reply to notice was received by telephone favoring the request.

The Commission felt that "GR" General Retail would permit the highest and best use for the area rather than "C" Commercial. It was therefore unanimously

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C14-62-53 J. W. Bird--contd.

VOTED: To recommend that the request of J. W. Bird, Jr. for a change in the zoning plan from "A" Residence to "C" Commercial for property located at 2603 South 1st Street be DENIED; but that a "GR" General Retail classification be established for the property.

ABSENT: Mr. Brunson

C14-62-54 Henry G. Sanders (owner) and Pearl Anderson Lee (purchaser): A to GR
1305 (1303) Chicon Street

STAFF REPORT: This application is for a change on one lot for the purpose of operating a hamburger stand. There is an "LR" Local Retail District across the alley on which there is located a vacant store building, and an "LR" zone adjoining on the south containing a beauty shop. There are other types of commercial zones scattered throughout this general area. We feel that the trend along Chicon Street in this area is toward "GR" General Retail and recommend that this request be granted.

Mrs. Lee (purchaser) said she is requesting this change of zoning so that she can sell hamburgers and watermelons here.

Mr. and Mrs. Monroe A. Johns (1304 Chicon Street) and Mrs. Jessie Johnson (1806 East 13th Street) said they had no objection to the hamburger stand as long as a juke box or anything that would produce loud noises is not permitted here.

The Commission felt that this would be the proper zoning in view of the present zoning and would permit the highest and best use for the land. It was therefore unanimously

VOTED: To recommend that the request of Henry G. Sanders (owner) and Pearl Anderson Lee (purchaser) for a zoning change from "A" Residence to "GR" General Retail for property located at 1305 (1303) Chicon Street be GRANTED.

ABSENT: Mr. Brunson

C14-62-55 Southern Oaks Realty Company: Interim A and Interim 1 to B & 1
729-909 East Oltorf Street

STAFF REPORT: This request is for a tract which contains about four acres of land. The proposal is to erect apartments. The proposed change would permit 85 regular units or a 113-unit apartment hotel. This is rough terrain and an odd-shaped tract. The preliminary plan of the Sherwood Oaks subdivision did not contain this property as a residential lot layout because of the creek which runs along the west boundary line of this tract causing a difficult access problem. We feel at this time that any change here will have an

C14-62-55 Southern Oaks Realty Company--contd.

influence on development of other large tracts in the immediate area and set a pattern of development without regards to street layout. We think that some plan should be worked out for the development of this tract in connection with the other vacant land. For this reason we recommend against granting this change as a spot zone which could influence development in the area.

Mr. James E. Crozier (agent) represented the applicant and submitted the following information in support of the request:

1. This is a part of our original plan and was included on the preliminary plan as Block 12 as filed in 1959. It was not suitably situated for residential development because of the creek and this tract being on a hill, and because there was a natural barrier we felt that this tract would be suitable for apartment development. We have provided for a 35-foot setback from Oltorf Street to permit future widening of that street. This setback was shown on the final plat of Sherwood Oaks.
2. We plan a family-type apartment house with three bedrooms on the south portion of the tract. At Oltorf there would be some development for couples with one-bedroom apartments. We see no need in this area for housing for single persons. We plan a three-building type of development. We doubt that it could be worked out with any other land. The only ingress and egress would be from Oltorf Street. Due to the terrain there would be no parking on Oltorf. It is a problem piece of property. I think about 85 units would be as many as could be placed on the property. Public transportation, schools and shopping facilities are available for this family type of development.
3. Because of the setback provided, anything with regard to safety on Oltorf would be the responsibility of the City. The property on each side of East Side Drive north of Oltorf is already zoned "LR" Local Retail.

One reply to notice was received favoring the request.

Six nearby owners appeared in opposition and written opposition was filed by four owners. Reasons given were:

1. There are children crossing here because of the three schools in the neighborhood. If 100 or more units are built here, it would increase the traffic hazard on Oltorf. Sidewalks should be provided and sufficient setbacks.
2. Control signals and signs need to be placed at the intersection.
3. This property is in a new "A" Residence area and those of us who have built have done so in the belief that it would remain so.

C14-62-55 Southern Oaks Realty Company--contd.

4. A change in the zoning of the property as proposed would not be desirable in that adjacent dwellings of the "B" type would detract from the appearance of the area and also diminish the value and desirability of our home and location.

The Committee reported that it had considered the factors mentioned and the problems involved. Mr. Stevens stated that with residential development we should have a street pattern. It was pointed out that there could be a buffer between this and the adjoining vacant land on the east. The Committee finally concluded that the request should be given further study and it was therefore referred to the Planning Commission pending further study.

At the Commission meeting, Mr. Crozier reported that he has talked to the agent for the owner of the adjoining property who is thinking of commercial for his property for a depth of about 300 feet south from Oltorf Street and who would reserve the property for other than residential use. He said considerable utility work would be required to develop this property residentially as there would have to be a creek crossing with a bridge, and that this was the reason it was held out of the original subdivision and also the fact that this would be a barrier for the residential area. He called attention to two lots north of Oltorf Street which were restricted as a buffer zone to protect the residential development.

Mr. Spillmann brought out the fact that this area was set aside in the original plan for apartments but it was not specified then whether or not this would be a major apartment development or duplexes. He felt that this property would be more suitable for duplexes and would set a pattern for development in a new area. A majority of the Commission concluded that apartment development is not the proper use for this property and it was therefore

VOTED: To recommend that the request of Southern Oaks Realty Company for a change of zoning from Interim "A" Residence and Interim First Height and Area to "B" Residence and First Height and Area for property at 729-909 East Oltorf Street be DENIED.

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

C14-62-56 H. Warren Smith: A to GR
Mills Avenue and West 35th St.

STAFF REPORT: A previous request for a change to "GR" on this property was withdrawn after the Commission had recommended denial for the reason of spot zoning and because of the lack of information as to the location of West 38th Street at that time. We find we are in a similar situation now as acquisition of right-of-way is not complete on the location of 38th Street which is

C14-62-56 H. Warren Smith--contd.

proposed to extend through this general area. We feel that it is a spot zone and is premature until acquisition of right-of-way for the street has been completed. We therefore recommend that the request be denied.

Mr. Smith was present and stated the following: About a year and a half ago I asked for this. Since that time I bought the lot adjoining this lot. To the north of that lot the owner proposes to sell her house and intends to ask for a zoning change. I want to have a nice building and this will be more attractive than a 7-Eleven store or beer place.

The Committee reported that it had reviewed the staff report and existing conditions and concluded that the request should not be granted since it is a spot zone and the zoning pattern in this area has not yet been established, and it had recommended that the request be denied.

The Commission considered the recommendation of the Committee but felt that further study should be given this area. It was then unanimously

VOTED: To DEFER action on this request for thirty days.

ABSENT: Mr. Brunson

C14-62-57 Tom Guedea: C to C-1
 1405 South 1st and 504-508 West Elizabeth Sts.

STAFF REPORT: This is for a change to "C-1" for the stated purpose of the sale of beer for off-premise consumption in a grocery store. There is a mixture of commercial uses along South 1st Street and we feel that this conforms to the policy of the Commission; however, we do not make a firm recommendation.

Mr. Rudy Cisneros (agent) appeared for the applicant, who was also present, and stated the following: Mr. Guedea has a grocery store across the street from this location now but this property will be for sale and he plans to move his house back and build a nice store in the front of the subject property. Beer is being sold five blocks to the north and along Barton Springs Road. We feel it would be convenient for people to be able to pick up beer in the grocery store. There would be ample space for off-street parking.

