

CITY PLANNING COMMISSION  
Austin, Texas

Special Meeting -- June 28, 1962

The meeting of the Commission was called to order at 7:40 p.m. in the Harris elementary school.

Present

D. B. Barrow, Chairman.  
Howard E. Brunson  
Pericles Chriss  
Edgar E. Jackson  
S. P. Kinser  
Barton D. Riley  
Emil Spillmann

Absent

W. Sale Lewis  
W. A. Wroe

Also Present

Hoyle M. Osborne, Director of Planning

ZONING

C14-62-13 Austex Development Co., Ltd.: A to BB  
(Deferred 3-13-62)

The Director explained that the purpose of this hearing was to consider this request as was requested by owners in the area at the previous scheduled hearing. He then presented the following summary of the request, history of the area, and general comments:

1. The development of this general area started in 1961 by subdivision. On the subdivision plan this 9.2-acre area was designated as single-family in the sense that there was no indication that there would be other than single-family residences. The Subdivision Ordinance requires that the proposed use be shown on the plan. This subdivision contained 146 lots averaging 65'x120' in size.
2. Immediately to the west there is a church under partial development with plans for expansion in the future. To the north is an undeveloped General Retail area which is owned by Mr. Phillips. There is a shopping center on the north side of Briarcliff Boulevard and Windsor Village shopping center west of Westminster Drive. The area to the east and south, including Delwood 4 East, Royal Oaks, and Windsor Park, is a single-family area. To the northwest at Wheless Lane and Berkman Drive is the Harris elementary school. There are six duplexes under construction on the portion of this area east of Wellington Drive. About 8 blocks to the south is Bartholomew Park which will have more facilities later.

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3. There are some duplexes in the area but they have been generally accepted. The developing of apartments in an area which is considered as single-family presents problems, among which are the following:
  - a. Overcrowding of land.
  - b. Lack of open space.
  - c. Lack of off-street parking.
  - d. Poor design of buildings.
  - e. Noise, activity at late hours and other nuisances.

The first four can be corrected by careful planning on the part of the developer. Noise and other characteristics which might arise with apartment development tend to make this an inappropriate use. All of these things can happen in any single-family area and each of these problems can be overcome. The apartments do offer additional living conditions which are desirable to an area and facilities for people who do not want to take care of a home and young families who are not ready to maintain a home.

4. The application was filed for "BB" Residence and First Height and Area and we have received a request for modification to "BB" Residence and Second Height and Area. This would mean an increase in density of about 25 per cent. Whether or not to receive this modification is for the Commission to decide. In view of the characteristics of the area it would be better to stay with the first application. This offers an opportunity for development of family-type development and its services.
5. The next problem is whether or not 9 acres are desirable. I would prefer to hear proposals of the applicant regarding development of this 9-acre tract. I would prefer to withhold a recommendation on the application until specific development plans are presented although I believe the lower density (BB/1) will be more appropriate.

Mr. Barrow explained that, with regard to the proposed use being shown on the plat, this is not controlling and there are cases where certain intentions are not carried out and cases where the Commission has recommended changes of zoning.

A large number of people appeared at the hearing. Several presented questions to the Director regarding this request, including the following subjects:

1. Is not the proposed use four times more intense than the single-family use?

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2. Will this new zoning permit other uses? Director: It permits other uses, many of which involve deed restrictions.
3. Would the Commission consider the increase in our school population? Director: We have surveyed many apartments and have found fewer children than in single-family homes. They are typical of those housing University students. Generally the number of children is much lower than you would have in single-family homes. The School Board is planning a school on the Berkman tract to relieve overcrowding. I do not think school overcrowding is a major problem.
4. I would like more information on the sound management of other apartments and I would like to know what will be done here. I find that many people living in a single-family area object very violently to apartments and I feel this is sound basis, but apartment development can provide sound development. There are problems with them as well as with single-family homes.
5. How soon will the school on the Berkman tract be built? Director: I cannot say when it will be built but the School Board recognizes the overcrowding now.

