

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- September 25, 1962

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

Present

D. B. Barrow, Chairman
Edgar E. Jackson
Barton D. Riley
Emil Spillmann
W. A. Wroe

Absent

Howard E. Brunson
Pericles Chriss
S. P. Kinser
W. Sale Lewis

Also-Present

Hoyle M. Osborne, Director of Planning
Alfred R. Davey, Assistant Director
E. N. Stevens, Chief, Plan Administration
Leon Whitney, Planner
Robt. M. Huey, Assistant City Attorney

MINUTES

No minutes were submitted for approval.

The following zoning change and special permit requests were considered by the Zoning Committee at a meeting September 18, 1962:

ZONING

C14-62-120 Mrs. Clydia Browning: A to GR
Montopolis Dr. and El Mirando St.

STAFF REPORT: The Commission previously considered a request for "LR" zoning across El Mirando Street in 1960, and this case was deferred pending determination of the right-of-way alignment of Montopolis Drive. In Capital Improvements Program IX, Montopolis Drive is scheduled to be paved in 1964 and the proposed right-of-way is 70 feet. The amount of right-of-way needed still has not been determined in relation to the proposal of the Highway Department for an addition to Montopolis Bridge and re-routing of traffic. The staff feels that this request is in the same status as the previous case and also that the request should be denied for the reasons that this is spot zoning in an area developed with single-family homes and a school and church across the street, that the area should not be zoned by piecemeal zoning and Montopolis Drive is not conducive to strip commercial zoning, and that there is adequate commercial zoning to the south to serve this area.

Mrs. Browning was present at the hearing and stated that she did not know at this time what she wanted to do with this property but wanted it changed to commercial. She now lives on the property.

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C14-62-120 Mrs. Clydia Browning--contd.

The Commission felt that the request should not be granted since the streets are inadequate to support any further commercial development. In response to consideration of deferral, the staff advised that the previous applicant had requested postponement before any recommendation was made by the Commission but no such request has been received from the present applicant. It was therefore unanimously

VOTED: To recommend that the request of Mrs. Clydia Browning for a zoning change from "A" Residence to "GR" General Retail for property located at the southeast corner of Montopolis Drive and El Mirando Street be DENIED.

C14-62-121 Allandale Homesites, Inc.: A, Int.A & C to C; 1, Int.1 & 6 to 6
Burnet Road and Richcreek Road

STAFF REPORT: This request includes portions of three tracts which are a part of a subdivision to the west which was recently approved and annexed to the city. The front portion of the property was within the city limits and is zoned "C" Commercial as a part of the strip zoning along Burnet Road. The Lucy Reed Elementary School is now being completed west of this subdivision. The commercial zoning here would be the same depth as that adjoining it on the south if the request is granted. We recognize that the strip zoning pattern has been established along Burnet Road but only wish to point out the conditions and to make no recommendation on the request.

Mr. W. W. Patterson (attorney) and Mr. Willard Connolly represented the applicant at the hearing. Mr. Patterson presented the following information in support of the request: This is an extension of the present commercial zoning which has been granted in the past. There is commercial, "C-1" and "GR" zoning across Burnet Road. We think it is logical to extend this present zoning. The subdivision was planned and designed with this in mind and no property owners would be surprised but owners will know this is to be commercially developed when they buy lots.

Since this would be an extension of existing zoning and there is commercial zoning across the street, and because of the fact that this was so shown on the subdivision plat, the Commission felt that this would be a logical extension of the commercial zoning. It was therefore unanimously

VOTED: To recommend that the request of Allandale Homesites, Inc., for a change of zoning from "A" Residence, Interim "A" Residence and "C" Commercial to "C" Commercial and First Height and Area, Interim First Height and Area and Sixth Height and Area to Sixth Height and Area for property located at Burnet Road and Richcreek Road be GRANTED.

C14-62-122 Northtowne Co., Lawson Ridgeway: A to C
8108-8122 Burnet Road

STAFF REPORT: This tract is a part of a larger area which was considered previously, the south part of which was zoned "GR" General Retail for the location of Gulf-Mart. The City Council granted a change on the remainder of the area and an ordinance is pending compliance with conditions that the property will not be subdivided or sold until provision is made for streets and drainage. A preliminary plan for this property has been approved. We feel that since this is a part of an application which was previously approved, this request should be granted for the stated purpose of extending the present facilities of the Texas Electric Co-op adjoining on the north, but that final action should not be taken until the final plat is approved.