Written objections were received from Mrs. D. F. Kitchens (1506 South 1st Street) for the reason that this change would permit the sale of package beer and if this is permitted the alley between West Elizabeth and Monroe Streets will be a rendezvous for drunk delinquents, and from Mrs. Maud Dunlap Watkins (612 West Monroe Street) for the reason that this is too close to an elementary school located one block distant on Elizabeth Street.

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C14-62-57 Tom Guedea--contd.

At the Commission meeting, Mr. Stevens reported that since the zoning hearing, additional information has been presented that this property is only 200 feet from the property line of an elementary school. The Commission discussed the distance measured as required under State law and the nearness of this property to the school. It was concluded that this request conforms to the policy regarding "C-1" Commercial requests in that this is in a well developed commercial area and it was therefore unanimously

VOTED: To recommend that the request of Tom Guedea for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at 1405 South 1st Street and 504-508 West Elizabeth be GRANTED.

ABSENT: Mr. Brunson

C14-62-58 Frank C. Barron: GR to C-1
3124 Manor Road

STAFF REPORT: This is an extremely narrow tract of land, being a 20-foot strip within Mr. Barron's shopping center, and the application is to permit a food and beer business. Since this is within a shopping center we feel that it does fit the policy of the Commission but we do not make a firm recommendation.

Mr. Barron was present and stated: I have all buildings in the center rented except this one which has been vacant for about six months and I now have a tenant who would rent it if he could sell beer. There is already a beer and food business at one location in this center.

One reply to notice was received favoring the request.

The Commission felt that this request conforms with the policy on "C-1" applications in that this property is located in a well developed commercial area. It was therefore unanimously

VOTED: To recommend that the request of Frank C. Barron for a change in the zoning plan from "GR" General Retail to "C-1" Commercial for property located at 3124 Manor Road be GRANTED.

ABSENT: Mr. Brunson

C14-62-59 Nelson Puett and Associates: A to BB
1313-1317 East 52nd Street

STAFF REPORT: There have been several recent applications for "BB" Residence on East 52nd Street. This application is for the stated purpose of erecting apartment houses. The tract has an area of 25,669.35 square feet and will support an apartment house containing 12 units if the change is granted. We

C14-62-59 Nelson Puett and Associates--contd.

feel that the pattern has been established in this area by previous changes and that this proposed development will fit into this pattern. We, therefore, recommend the change with the recommendation that an aviation easement be obtained because of the location in relation to the Municipal Airport.

Mr. Duncan represented the applicants and presented the following statements: I have nothing to add to the statements of the staff. The aviation easement sounds reasonable and we had not planned to build above the limit of 25 feet. We are willing to present a definite statement prior to the Commission meeting that we will give the easement.

Written objections were filed by Mr. Perry D. Legion (1320 East 51st Street), stating the following reasons: Since the City Council overrode the Commission on the first application for spot zoning in this area, six apartment houses have been constructed on this dead-end street. More of the same will only add to the congestion in this area. As a home owner at this location since 1947, I disapprove of any further spot zoning, which will permit the area to become further congested. At the rate that is now in effect, we are creating a future slum area right in my back yard. I commend the Commission on its long range plans and I do recall that the Commission did not recommend the original change in this area. The will of the Commission and the residents in this area were overruled by the City Council and since the initial breakthrough the trend has continued. I do respectfully ask the Commission to refuse this pending application, hoping that the present City Council will at long last open their eyes and concur in the Commission's request.

The Commission reviewed the recent changes in this area and the trend toward multi-family development. It was concluded that this would be a logical extension of the present "BB" zoning and that it appears that there is no danger presented to the air traveling public by this development provided an aviation easement is given the City. It was therefore unanimously

VOTED: To recommend that the request of Nelson Puett and Associates for a change of zoning from "A" Residence to "BB" Residence for property at 1313-1317 East 52nd Street be GRANTED, with the understanding that the applicant will give the City an aviation easement restricting the height of buildings or structures to a height of 25 feet.

ABSENT: Mr. Brunson

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C14-62-60 T. S. Barnes Estate: Tract 1: A to B
4606-08 New Manor Rd.
Tract 2: A to O
4600-04 New Manor Rd., 2604-06 Lovell Dr.
Tract 3: A to B
4514-16 New Manor Rd., 2605-09 Lovell Dr.
Tract 4: A to B
4515-17 New Manor Rd.

STAFF REPORT: This application is for four tracts of land. Under the proposed zoning, Tract 1 would permit a maximum of 14 regular apartment units or an 18-unit apartment hotel, Tract 2 would permit a maximum of 19 regular units or a 26-unit apartment hotel, Tract 3 would permit a maximum of 20 regular units or a 27-unit apartment hotel, and Tract 4 could have a maximum of 10 regular units or a 13-unit apartment hotel. Tracts 1, 3 and 4 are proposed for apartment development and Tract 2 for office uses. This subdivision was approved for single-family homes, with residential streets. Any change would affect any single-family homes adjoining these tracts when they are developed. We feel that further consideration should be given the subdivision to provide proper streets and some separation of the two uses, possibly by streets. Some of the property is affected by Municipal Airport operations which have been extended to the west and north. Tract 1 is very narrow and on a residential street. Changes as proposed would form an undesirable pattern of development here. We recommend that the property in Tract 3 have "O" zoning rather than Tract 2 and we recommend that "B" Residence for Tracts 1, 3 and 4 be denied.

Mr. E. H. Smartt (attorney) represented the Barnes heirs. J. A. Barnes, Miss C. Zell Barnes, and Mrs. Barnes Burton were also present. The following information was presented: This is new development between the Old and New Manor Roads. The property to the east of New Manor Road is also owned by the Barnes heirs and that road splits their original property. There is no development at this time on the Barnes property except a home to the north of Tract 4. We think this change is necessary in order to get some development started in this area. There is no development in this particular area at this time. Mr. Gregg T. Scott is anxious to start apartment development. The Airport runways are elevated here and the top of a two-story building would hardly reach to the runway level.

Mr. Gregg T. Scott (401 Ridgewood) also appeared in favor of the request and stated: These apartments would create a need for certain services, and I would like to establish my office on Tract 2. This property all has access to Manor Road on Lovell without creating a traffic hazard. I would not want a lot on New Manor Road for a home because of the great amount of traffic and noise from the Airport. Mr. Barron's apartments are located to the north of this property, and since all heirs who own property affected by this development are across Manor Road, we feel that the proposed uses are suitable. A residence at the end of a runway is not a desirable development. (Upon question by Mr. Fowler) An aviation easement offers no problem. Tract 3 is about 100 yards from the center of the runway.

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C14-62-60 T. S. Barnes Estate--contd.

Mr. Watt Schieffer filed a written statement that he felt this is the proper zoning for this area.

The Zoning Committee reported that it had reviewed the problems presented and the fact that this is a new subdivision with residential streets which would not be adequate to serve apartment development. It was concluded that the proposal should have further study and the Committee had referred the request to the Commission without a recommendation.

The Commission also felt that no action should be taken at this time and that a study should be made of the entire area. It was therefore unanimously

VOTED: To DEFER action on this request pending further study and to instruct the staff to make a study of this entire area and present it to the Commission.

ABSENT: Mr. Brunson

C14-62-61 Bob Crutchfield: BB & 2 to B & 1
2804-2806 Rio Grande Street

STAFF REPORT: This application is for one tract of land for the purpose of erecting an apartment house. The property presently is zoned "BB" Residence and Second Height and Area which is an apartment house district. Under this zoning 9 regular units or 18 efficiency units would be permitted. The requested "B" Residence and First Height and Area decreases the density, permitting 6 regular units, but also permits other uses. We feel that First Height and Area and "B" Residence is suitable zoning for this area and that there is a need for lower density. We also feel that this could start apartment house development in the area of lower density.