Mr. Frank G. Bryant (President Marvin Turner Engineers) introduced other members of the firm and presented the following in support of the request: The Marvin Turner Engineers have been for seven years involved in the planning of some 27 subdivisions in this area. The function of an engineer is to help lay out streets, utilities, and to see that requirements of the City, FHA and the Veterans Association are met. Tonight we represent the owners of this tract to request a zoning change on some 37 lots. The proposal was made for 47 lots but some duplexes are being built east of Wellington. The proposal is to develop an apartment complex. It is felt by Nash Phillips-Copus that an apartment development is needed in this area provided it is compatible with development in the area. There are adjacent homes owned by Nash Phillips-Copus which will be for sale and they also have other development in the area. Any development would benefit them as well as others.

Mr. Bill Eppes (partner in King and Eppes, registered architects and engineers) presented the following:

1. I would like to present the proposal as an idea. In the past  $6\frac{1}{2}$  years the northeast portion of Austin, bounded on the south by 51st Street, on the west by Interregional Highway, and on the north by the city limits, has become a city within a city with facilities a city would need and with downtown Capital Plaza. There are also other neighborhood shopping centers and schools. The City, through its citizens, should provide for its citizens' needs.

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2. Housing needs of people in the city are broad in the sense of living-unit need. Many prefer living in their own homes. This is becoming a very keen business and the competitive market requires very fine houses. Single-family housing will take care of a large portion of the population but there are other needs. We are living in a rapidly changing society. Many are employed by businesses spread over the country. The idea that the applicants have presented to me is continuing this idea in a manner which is not now provided -- residential housing for: 1) people coming to the city who want to rent first. Part of the idea of the applicant is to take advantage of a market which is clearly not being sounded out. When a person comes into the city he wisely spends an average of six months in existing apartment development; 2) there is another broad classification for residential housing that needs to be provided. There will be people who want neighbors. We would all prefer to live in neighborhoods beyond reproach. This is a neighborhood ranging from 30,000 to 35,000 people.

In providing units of this size you consider what they will rent for -- about the same as the purchase price of a house; 3) there is not a supply for the demand. We have the responsibility of providing housing for the Legislature when it is in session, personnel at Bergstrom, University professors and a large body of graduate students who have by this time reached an age that they need to live in a community instead of around the University, people brought in for special work, public school teachers who come to the University in summer, retired couples who do not want the responsibility of living in and maintaining a home, widows and widowers who find themselves alone and want smaller quarters. Some people object to families because children are damaging, but children in single-family homes can be damaging also.

We are concerned about the stability and maintenance of properties in the neighborhood. Nash Phillips-Copus is also concerned with this. When a community becomes fully developed property values rise and that maintains their prestige. When this area is developed completely and has gained the name of being a desirable place to live, it will maintain its value. One way to accelerate this is to have facilities available. The applicants want the families out here for they know this will be a springboard for buying homes. They identify themselves with the services in the community and when they are ready to buy they buy in this community. The apartment proposal will provide a wide market and its purpose is to complement the other property.

This area is bounded by a church, General Retail zoning, single-family homes, and duplexes under construction. We plan to move from the commercial area with high density to the apartments with smaller families then into apartments with less density, with a  $4\frac{1}{2}$  million dollar investment. It will have to be a residential unit which can be maintained by a responsible manager as this is a big investment and needs careful management.

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As a community develops it is logical to bring apartments near a church and shopping center where it is easy for occupants to identify themselves with churches and their activities and become a part of the neighborhood.

(Displayed a drawing showing gradation from the more intense use through to the apartments with more open space and more playground facilities adjacent to the duplexes)

Following are questions raised and comments made by owners of property in the neighborhood present and by written communications received:

1. In your presentation showing us what type of people you would have here you omitted the undergraduate students. Apartments scattered over town are populated with students and a large percentage in the \$125 to \$150 per month apartments are rented by University students.
2. As this is a limited partnership it is pertinent whether or not their purpose is to keep the apartments and maintain them. Do they intend to continue the project after they have gained their profit? What percentage of the occupants would be construction men? We are concerned with the condition of the apartments five years from now and we have no guarantee even in the immediate future how the land will be developed or improved. Tenants would probably be desirable now but in five to ten years the value, appearance and type of tenants will have changed. We usually have juvenile delinquency where more people are crowded together.
3. We are not concerned with the need for apartments but where they will be located. We would like to know why this apartment is necessary. There are as many apartments available and houses for rent and sale. There are houses in this community that cannot be sold or rented. Also, there are still many suitable areas which could be developed with apartments.
4. It has been found in other cities that where a school is located the area around it is restricted to single-family development for reasons that children live close and can walk. Shopping centers, apartments, etc., create traffic problems and multiply problems for parents who take children to school. We have limited access here and most traffic has to pass the school, creating danger and noise problems. Traffic from the apartment development, in addition to other traffic, will empty at the same time as children go to and from school. The elementary and junior high schools are already overcrowded.
5. The apartments will be occupied by transients. People who live in apartment houses generally do not care too much for and are not generally the type of persons who take pride in their community. Home owners have developed property values where the applicants have land value only. This seems an ideal place to build houses.

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6. We are interested in the length of time this has been in the planning stage. We home owners purchased our property based on the zoning now in effect which, we thought, guaranteed us against the very action being contemplated. We were led to believe that only single-family dwellings in the approximate price range of our own would be constructed in our area and, consequently, it would be populated by people in the same income bracket and with the same pride in making our area a beautiful place in which to live. Already that faith has been breached by the construction of duplexes. The next step would be for commercial enterprises. Some of the homes back up to this property and there would be no privacy in those homes. It seems a pattern is set when they sell to home owners, with certain restrictions, and after the area has developed with 22,000 people in six years why cannot it continue to so develop? This proposed development would cause the community to deteriorate.
7. The home owners are being asked to take a financial loss by devaluating their investment so that the developers can realize a greater profit on the lots they still own. The apartment house development may result in the influx into the community of families of social and financial status not compatible with that of current home owners. It is grossly unethical to jeopardize the investment of many home owners for the sake of contemplated financial gains for a few.

The Reverend W. Keyton Waddell (pastor, Windsor Park Presbyterian Church, 3801 Westminister) said the church property was purchased for \$30,000 and the purchasers were told that this would be Class A residential and a permanent home area. The Church, therefore, would have a personal interest and concern. He said this development company has something that came up new and he felt they are morally responsible to the people to whom they sold the property. He expressed his desire to keep this a home-owners' community. He noted that there are no sidewalks for children going to school.

Mr. Nash Phillips spoke in reply to the questions and opposition and his statements may be summarized as follows: We have grown with this area and feel that it is very definitely an area where people want to live. It is difficult to know how to zone a city and this area is a city within a city. Apartments in other cities that are in the right area are maintained and kept in good condition. We plan to go from apartments into duplexes and then into the single-family area. We have been in the apartment business before and have not rented to undergraduate students and as long as we own these apartments we will not have any. We do not have the fraternity house atmosphere here. This is a large venture and it would have to be maintained right. There is a national trend in cities toward apartments. Many older people want to move in an apartment to avoid maintaining a home and yard. We realize we have a traffic problem but we are adding streets to carry this traffic. We are suffering temporarily at 51st Street but the City is working on this. We do not plan this for a decrease in value in this neighborhood. There are no deed restrictions to single-family uses on any of this property.

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Spec. Mtg. 6-28-62

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Some questions were answered by Mr. Bryant as follows: The occupancy by construction men would be a very small percentage. This is heavily aimed at getting the families. The transient group would be considerably in minority. In reply to a question of why the owners were not advised of this when they were buying houses, Mr. Bryant said if we could do all the thinking at one time it would be better but this need was realized after this subdivision was put in.

The Chairman made some statements that he did not think any person could say they intend to continue to own an apartment development, and that financial responsibility is not a matter of zoning. The Director called attention to one problem which is the section of Gaston Place which is not a dedicated street east of Briarcliff and Westminster but is open and paved. He said there is only one access into the area although there is a new proposal under consideration for extension of Wheelless Lane to the east.

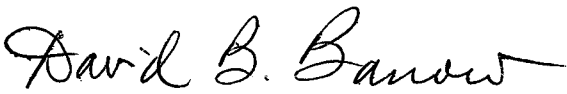
The Commission took no action on this request at this meeting.

## ADJOURNMENT

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

  
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Hoyle M. Osborne  
Executive Secretary

APPROVED:

  
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Chairman