Mr. Conway Taylor (agent) appeared at the hearing and explained that this is merely an extension of Texas Electric Co-op parking in a "C" zone.

The Commission felt that this would be a logical extension of the existing "C" Commercial zoning but that approval should be based on an understanding that the final plat will be accomplished to provide the necessary streets and drainage. It was therefore unanimously

VOTED: To recommend that the request of Northtowne Company, Lawson Ridgeway for a zoning plan change from "A" Residence to "C" Commercial for property at 8108-8122 Burnet Road be GRANTED, with the understanding that the final plat of this subdivision will be accomplished to provide the necessary streets and drainage, and to recommend that the City Council defer final approval of this request until the final plat has been approved.

C14-62-123 R. Graham Wilson: A to B
1108 West 22nd Street

STAFF REPORT: This is for a change on one lot on the north side of West 22nd Street, containing an area of 7560 square feet. The application is for the purpose of constructing an apartment building. Under the proposed zoning 5 regular units would be permitted. We feel that this, without including the remainder of this area, would be spot zoning and that any change in this area should only occur as part of a comprehensive change. A request on one lot to the south was previously denied because it was spot zoning.

Mr. Wilson was present at the hearing and stated the following in support of his request:

1. Almost the entire neighborhood is being used for multi-family purposes. I inspected the neighborhood and found the following existing conditions, which are subject to correction but are as I found them:

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<u>Block D</u> , Lot 1 - 5 units	<u>Block 2</u> , Lot 1 - 6 units	Lot 14 - 2 units
Lot 2 - 4 units	Lot 3 - 2 units	Lot 15 - 2 units
Lot 3 - 1 unit	Lot 4 - 2 units	Lot 16 - 2 units
Lots 6 & 7 - 5 units	Lot 12 - 3 units	Lot 17 - 4 units
Lot 14 - 4 units	Lot 13 - 3 units	Lot 18 - 6 units
		Lot 19 - 5 units

2. This is certainly a University area and the need for apartments is here. I think it is unjust to allow a situation to exist because it came about prior to the Zoning Ordinance. I am asking for the same thing for which the land is presently being used. Four units is not a large apartment house. I have set aside 35 feet in front and 35 feet behind the building for parking.

Reply to notice was received from Maurine Currin (1102 West 22nd Street) favoring the change and a petition signed by Mr. and Mrs. B. R. Scheel (1107 West 22nd Street), Maurine Currin and Mrs. Ruby Currin (1102 West 22nd Street), and Mrs. Leo W. Eaton (1100 West 22nd Street) joining the applicant in this request, was filed.

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

1. A check of the uses within this area would reveal that the property in the greater part of this neighborhood is still single-family dwellings and to a great extent occupied by the property owners themselves.
2. The needs of the neighborhood in which the lot in question is located have been adequately served under residential zoning.
3. The reason we bought in this area was to be close to the University and because this was a residential district. I think any other large development will increase the traffic. There are several apartments in the area to the north and east and none are needed here.
4. Our Normandy cottages were built after the Zoning Ordinance was adopted. We have about 109 feet across the front and we rent to couples and not to students. There are dead-end streets and all streets are narrow and congested with traffic.
5. The property is too small for multiple units. The traffic hazard would be increased at what is already a bad corner.
6. This would be spot zoning which would discourage people moving into the area where other property might be changed.

The Commission recognized that there are numerous apartments north of 22nd Street and that the neighborhood has some multiple units, although it is

C14-62-123 R. Graham Wilson--contd.

zoned "A" Residence. It was also noted that there are a number of University professors who live in this area and chose this location for homes to be near the University but away from student housing; that there are many professors who are as much a part of the University as the students and should be considered with regard to housing. Some members felt there should be an area where professors and other University personnel could live as well as where students may live. A question was raised as to whether or not this is the desirable area for increase of apartments in consideration of the streets and already congested traffic. It was suggested that the lot lends itself more to a duplex than apartments and that this would be spot zoning. Mr. Barrow said he feels this area generally will have to be considered and some changes made but he did not know if a study would show that this particular property should be changed or not. The Director thought that the new Ordinance under study might provide something for areas similar to this. The Commission then concluded that the request should be denied as a spot zone and it was therefore unanimously

VOTED: To recommend that the request of R. Graham Wilson for a change of zoning from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at 1108 West 22nd Street be DENIED.