No one appeared to represent the applicant. Replies to notice were received from A. C. Wright (2813 $\frac{1}{2}$ Rio Grande) and J. T. Clark (2805 Salado Street) who favored the request. Mr. and Mrs. M. Gerhardt (2804 Rio Grande) and Mr. and Mrs. George C. Quinn (2807 Salado Street) appeared favoring the proposal, the latter expressing their thoughts that there is a need for apartments and it would be good to enable people without transportation to live near the University of Texas. They noted that there have been other similar developments in the general area and have found in other cities that these multiple units are desirable. However, a letter was later filed by Mr. Quinn withdrawing his approval, stating that there was no one present at the hearing who could explain the purpose for making the change and they do not think it advisable at this time to change the zone from its present classification.

The Commission felt that the policy for encouraging multi-unit development with lower density has been established for this area and First Height and Area is considered as proper in that it limits the density permitted. It was

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C14-62-61 Bob Crutchfield--contd.

concluded that this request should be granted to create the proper zoning for the area. Therefore, it was unanimously

VOTED: To recommend that the request of Bob Crutchfield for a change of zoning from "BB" Residence and Second Height and Area to "B" Residence and First Height and Area for property located at 2804-2806 Rio Grande Street be GRANTED.

ABSENT: Mr. Brunson

C14-62-62 Planning Commission Area Study

301-303 and 307-309 E.30th St. and 2901-2909 and 2917-2921 San Jacinto

STAFF REPORT: Zoning changes on these properties were initiated by the Planning Commission at its last meeting in connection with the request of J. J. Varden (C14-62-43) for a change on one lot in this block. The Commission felt at that time that the remainder of the block should be included in keeping with the established zoning pattern.

One reply to notice was received favoring the proposed change.

Mrs. Sterzing appeared for her sister (Mrs. Criswell) who owns property in the area proposed to be changed, and stated the following: If any building is developed on the City property at the corner of 30th and San Jacinto, it would create a traffic hazard. We would like to keep this tract for a park area. Also, we do not want to pay increased taxes and Mrs. Criswell did not request the zoning change, although her property is included in this hearing.

Mr. Fowler stated the following concerning the City-owned tract of land: To my knowledge the City property is owned by the City in fee simple and was never bought for nor designated as park property. It could be a remnant from property acquired for extension of San Jacinto Boulevard. In all probability the City has no use for it and it should be converted to private ownership for some type of development.

The Commission felt that this property should be zoned "LR" Local Retail in accordance with the remainder of the block and that this would be the proper extension of the present Local Retail zoning. Therefore, it was unanimously

VOTED: To recommend that the properties located at 301-303 and 307-309 East 30th Street and 2901-2909 and 2917-2921 San Jacinto Boulevard be changed from "B" Residence to "LR" Local Retail.

ABSENT: Mr. Brunson

CASE RECONSIDERED

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

5904-6600 Airport Blvd. (as amended), Rear 6201-6509 Chesterfield Ave.
Rear 100-305 E. and 100-302 W. Skyview Rd.

STAFF REPORT: This application was amended to request "C" Commercial zoning rather than the previously requested "DL". We and the Austin Public Schools would like to have Denson Drive extend as a residential street, and we feel that this property should be developed residentially as the property both to the north and south is so developed. We feel that this would overwhelmingly affect the surrounding residential area if Denson Drive is a connecting Industrial street to Airport Boulevard. We recommend that this request be denied.

Mr. Richard Baker (attorney) and Mr. Thomas Watts (Marvin Turner Engineers) represented the applicant and presented the following information in support of the request, as amended:

1. We have some complicated problems on this property. Since requesting "DL" and finding that it would require an amendment to the Development Plan, we felt it advisable to request "C" Commercial in preference to "DL". We are at odds with the Planning Department as to the proper utilization of this land. It has three points and no right-angle corners. The tract fronts on Airport Boulevard and the railroad makes it difficult to subdivide for residential. The tract is low with a creek running through it and a 50-foot drainage easement as a buffer zone.
2. We propose commercial development on the west side. On the south side where there is no buffer street we propose a warehouse.
3. If we attempted to develop it residentially we would be very fortunate to recover our cost of the land for the following reasons: (1) the low land, (2) we must cross the railroad which is undesirable, and (3) the tract fronting on Airport Boulevard which is a thoroughfare. We feel that it could be adequately developed as "C". We have a contract for sale with Mayflower Warehouses for storage warehouses which will be very attractive.
4. Our subdivision shows Denson Drive extended. It now stops at Chesterfield Avenue. It has been requested by the School Board and the Water Department that Denson be extended. It was proposed that it curve to the north. We propose to extend it straight across to Airport Boulevard as an 80-foot thoroughfare.
5. Considering that there is no natural buffer zone on the south, we would provide a buffer strip 20 to 25 feet (or whatever the Commission might request) along the south side which could be zoned "B" Residence so that no particular type of commercial use could be here. We feel that there

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

is an adequate buffer zone in the drainage easement between the school property and the homes on the west.

6. The area across Airport Boulevard and that adjoining the St. John's tract on the east has been zoned commercial. There is a large amount of commercial in the area. The intent of the St. Johns Corporation is to develop the remainder of this property on the east as residential. It is the feeling of owners of this Corporation that this is the proper development for this property. We do not think this whole area will be used by trucks. It would be more convenient for trucks to use Airport Boulevard. The present owners had never intended to develop this as residential. The School Board has purchased several sites in or adjacent to commercial areas. We have discussed Denson Drive with many people. The request of the School Board is to extend this street through. It is needed by children who cross Airport Boulevard to attend the school.
7. (Mr. Watts) It is our experience that requirements for residential development are much greater today than they were when the surrounding subdivisions were developed. We know there will have to be some filling on this property to meet the requirements of the Drainage Department. Most of the land is subject to flooding and would have to be brought up by filling. (In response to a question by Mr. Stevens) My client has not worked up a cost estimate for residential development.

One reply to notice was received favoring the request.

Ten nearby owners appeared in opposition and written objections were filed by two owners. Reasons given may be summarized as follows:

1. We feel our former arguments are still good. We have a school built at considerable public expense. In order for the school to be properly utilized, this should be residential and Denson Drive should be a residential street. We bought on Skyview Road with the understanding that this was "A" Residence.
2. People who ask for changes usually point out that there are such and such commercial and industrial areas within the general area of the property being considered. Therefore they feel that there should be no reason for not making the change. In answer to this I say that if this area is zoned then it will be even easier to make similar changes later. Once this area is zoned as commercial then it would be a simple matter to have it rezoned to "C-1" or "DL" etc.
3. It is not good business to put a large commercial or industrial area next to an elementary school. These schools serve small children who sometimes must walk to school. The school should be surrounded by residential areas.

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

4. Trucks will be coming in and out both during the day and night. Diesel trucks make a great amount of noise. Many people in this area work during the day and children need sufficient sleep.
5. This property is not lower than the houses in this area.

At the Commission meeting, Mr. Stevens presented a copy of the revised subdivision of this property which showed Denson Drive extending to Airport Boulevard (C8-62-31). The Commission felt that this would be the proper zoning for this property, taking into consideration the creek as a buffer on the west side, but that a 50-foot buffer zone of "A" Residence should be left on the south line to protect the residences along Skyview. It was noted that there is a large "C" Commercial area across Airport Boulevard, that the tract is odd shaped and has railroad frontage, which would make it more suitable for commercial development than residential. The possibility of a fence or hedge as a buffer zone was discussed but it was concluded that this would present a problem in maintenance and the Commission felt that the "A" Residence strip would be better. It was therefore unanimously

VOTED: To recommend that the request of St. Johns Corporation, as amended, for a change of zoning from "A" Residence to "C" Commercial 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, but to GRANT "C" Commercial except for the south 50 feet which is recommended to remain "A" Residence.