C14-62-124 James Kitchel, et al: O & LR to GR
Russell Dr. and West Ben White Boulevard

STAFF REPORT: These lots were zoned as they are now after a study of Ben White Boulevard was made and the two "O" Office lots were so classified to protect the residential development along Russell Drive. We included the intervening lot for purposes of hearing to avoid a skip; however, we feel that this request contradicts a comprehensive plan established by the Commission and the City Council in 1961, and would result in a serious encroachment into a residential area if it were granted. The lots in question are developed residentially at this time. We would recommend that the request be denied.

Mr. and Mrs. Kitchel were present at the hearing but presented no statements. The applicants were joined by Mrs. Scherok (4402 Russell Drive) and Mrs. C.E. Heard (1801 West Ben White Boulevard) who favored the change. Written approval was received from Mr. Roy B. Stewart (4810 Round Up Trail).

Some members of the Commission felt that the request should be granted since this adjoins a large "GR" General Retail area on the east and that Russell Drive would provide a buffer zone to protect a residential area. A majority, however, noted that there are residences across the street as well as on these lots and that entrances to businesses on these lots would be from Russell Drive, which is a residential street, while entrance to the large "GR" area would be from Ben White Boulevard. It was concluded by the majority that the present zoning is the proper classification and that any change would permit encroachment into a residential area. It was therefore unanimously

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C14-62-124 James Kitchel et al--contd.

VOTED: To recommend that the request of James Kitchel et al for a zoning plan change from "O" Office and "LR" Local Retail to "GR" General Retail for property at Russell Drive and West Ben White Boulevard be DENIED.

C14-62-125 Mary Wadsworth: A to C-2
7105-7107 Bethun Avenue

STAFF REPORT: This is definitely a spot zone and we recommend that it be denied. We have notified the applicant that if this is granted, the nearby church would be affected according to state law of measurement. We understood that she wishes to amend the application to request "LR" Local Retail.

Mrs. Wadsworth was present at the hearing and said the Planning Department had called and advised her that because of the church location she could not have "C-2" zoning and that she would like to have a little eating place here. Replies to notice were received from two nearby owners who favored the change.

Mr. Atwood and the Reverend A. C. Clark (7601 Blessing) stated that they did not want any change of zoning here. They were joined by 27 persons who opposed the change but they did not make any statements. Also two replies to notice were received from nearby owners and a petition signed by 51 owners was filed protesting the proposed change.

Upon review of this area the Commission felt that "A" Residence zoning is the proper zoning. It was therefore unanimously

VOTED: To recommend that the request of Mary Wadsworth for a change in the zoning plan from "A" Residence to "C-2" Commercial for property at 7105-7107 Bethun Avenue be DENIED.

C14-62-126 Thomas W. Malone: A to BB
1211-1215 East 52nd Street

STAFF REPORT: There have been several other changes to "BB" Residence along this street since 1959 and this would be an extension of an existing "BB" zone if the intervening area included for purposes of hearing is included. We recommend that the request be granted and also a change on the area between, but with the understanding that an avigation easement will be given because of the proximity of this property to the Municipal Airport.

Mr. Malone was present but offered no statements. Tow persons were present who favored the change and replies to notice were received from four owners approving the request but no reasons were given.

The Commission felt that the pattern of "BB" Residence has already been established for this area and that this would be an extension of existing zoning. The Committee therefore unanimously

C14-62-126 Thomas W. Malone--contd.

VOTED: To recommend that the request of Thomas W. Malone for a change of zoning from "A" Residence to "BB" Residence for property at 1211-15 East 52nd Street be GRANTED, and to include the additional area at 1207-1209 East 52nd Street, with the understanding that an avigation easement will be given.

C14-62-127 Dr. Dan M. Queen: A to C
4904-4906 Interregional Highway

STAFF REPORT: This request appears to fill a gap in the existing zoning along the Interregional Highway in this area. We feel that this constitutes strip zoning and for that reason we make no recommendation since the Department is against strip zoning. The application was for one lot and an additional area was included for hearing to avoid a small spot zone of residential zoning. The original application proposed construction of an office building but I understand that this has since been abandoned and that there is now no definite proposal for development. An avigation easement should be obtained because of the proximity of this property to the Municipal Airport.