ABSENT: Mr. Brunson

DEFERRED SPECIAL PERMIT

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: 3400-12 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.

(Deferred 5-8-62)

Mr. Fowler reported that he, Mr. Eskew, and Mr. Dan Felts had met and considered the legal aspects revolving around what would be considered a site in order to get the problem solved as soon as possible. He said they had agreed to a change in the wording of the Ordinance and at the same time they would like to have the Planning Commission express a firm opinion on the propriety of the plan provided there is adequate acreage involved. He stated that some departments want to vacate Alamo and some Lakeside, and some do not want either street vacated. He noted that the City usually does not vacate streets if some departments oppose it. He explained that the City has further

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

considered a 90-foot drainage easement on Tract 2 and the Drainage Department said all but 46 feet of Tract 2 will be in a drainage and possibly utility easement; that the Drainage Department has proposed a channel side slope of 3:1 which is a slope that can be maintained with power mowing equipment.

Mr. Stevens reported that the entire area of the three tracts is about 12 acres, and that Tract 1 is higher than Tract 2.

Mr. J. Malcolm Robinson (attorney) stated that Mr. DeLoney has indicated that he will grant all the easements required, that no protests had been filed but a petition signed by 17 property owners was filed approving the proposal as they felt it would be a benefit to the area. He felt that the request conforms to the standards set out in the Ordinance for the granting of Special Permits with regard to safety, general welfare of the public, etc.

The Commission again reviewed this application and the statements by Mr. Fowler. A majority felt that the request should be granted, that this is a peculiar piece of property which could not be used for many types of uses, and that it might be advisable for the City to consider vacating one of the streets and retain and maintain one street if found necessary. They felt that it might be beneficial to have some parking away from the hospital. Mr. Barrow was still of the opinion that when the Ordinance provided for a 5-acre site it was intended that there would be adequate area around the hospital and the fact that the creek runs through this property would not be the "adequate" site. He noted that Tracts 1 and 3 are at least 200 feet apart and separated by streets and easements. He felt that the request should be denied on the basis that it does not provide for the hospital and facilities connected with it on one site, and that the layout directly offends the provision of the Ordinance in not having a tract in one piece so that a building and a use such as a hospital will not have sufficient space around the building to be used for that purpose. The Commission then

VOTED: To APPROVE the site plan and to authorize the Chairman to sign the necessary resolution issuing the Special Permit subject to the proper dedication of easements and necessary right-of-way, provision of setbacks, and vacation of one street.

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

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of May 28, 1960. The staff reported that no appeals had been filed for review of the Committee's action but that 3 cases had been referred to the Commission without action on:

C8-62-34 Pleasant Valley, Sec. 1
C8-62-37 Delwood Terrace (Revised)
C8s-62-68 A. H. Lindner Subdivision

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of May 28, 1960, on the minutes of this meeting.

PRELIMINARY PLANS

C8-62-10 Mimosa Manor
Manchaca Rd.

The staff reported that this preliminary plan includes an area north of the three sections of Mimosa Manor which have had final approval. It was further reported that this subdivision provides for a thoroughfare along the north line and a name should be assigned to this thoroughfare; that the subdivider has provided for the extension of Lilac Lane from the south through this area; and that additional right-of-way for the widening of Manchaca Road has been shown on the plan. Attention was called to the lack of a name for the residential street which ends in a cul-de-sac and a block number which is needed for the proposed commercial area. The Committee then

VOTED: To APPROVE the plan of MIMOSA MANOR subject to the following conditions:

1. Showing a name for the thoroughfare along the north boundary,
2. Showing a name for the residential cul-de-sac street,
3. Showing a block number for the proposed commercial area, and
4. Compliance with departmental requirements.

C8-62-14 Balcones Terrace
F.M. Rd. 1325 and Kramer La.

The staff reported that this revised plan shows only the street plan and no lots since it is different from the preliminary plan originally submitted in that a street is provided along the south boundary line of the

C8-62-14 Balcones Terrace--contd.

property with a 5-foot planting strip separating this street from the adjoining industrial property on the south. Attention was called to a small commercial area which is proposed for the northwest corner and to the need for variances on block length requirements for the two eastern blocks caused by shifting the border street further to the south.

Mr. Oscar Holmes (engineer) stated that the street along the south is the major change due to the industrial area to the south shown on the Development Plan and that the plan was changed after the City Council had amended the Development Plan to change the area of this subdivision and an additional area to a proposed residential area. He said he will bring in a revised preliminary plan showing the lots.

The Director stated that this is a part of the problem of getting together all of the plans. He suggested that the Committee could approve this plan subject to the condition that all lots meet septic tank requirements and provision of a 35-foot setback line from McNeill Road for all residential lots, in addition to other technical requirements. The Committee therefore

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

1. That all lots in the subdivision comply with septic tank requirements,
2. That a 35-foot setback line from McNeill Road be shown on all residential lots abutting that Road, and
3. Compliance with departmental requirements;

and to grant a variance from the Subdivision Ordinance on block length requirements for the eastern two blocks.

The Commission considered the action of the Subdivision Committee. The staff reported that this is the revised plan showing lots with sufficient area for septic tank installation and the planting strip as proposed at the Committee meeting, the staff reporting this as the plan was not complete at the time of the Committee meeting. The Commission therefore

VOTED: To ACCEPT APPROVAL given by the Subdivision Committee of the revised plan of BALCONES TERRACE subject to compliance with departmental requirements.

C8-62-32 Presnell Place

o Springdale Rd. N. of U. S. 290

The staff reported that a variance is required on the width of Springdale Road since the owner has given his 15 feet toward the widening, and that the subdivider should be advised all the right-of-way for Hotchkiss Drive must be provided when a final plat is submitted covering that portion of the property. The Committee then

VOTED: To APPROVE the plat of PRESNELL PLACE subject to compliance with departmental requirements, and to grant a variance from the Subdivision Ordinance on street width requirements for Springdale Road.

C8-62-34 Pleasant Valley Sec. 1

Lyons Rd. and Fiesta St.

The staff presented the following comments which were discussed:

1. A variance is required on the width of corner lot number 12. The City had previously acquired right-of-way from this lot for the widening of Stokes Avenue and the subdivider is giving 10 feet for the widening of Lyons Road, reducing the length of the block.
2. It is recommended that Lots 13-24, Block B, extend to the property line (center of the drainage easement).

The staff explained that this is in the Boggy Creek drainage area and is subject to flooding according to information from the Drainage Department. Mr. Stevens said this could be true of a vast majority of the Govalle area and this one subdivision cannot be worked out by itself; however, the Ordinance does not permit approval where property is subject to flooding. It was recommended that the subdivision be disapproved and sent to the Planning Commission for further study of the drainage problem. The Committee therefore

VOTED: To DISAPPROVE the plan of PLEASANT VALLEY SEC. 1 and to refer to the Planning Commission the problem of drainage.

DISQUALIFIED: Mr. Kinser

The Commission considered the REFERRAL of this subdivision. The staff reviewed the points considered by the Subdivision Committee and reported that corrected information obtained after the meeting from the Drainage Department showed that flooding might not be over 4 feet in the worst area, and stated that the area included in the drainage easement should be included in Lots 13-24, Block B.

C8-62-34 Pleasant Valley, Sec. 1--contd.

Mr. Ralph Oakley (subdivider) said they have done some filling where the sanitary sewer was installed and are willing to fill in whatever is necessary to keep the land from flooding. He said there is a variation in ground elevation and the area across the drainage ditch is about 10 feet lower and they can fill in that part to the extent that the water will drain down Stokes to the creek.

The Commission then

VOTED: To APPROVE the plan of PLEASANT VALLEY, SEC. 1, subject to compliance with departmental requirements, and to grant a variance from the Subdivision Ordinance on the width of corner lot No. 12.

C8-62-37 Delwood Terrace (Revised)
Wheless La. and Thames Dr.

The staff explained that this is a revised preliminary plan and presented the following comments which were discussed:

1. There is a bad intersection planned at Gaston Place Drive and Wellington Drive.
2. Two collector streets are proposed only 250 feet apart, creating a poor traffic pattern and a potentially poor residential Block F. Also, there is a bad intersection at Gaston Place Drive and Old Wheless Lane. It was brought out that if traffic is channeled into Wheless Lane for people not going to the shopping center, it could channel more traffic directly into Berkman Drive and away from the bad intersection at Gaston Place Drive and Briarcliff Boulevard. It was suggested that it would be better to discourage people from traveling residential streets and get them onto collector streets.

Mr. Thomas Watts (Marvin Turner Engineers) felt that most of the traffic coming into this particular area will be ones shopping in the area because of the availability of other existing arteries in the general area. He noted that Wheless Lane is an old street and they are widening it to 60 feet in this subdivision and that they feel that the swing to the northeast would be going into the new areas and that Northeast Drive will take most of the through traffic. He felt that following Wheless Lane into Berkman Drive will channel more traffic on both sides of the school. He also felt that most of the people coming into this area will be from the north.

The Director felt that there should be a direct connecting road but had no opinion on which of the streets should be used, and thought that there is no major difference in the two streets. He

C8-62-37 Delwood Terrace--contd.

recommended that any intersections should be designed with as good a pattern as possible since there is more traffic on Briarcliff now than there should be. He felt that most of the traffic through this area would come from the east. He thought that channelization will be necessary.

3. The plan creates a problem for future development of the tract to the north of Old Wheless Lane and it was recommended that this tract be included in the preliminary plan.

Mr. Watts said his client owns this tract but the existence of the 69 KVA power line and the 50-foot easement required for this line makes this tract unusable. He called attention to the offset of street intersections at the southwest corner of this tract and stated that if Gaston Place Drive were curved through this tract into Old Wheless Lane you would have a thoroughfare instead of two "Wye" intersections.

The Committee reviewed the problems involved in this subdivision and concluded that the engineer and the Director should work out something definite on the plan. It was therefore

VOTED: To REFER this subdivision to the Planning Commission and instruct the staff to work with the engineer in preparing some definite plan.

The Commission considered the REFERRAL of this subdivision. The staff reviewed action of the Committee and explained that they had worked with the engineer and felt that the plan as revised would be acceptable to the Department with the condition that each of the bad intersections be made "T" intersections or channelization provided for right angle turns. It was recommended that Gaston Place Drive be extended straight through the subdivision.

Mr. Thomas Watts said they agree that some directional traffic would be necessary somewhere and the question is which street should be used to channel the traffic. He said a bridge is planned across Walnut Creek to the north in the area which is being developed and they feel that people will come from the north rather than over the 40-foot street (Old Wheless Lane) from the east. In response to a statement by the Chairman that the staff has requested a "T" intersection and he would not want to pass on this part of the plan until the Director is present, Mr. Watts said they will request approval only on that part of the subdivision generally west of the telephone cable. He said the intersection of Wellington Drive with Gaston Place Drive as planned would permit people traveling to the east to make a curving turn to the southeast and people traveling to the north and west would have to make a stop at the intersection, which would provide a safer intersection.

The Commission then

C8-62-37 Delwood Terrace--contd.

VOTED: To APPROVE that portion of the subdivision west of the telephone cable location plus Lots 11 and 12, Block A, subject to the other problems being worked out between the engineer and the Planning Department.

FINAL PLAT

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

The staff reported that this subdivision was previously disapproved pending completion of fiscal arrangements but these arrangements are not now necessary since this has been established as a suburban subdivision. The Committee therefore

VOTED: To APPROVE the plat of MIMOSA MANOR, SEC. 3.

SHORT FORM PLATS - FILED

C8s-62-64 The Effie Wiley Subdivision
Rabb Rd. S. of Robt. E. Lee Rd.

The staff reported that these lots are so designed that homes can be built on the rear of Lots 1 and 4 to get the view from that direction. It was further reported that all departmental reports have not been received. The Committee therefore

VOTED: To ACCEPT for filing the plat of THE EFFIE WILEY SUBDIVISION.

C8s-62-65 Blue Bonnet Hills, Resub. Pt. Lots 1-2, Blk. 1
Terrace Drive

It was reported by the staff that two lots have been sold as three lots and only one is submitted at this time to permit erection of a carport on the lot. It was explained that this is a standard lot and recommended for acceptance for filing since all departmental reports have not been received. The Committee therefore

VOTED: To ACCEPT for filing the plat of BLUE BONNET HILLS, RESUB. PT. LOTS 1-2, BLK. 1.

C8s-62-70 Murchison Subdivision
Nixon La. S. of E. 19th St.

The staff recommended that this plat be accepted for filing since all departmental reports have not been received. The Committee therefore

VOTED: To ACCEPT for filing the plat of MURCHISON SUBDIVISION.

C8s-62-71 Royal Oaks, Section 2
W. 9th St. and Meriden La.

The staff reported that tax certificates have not been filed and that all departmental reports have not been received. The Committee therefore

VOTED: To ACCEPT for filing the plat of ROYAL OAKS, SECTION 2.

SHORT FORM PLATS - CONSIDERED

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

It was reported by the staff that all departmental reports have not been received and that a variance was granted since one owner did not join in the plat. This owner has since agreed to join. It was recommended that the plat be disapproved so that it can be held for the signature of the other owner if he joins in the subdivision. The Committee therefore

VOTED: To DISAPPROVE the plat of BANISTER HEIGHTS, RESUB. PT. LOTS 2 & 3.

C8s-62-59 Giblin's Resub. Pt. Blk. B, Dean Terrace
Dungan St. and Pecan Dr.

The staff reported that the original plat was accepted for filing by the Planning Commission with instruction that one lot on the corner would not be built upon until sanitary sewer is available, but this portion of the plat has been omitted and the plat revised. The owner now proposes to subdivide into two lots which are large enough for septic tanks but sanitary sewer will be available within a year. Mr. Stevens called attention to a letter received from several owners advising that this proposed subdivision is part of Dean Terrace Addition which has deed restrictions that "no lot shall be re-subdivided so as to permit additional dwellings facing on a different street, not more than one-family dwelling unit shall be erected on any plot; not more than one residential unit shall be erected on any plot". It was further reported that these owners had asked that this plat be deferred pending consideration of these deed restrictions, and that the Legal Department has given an oral opinion that the Commission cannot give approval to this subdivision until all of the owners in the subdivision sign the plat.

Mr. W. O. Beall, Jr. and other owners were present but added nothing to the information contained in the letter.

In view of the above information, the Committee

VOTED: To DISAPPROVE the plat of GIBLIN'S RESUB. PT. BLK. B, DEAN TERRACE.

C8s-62-59 Giblin's Resub. Pt. Blk. B, Dean Terrace--contd.

It was further

VOTED: To present to the Planning Commission for discussion an amendment to the Subdivision Ordinance requiring a subdivider to submit evidence under oath that there are no deed restrictions involved in his proposed subdivision.

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

This plat was recommended for disapproval because all departmental reports have not been received and the Commission has previously accepted it for filing. The Committee therefore

VOTED: To DISAPPROVE the plat of CURTIS ADDITION pending receipt of all necessary departmental reports.