No one was present to represent the applicant. Mr. M. L. Flenniken, Jr. (4902 East Avenue) stated that they built their place about 25 years ago (in the area included for hearing) and they do not object to the application but do not want their property included in the change.

Because of the nature of zoning in this area, the Commission concluded that this would be a logical extension of the existing "C" Commercial zoning and that the additional area should be included to complete the pattern along this side of the Interregional and avoid leaving a spot of "A" Residence zoning. Mr. Wroe felt that Mr. Flenniken's property should not be included as he did not want to be rezoned. The Commission then

VOTED: To recommend that the request of Dr. Dan M. Queen for a zoning plan change from "A" Residence to "C" Commercial for property located at 4904-4906 Interregional Highway be GRANTED, and that the property located at 4900-4902 Interregional Highway and 1012-1022 East 49th Street be included in the change, with the understanding that an avigation easement would be obtained from the owners affected.

AYE: Messrs. Barrow, Jackson, Riley and Spillmann

NAY: Mr. Wroe

ABSENT: Messrs. Brunson, Chriss, Kinser and Lewis

C14-62-128 Chester C. Buratti: B to C
East 8th and Neches Street

STAFF REPORT: This is a one-lot application for 7700 square feet of area and the request is for future commercial development. We feel that the one-lot change is poor zoning and that instead of changing this small area the

C14-62-128 Chester C. Buratti--contd.

entire "B" Residence area should be included. There is not a large area of "B" left. Any change should be based on a comprehensive plan and all "B" changed, including the tract between this lot and the "C-2" zone along Red River.

Mr. Buratti appeared at the hearing and stated the following: I also own about one-half block to the west on 8th Street and also other property at the southwest corner of the intersection. I would be in favor of having my property zoned commercial to the west as well as to the north. I have heard no objection from any of the neighbors. I plan specifically to put a parking lot on this lot to replace a dilapidated building. I think it would be an improvement to the neighborhood.

Written comment was received from Earl E. Simms Estate through F. S. Pearson (agent) to the effect that this is a logical change and this entire area should be changed to at least "C" Commercial.

Mr. R. J. Burch (for his father, Richard Burch, 502 East 8th) opposed the change to include their property for the following reasons: We own property at 502 East 8th which is in the area included for hearing. This is the second family who has owned this property in the last 100 years and we intend to maintain it as a residence. I do not think "C" Commercial will enhance the area. When the attractive new federal headquarters building is developed it is my feeling that apartment-type buildings would be suitable in the area. The federal center will need housing. We feel this proposed change will detract from our neighborhood and our property and would like to see the lot left "B" Residence.

Two nearby owners appeared in opposition but stated no reasons.

In response to a question regarding the area, the Director explained that there is a pocket of "B" Residence surrounding what was formerly a school but is now privately-owned property and that this area is bounded by "C" Commercial zoning. The Commission considered granting the request only but recognized that this would be spot zoning without the additional area. It was felt that the Commission would look with favor on future changes to "C" Commercial in the present "B" area. Mr. Wroe did not favor including the property on which the owner objected to the change. It was then

VOTED: To recommend that the request of Chester C. Buratti for a change of zoning from "B" Residence to "C" Commercial for property located at 500 East 8th Street and 801-805 Neches Street be GRANTED, and that the property located at 502-504 East 8th Street be included in the change.

AYE: Messrs. Barrow, Jackson, Riley and Spillmann

NAY: Mr. Wroe

ABSENT: Messrs. Brunson, Chriss, Kinser and Lewis

C14-62-129 Frien E. Gatliff: A to B, 1 to 2
Forest Ave. and West Oltorf St.

STAFF REPORT: This application is for the purpose of apartment development. The requested zoning would permit 12 units in an apartment hotel. An adjoining lot was included for purposes of hearing to avoid a skip if the zoning is changed. Although this property is on Oltorf Street and is across Euclid Avenue from a "B" Residence area, it is an intrusion into a well maintained residential area. Oltorf is designated in the Development Plan as a primary thoroughfare with a proposed right-of-way of 120 feet and it is now 60 feet in width and carries 7900 cars per day. The "B" Residence area is developed with a Catholic school and convent. This would be a spot zone unless a larger area is included. The Department recommends against the request because it is a spot zone, this would be an intrusion into the residential area, and Oltorf is inadequate to carry the additional traffic.