C8s-62-63 Duval Heights, Resub. Lot 40
Reinli Street

It was reported by the staff that additional easements were added to the plat by the staff and have not been approved by the owner. It was recommended that the plat be approved and the staff authorized to hold the plat for the owner's approval. The Committee then

VOTED: To APPROVE the plat of DUVAL HEIGHTS, RESUB. LOT 40, and to authorize the staff to hold the plat until the owner approves the additional easements placed on the plat by the staff.

C8s-62-68 A. H. Lindner Subdivision
Willow and Clara Sts.

The staff reported that the owner proposes to subdivide one large lot into two smaller lots with widths of 42.5 feet each and with 5880 square feet of area. The interior would be standard in area but the corner lot is required to have 6000 square feet. The report from the Building Inspector states that his office will not approve this proposed subdivision as it violates the Ordinance with regard to minimum lot width, being 50 feet for an interior lot and 60 feet for a corner lot. The staff said that some of the lots in this area were resubdivided prior to 1946 and that the Use map shows other lots of similar size to have been developed with two houses and not subdivided, and that there are other narrow lots in the area. It was noted, however, that there is a large tract adjoining this property and that owner could request a similar subdivision and this could set a precedent.

Mr. A. H. Lindner (subdivider) stated that a house has existed on each of the proposed lots for many years, that both are in good condition and

C8s-62-68 A. H. Lindner Subdivision--contd.

have separate utilities, but he has been unable to sell the entire property. He said he now has one person who would buy one of the houses if it is subdivided. Mr. Lindner said he is unable to work and has been under medical care out of the state and needs the money from the sale of this property to enable him to take further treatments. A friend of Mr. Lindner (L. T. Gaddy) stated that the adjoining large tract is owned by Mrs. Davis, whose husband died several years ago, and he knows that she has no intention of subdividing her property.

The Committee felt that there is a legal question of subdividing this property and expressed a desire for a legal opinion from the City Attorney as to the legality under the Ordinance of the granting of the necessary variances. It was therefore

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

The Commission considered the REFERRAL of this subdivision. The staff reviewed the discussion before the Committee and noted that the homes have sufficient distances between them but the only question is that this would be creating two substandard lots. Mr. Fowler explained that the Planning Commission does have power to grant variances under certain conditions as set out in the Ordinance.

The Commission reviewed conditions in the neighborhood, noting that there are two lots of similar size immediately to the north and that other lots in the area are developed with two houses. It was concluded that the proposal would not be a detriment to the health, welfare and safety of the area and that to deny approval of the subdivision would cause unnecessary hardship since these houses have existed in their present status for many years. Therefore, it was

VOTED: To APPROVE the plat of A. H. LINDNER SUBDIVISION and to grant variances from the Subdivision Ordinance on lot area and lot width requirements.

ADMINISTRATIVE APPROVAL

The staff reported that 3 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-62-66 Tarrytown, Resub. Lot 56
Townes Lane

C8s-62-67 Patrick-Herring Sub.
Wheless La.

C8s-62-69 Arboles Estates, Resub. Lots 5-6, Blk. 1
Bouldin Ave. and Daniel Dr.

Planning Commission -- Austin, Texas

Reg. Mtg. 6-5-62

PRELIMINARY PLAN

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

The staff presented a revised plan showing the extension of Denson Drive to Airport Boulevard and stated that the staff is not prepared to recommend on the subdivision as it was previously deferred pending a decision on the zoning request (C14-62-45). The staff did request that this revision be accepted and referred to the Subdivision Committee. The Commission therefore

VOTED: To ACCEPT for filing the revised plan of ST. JOHNS COMMERCIAL TRACT and refer it to the Subdivision Committee for consideration.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

- C8-62-21 Windsor Park Hills Sec. 2
Springdale Rd. and E. 51st St.
- C8-62-30 Highland Hills, Sec. 6, Phase 2-B and Sec. 7
Highland View and Hillbrook
- C8-62-34 Pleasant Valley Sec. 1
Lyons Rd. and Fiesta
- C8-62-38 Allandale North Sec. 2
Teakwood Dr. and Burnet Rd.
- C8-62-39 Windsor Park Hills Sec. 3
Norwood Hills Road
- C8-62-40 Walnut Place Sec. 3
Springdale Rd. and Clara St.

C8-61-48 Greenwood Hills, Sec. 1
E of S. Congress, S. of St. Elmo

It was reported by the staff that it will be necessary to have an approach street from South Congress Avenue over another owner's property to reach this subdivision, but that this street will be dedicated by separate instrument before the final plat is approved. The Commission therefore

VOTED: To ACCEPT for filing the plat of GREENWOOD HILLS, SEC. 1, subject to dedication of the access street by a separate instrument.

C8-62-41 Southwest Terrace Sec. 1 (Delcrest Sub.)
Delcrest and Southland

The staff reported that the subdivider is requesting that the name of this subdivision be changed to "Southwest Terrace Sec. 1". It was further reported

C8-62-41 Southwest Terrace Sec. 1--contd.

that on the original preliminary plan Southland Drive ended in a cul-de-sac at the south end adjoining the Montgomery property and the present owner would like to terminate the street without a cul-de-sac, and we feel we need a turn-around. This present plan does not conform to the preliminary plan.

Mr. Jeryl Hart (Marvin Turner Engineers) presented the following statements:

1. The original preliminary plan did show a turn-around about five or six years ago but we considered that possibility and found the economics would not be too good, that it would cost more and cause some houses to have greater setbacks than others. If this is a temporary cul-de-sac and the street is later extended, the cul-de-sac would have to be eliminated and the houses either be moved forward to be in line with the other houses or be left with greater setbacks. This would be an additional cost to someone.
2. This area is in the higher portions of the South Austin part of the central water system and the Water Department does not want the water lines to deadend. The adjoining lots are very deep and present conditions do not lend themselves to development except by running streets parallel and cutting off about the rear one-third of the lots. The ultimate development would depend upon the size of lots which could be provided from the present lots. There is a good chance that this street will be extended and a connecting street provided. Having a cul-de-sac here does not seem justified. FHA people are not interested in having a turn-around. I cannot recall where we have put a cul-de-sac on a street of this type. There is a street about 100 feet southeast of this property that deadends at the southwest property line.

Mr. Stevens stated that the adjoining property is divided into large tracts and it will probably be several years before these owners will be subdividing their deep lots.

The Commission then

VOTED: To ACCEPT for filing the plat of SOUTHWEST TERRACE SEC. 1 with the understanding that there will be a cul-de-sac at the south end of Southland Drive.

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:

C8-61-34 Royal Oak Estates Sec. 5
 Coventry La. N. of Roxmoor
C8-62-3 Fawn Ridge Sec. 1
 Parker La. S. of Woodland Ave.

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The following plats were submitted for consideration and action was taken as shown.

C8-61-26 Pecan Garden

Thompson St. and Henninger St.

The staff reported that a revised memorandum from the Drainage Department states that steps are being taken by the City to provide for the enlarging of the waterway area underneath the trestles of the TNO Railroad and the MKT Railroad where Boggy Creek flows under the railroad tracks west of Springdale Road and thus lessen the possibility of flooding the lots in this subdivision due to the restricted flow area at the railroad trestle, but it was recommended that the floor level of the houses to be constructed on the lots in this subdivision be built to an elevation at least 10 inches above the proposed street curb. The Commission then

VOTED: To APPROVE the plat of PECAN GARDEN with the understanding that a restriction will be placed on the plat that all houses built in this subdivision will have a floor level not less than 10 inches above the proposed street curb.

C8-62-6 Northwest Hills, Sec. 6

Northhill Dr. N. of Sierra

The staff reported that all departmental reports have not been received, although the fiscal officer has assured the Department that fiscal arrangements have been made if the amount is sufficient to cover gas installation. The staff recommended that it be given permission to poll the members when all reports have been received. The Commission therefore

VOTED: To DISAPPROVE the plat of NORTHWEST HILLS, SEC. 6, pending completion of fiscal arrangements and receipt of all departmental reports, and to authorize the staff to poll the Commission members when these have been completed.

DISQUALIFIED: Mr. Barrow

C8-62-33 Tomanet Estates Sec. 1

Parmer La.

The staff reported that fiscal arrangements have not been completed and that additional easements and minor engineering changes need to be shown, and recommended that the staff be authorized to poll the Commission when these have been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of TOMANET ESTATES SEC. 1 subject to completion of fiscal arrangements and showing of additional easements and minor engineering changes, and to instruct the staff to poll the Commission when these have been completed.

C8-62-35 Allandale Park Sec. 8

Whiteway and Shoal Creek Blvd.

It was reported by the staff that fiscal arrangements have not been completed and that additional easements and minor engineering changes need to be shown. The Commission therefore

VOTED: To DISAPPROVE the plat of ALLANDALE PARK SEC. 8 subject to completion of fiscal arrangements and showing of additional easements and minor engineering changes.

C8-62-36 Wooten Village Sec. 2

Peyton Gin Road

The staff reported that fiscal arrangements have not been completed and that sanitary sewer is not available until the owner constructs an approach main which will cost \$46,865 for which the owner has not completed arrangements with the City. It was requested that the staff be authorized to poll the Commission when fiscal arrangements have been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of WOOTEN VILLAGE SEC. 2 pending completion of fiscal arrangements.

SHORT FORM PLATS - CONSIDERED

C8s-61-147 Henry H. Ulrich, Resub. Lots 29 & 30, Blk. 2, Hyde Park Annex
E. 46th and Ave. G

It was reported by the staff that the subdivider has requested that this subdivision be withdrawn. The Commission therefore

VOTED: To ACCEPT the withdrawal of this subdivision.

C8s-62-64 Effie Wiley Sub.

Rabb Rd. S. of Robt. E. Lee Rd.

The staff reported that the owner proposes to erect four duplexes on these four lots, the buildings on Lots 1 and 4 being located near Rabb Road and the ones on Lots 2 and 3 being located on the rear because of the terrain of the land.

Mr. W. Harvey Smith (engineer) reported that this is the reason for the shape of the lots -- providing more area and width on the rear of Lots 2 and 3 and Lots 1 and 4 tapering to points to provide an additional area down the slope for a view and for using the hill for terrace purposes. Mr. Stevens noted that Lots 3 and 4 do not have the minimum of 50 feet in width as required by the Ordinance and that the width of Lot 1 at a point 100 feet from the front makes this lot questionable as a building site. Mr. Smith said there would be sufficient space on the front of the lot for a building.

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C8s-62-64 Effie Wiley Sub.--contd.

The Commission discussed the shape of the lots and the proposed duplex development and agreed that there could be some locations where it might be advisable to change the location of a house from the usual front of the lot unless it violates some requirement. It was felt in this case that the public would not be affected and that the plan presented is desirable because of the terrain. It was therefore

VOTED: To APPROVE the plat of EFFIE WILEY SUB. and to grant variances from the Subdivision Ordinance on width of lot requirements for Lots 1, 2, and 4.

C8s-62-70 Murchison Sub.

Nixon La. S. of Webberville Rd.

It was reported by the staff that some minor engineering corrections need to be made and disapproval pending these changes was recommended. The Commission therefore

VOTED: To DISAPPROVE the plat of MURCHISON SUB. pending minor engineering corrections.

C8s-62-71 Royal Oak, Sec. 2, Resub. Lots 2 & 3, Blk. K
W. 9th St. W. of Meriden La.

The staff reported that the subdivider is proposing to divide two lots, which surround a corner lot, into three lots, one facing on Meriden Lane and two facing West 9th Street. The staff is mainly interested in access to Lot 2-B from Meriden Lane because a 20-foot-wide creek crosses the front portion and there is bluff about 10 feet high on the side next to the lot. It was further explained that the owner of Lot 1 should be included in the plat since 15 feet of Lot 2 was previously sold and added to Lot 1, but as far as can be ascertained no one has contacted him for his signature.

The Commission felt that this matter should be considered by the Subdivision Committee for further study and that the staff could be authorized to then poll the remaining members of the Commission. It was then

VOTED: To REFER this subdivision to the Subdivision Committee for further study and to authorize the staff to poll the remaining members of the Commission after action by the Committee.

C8s-62-72 Stanford-Hollier Resub. Blk. A, University Hills Sec. 1
Vanderbilt La. and Northeast Dr.

It was reported by the staff that the subdivider took this plat to the various departments this afternoon and obtained the approval of all departments. The Commission therefore

VOTED: To APPROVE the plat of STANFORD-HILLIER RESUB. BLK. A, UNIVERSITY HILLS SEC. 1.

Planning Commission -- Austin, Texas

Reg. Mtg. 6-5-62

ADMINISTRATIVE APPROVAL

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

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

C8s-62-74 Murchison Valley Estates
Nixon La. and E. 19th St.
C8s-62-75 N. B. Warren Addn.
Mira Loma Lane

OTHER BUSINESS

R810 LEGISLATION AND PROCEDURES

The Commission discussed the recommendation of the Subdivision Committee in relation to resubdividing property upon which there are deed restrictions (C8s-62-59) and the Subdivision Committee chairman explained the discussion and recommendation. The question of whether or not adjoining owners were notified in such cases and of the feasibility of such notifications was raised. It was brought out that these resubdivisions have taken place and buildings have been constructed before other owners in the subdivision with the original restrictions were aware of any change. It was suggested that a statement could be required to be placed under oath on the plat to the effect that no deed restrictions exist to prevent any proposed resubdivision. Mr. Fowler, speaking for himself and according to his best judgment and without clearance with the City Attorney or the City Manager, stated that he thinks the Commission is powerless to act on the basis of deed restrictions since this involves contractual rights between individual persons. He said that, if this is done, there are a number of other contractual rights which should be investigated by the Commission.

Mr. Williams, who was interested in the subdivision above referred to, said when he purchased his property he was given a set of restrictions and his lawyer told him anyone buying in that subdivision would be given the same restrictions. He said the man who bought this property now proposed for resubdivision has the same restrictions.

The Commission

AGREED: To give this matter further consideration and requested an opinion from the Legal Department regarding a possible statement which could be included on the plat where deed restrictions are involved.

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C10-62-1(h) ALLEY VACATION

Bonnie Road Alley, Rockmoor Ave. to Raleigh Ave.

The staff reported that a petition had been filed by all of the abutting property owners requesting that the portion of Bonnie Road Alley between Rockmoor Avenue and Raleigh Avenue be vacated, and that other departments had recommended that this alley be vacated subject to the retention of some utility easements. The Commission therefore

VOTED: To recommend that Bonnie Road Alley between Rockmoor Avenue and Raleigh Avenue be VACATED subject to the City retaining the necessary utility easements.

C10-62-1(j) STREET VACATION

Archway E. of Speedway

The staff presented a request from Mr. James H. Colvin, Business Manager of the University of Texas, stating that the University has acquired all of the property on both sides of Archway and asking that this street be vacated from the east line of Speedway to the west line of San Jacinto Boulevard except that portion abutting City-owned property which has already been vacated. The Commission then

VOTED: To recommend that Archway between Speedway and the City-owned property west of San Jacinto Boulevard be vacated subject to the City retaining the necessary utility easements.

C10-62-1(k) ALLEY VACATION

Rio Vista Ave. Alley S. of Lake Austin Blvd.

A petition signed by the abutting owners was received which requested vacation of a short alley south of Lake Austin Boulevard, extending from an east-west alley between Rio Vista Avenue and Arlington Street and north of a bluff line north of Johnson's Branch. The petition stated that this alley is not being used for garbage pick-up as it ends at the cliff. The Commission felt that the alley is not serving the City at this time but Mr. Fowler felt that this might be involved in the Missouri-Pacific Boulevard development. The Commission then

VOTED: To recommend that this alley be retained in the event it is needed in the Missouri-Pacific Boulevard development.

C10-62-1(l) ALLEY VACATION

Sabine St. Alley bet. E. 20 $\frac{1}{2}$ and E. 21st Sts.

The staff presented a petition and a letter objecting to the opening of this alley and requesting vacation, stating in the petition that at the present time a proposal is under consideration by the Public Works Department of the City to open this closed alley for a distance of 126 feet for the width of two 63-foot lots north from East 20 $\frac{1}{2}$ Street.

C10-62-1(1) Sabine St. Alley Vacation--contd.

Mr. Jerome Sneed (attorney) represented Mrs. Beth Lucas (704 East 20 $\frac{1}{2}$ Street) and presented the following information: This is one of the oldest subdivisions in Austin and is at least 50 to 75 years old. This alley has never been opened and we do not propose doing anything except to open the alley for the depth of two lots. It is my opinion that before 1925, the alley was closed by limitation and that the City has never accepted the alley. (Mr. Fowler stated that this statute was repealed in 1938 and any limitation would have had to begin ten years before 1938. It was his conclusion that when a plat is put of record and recognized by the City it amounts to complete dedication, and although subdivisions are not completely developed the streets and alleys are available for development at any given time.) There is a serious drainage problem. The people in the next block to the south have had an apartment house built into the alley. If the alley is opened cars would be parked all along by the Lucas property and this would produce a traffic hazard. If the alley were opened all the way where garbage trucks and other service vehicles could go through the block, this would be a different matter.

Mr. Brady D. Morris (2055-B Sabine Street) was also present and stated the following: To the rear of our lot there was a gully about 8 feet deep at the north end and 12 feet at the south end which was filled. Rains have washed the fill to the back of my apartment house, and my basement which was once several feet below this fill is being closed in so that I will have to abandon two downstairs apartments if the alley is opened. When I discussed building my apartment house with Mr. Eckert (then Building Inspector) he said he did not think the City would ever open the alley since this would create considerable expense to the City. The City now would have to destroy a stone retaining wall 3 feet from Mrs. Lucas' house. Limitation may not run against the City but you can always claim usage over a period of time.

Mrs. M. Irving Smith (2661 Sabine Street) stated that only the owners of Lots 2 and 9 are desirous of having the alley opened and they have apartment houses.

Other reasons for requesting the vacation of the alley as presented in writing included:

1. The alley would never be opened for public use as it is supposed to be dedicated but for the private use as a driveway to two apartment houses next to the corner lots on Sabine and Oldham Street, and for closer walking distance for the tenants from the street to these apartments.
2. This arrangement would be particularly unpleasant because of one 8-unit apartment house located at 2053 Sabine. This apartment house is poorly managed and is rented to what seems to be a very disturbing element of University students. There is not a night that passes that we do not hear loud and rough parties going on in it. If the alley were open these loud and often drinking people, who commit nuisances constantly, would be driving and walking up and down the alley at all hours of the night

C10-62-1(1) Sabine St. Alley Vacation--contd.

and creating a general nuisance and disturbing the peace. It is not probable that the character of this apartment house is likely to change as it has been this way for at least eight years.

3. Unless the alley were opened all the way through the block it could not and would not be used for public use. We can see no reason why the use of the alley should be pre-empted for the private use of two owners.
4. We are advised that the original subdivider delineated this alley on the original map of this subdivision but that this alley has never been opened, used or maintained by either the property owners nor the City of Austin. Improvements have been placed on and across said purported alley and said area has never been accepted by the City of Austin by either order, ordinance or user.

Mr. Stevens advised the Commission that this alley is now obstructed by fill, a barbecue pit, City power pole practically in the alley, and a retaining wall and fences. He said the problem we encounter is that not all the owners have signed the petition to vacate the alley and the staff recommends that the request for vacation be denied. He felt it was a matter of opening the alley. The Commission felt that further study should be given this problem and that no action should be taken at this time. It was therefore

VOTED: To DEFER action on the request for vacation of this alley until the next regular meeting pending further inspection and study.

C10-62-1(m) STREET VACATION

Sandhurst Circle, part included in subdivision

The staff reported that this request is in connection with resubdivision and a pending subdivision (Royal Oak Sec. 5) where they propose to extend the cul-de-sac into the next subdivision with lots around it. In view of the proposed development, the staff recommended that the request be granted. The Commission therefore

VOTED: To recommend that the cul-de-sac portion at the north end of Sandhurst Circle be VACATED SUBJECT to the filing of a subdivision plat showing the relocation of the cul-de-sac.

C9-60-1 RIVERFRONT DEVELOPMENT

Baseball Field, Sand Beach Reserve

The Chairman (who is also chairman of the Town Lake Committee) presented to the Commission a request by Mr. D. W. Peal, President, Junior Baseball Inc. of Austin, for permission to locate a field for the Southwest Austin Colt League in their season play on the Sand Beach Reserve. He also submitted a recommendation on this request by the Parks and Recreation Board after con-

C9-60-1 Riverfront Development--contd.

sideration by the Town Lake Committee. The Commission considered the recommendation of the Parks and Recreation Board and concurred in their action. The Commission then

VOTED: To recommend that the Southwest Austin Colt League be granted permission to locate a field on the Sand Beach Reserve subject to the following conditions:

1. That all fences be of the chain-link type.
2. That the commercial signs sold to go on the fence for the baseball season should be removed at the end of the season.
3. The use of the field should be on a year-to-year basis.
4. The improvements should revert to the City of Austin in the event the men conducting this league cease their operation.
5. The construction of the field should meet with the general approval of the Director of Recreation and should be done at no expense to the City.
6. The fence and light post should be placed at a minimum of 350 feet from home base so that in future years older boys could participate on the playing field.

R140 PLANNING COMMISSION: Organization

The staff advised that, under the rules, the annual election of officers is held the first meeting in June. The Commission then elected the following officers for the following year:

Chairman: Mr. Barrow
 Vice-Chairman: Mr. Kinser
 Secretary: Mr. Lewis

REPORTS

SUBDIVISION APPROVAL BY POLL

The following subdivision was considered by telephone poll on May 9, 1962, and a majority of the Commission

VOTED: To APPROVE the following plat:

C8-62-5 North Lamar Park Sec. 1
 Rundberg La. and Lamar Blvd.

MEMBERS CONTACTED: Messrs. Barrow, Barkley, Brunson, Chriss and Lewis

Planning Commission -- Austin, Texas

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It was reported by the staff that the following subdivisions were considered by telephone poll on May 17, 1962, and that a majority of the Commission had


VOTED: To APPROVE the following plats:

C8-61-45 Allandale Park Sec. 5
Burnet Rd. and Silverplume Dr.
C8-61-46 Allandale Park Sec. 6
Shoal Creek Blvd. and Silverway Dr.
C8-61-49 Cherrylawn Sec. 1
Walnut Hills Dr. S. of Manor Rd.

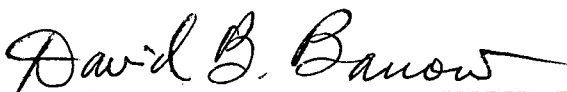
MEMBERS CONTACTED: Messrs. Barkley, Brunson, Doss, Kinser and Lewis

ADJOURNMENT: 10:35 p.m.

The meeting was adjourned at 10:35 p.m.


Hoyle M. Osborne
Executive Secretary

APPROVED:


Chairman