Mr. and Mrs. Gatliff were present and presented the following in support of their request: Without something of this kind we could not get very far in improvements. This property is actually two lots and the present building is about 22'x24'. It does not warrant a single-family residence. Western Auto Supply store is across the street (staff report shows this to be about one block to the east). This would be a benefit to the city near the HEB shopping center.

Nine nearby owners appeared in protest and written objections were received from three owners. Reasons given were:

1. This is a beautiful area with large Live Oak trees and we want to retain it for residential and with apartments there would be noise and lots of traffic. This is an owner-occupied area with one exception. The proposed change would lower the value of homes.
2. Other property owners have requested changes in this area without any success. Forest Avenue has only recently been opened up south of Oltorf to serve a residential subdivision.

Mr. Anderson, as representative of owners of the area included for hearing, stated that Mr. and Mrs. Johnson did not want their property changed. The Commission felt that, since these owners have expressed their opposition to having their property included, this would be a spot zone and would be an intrusion into a well developed residential area. It was concluded that the present zoning is appropriate for the property. For these reasons it was unanimously

VOTED: To recommend that the request of Frien E. Gatliff for a zoning change from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property on the northeast corner of Forest Avenue and West Oltorf Street be DENIED.

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C14-62-130 Rollins Martin: C to C-2
4703 East 12th Street

STAFF REPORT: This is a small tract on the rear of a lot about 30'x65' and this change is for the purpose of operating a package store. There is a service station and drive-in cafe and he plans to have this use on a vacant portion of the property. The only question we raise is to the proximity of the school across the street. There are approximately 500-600 students in this elementary school. We do not wish to make a recommendation.

Mr. Martin appeared and stated that he proposes a building about 54'x38' on the two lots and in this particular building he plans three types of uses, including the package store.

The Commission recognized the location of this property in relation to the elementary school but felt that the request conforms to the policy regarding "C-2" requests in that this is a well developed commercial area. It was therefore unanimously

VOTED: To recommend that the request of Rollins Martin for a change in the zoning plan from "C" Commercial to "C-2" Commercial for property at 4703 East 12th Street be GRANTED.

C14-62-131 Mary Jabour: A to C
3207-3211 East Ave.

STAFF REPORT: We have included an additional area in addition to this application to fill out the block. The application is for three lots and we included four. We feel that this is a form of strip zoning and buffer zoning but this is the only area left and because the pattern has already been established we recommend the change.

Mr. Arthur Jabour (agent) appeared for the applicant and stated that there is an insurance office there now in one of the existing buildings and they later plan to build an insurance building. Mr. Theodore Jabour was also present but made no statements.

Three nearby owners were present but expressed no opinion. One reply to notice was received favoring the request.

Because of the "C" Commercial zoning already established along East Avenue in this area, the Commission concluded that this would be a logical extension of this existing zoning. It was therefore unanimously

VOTED: To recommend that the request of Mary Jabour for a change of zoning from "A" Residence to "C" Commercial for property at 3207-3211 East Avenue be GRANTED; and to also include the property at 3205 and 3213-3217 East Avenue and 1101-1105 Edgewood Avenue in the change.

C14-62-132 Howard Onstot et al: A to B, 1 to 2

200-206, 302-304 & 308-312 West 38th St. and 3801-3809 Ave. B and
201-311 West 38 $\frac{1}{2}$ St.

STAFF REPORT: This started out as a one-lot application but the agent added two areas and we added more property to fill out the block. The streets are inadequate to serve this use, with West 38th Street having a width of 60 feet with 36 feet of paving and Avenue B having a width of 30 feet and graveled. The requested zoning would permit 200 units on the entire property if it is developed as one site. We feel that the application would provide for a piecemeal type of zoning and because of the street pattern we recommend against the change.

Mr. C. T. Uselton (agent) represented the applicants in their request and submitted the following information in support of this case:

1. The property facing Speedway is zoned "B" Residence and there is other "B" zoning in the area. This property has an unusual depth and it is not situated for development of two dwellings per lot. We propose 30 units with approximately 45 parking spaces. The property to the west, since each lot is not suitable for two houses, was consolidated so that apartments could be developed if desirable.
2. A change to "B" will enhance value of property and facilitate negotiations of real estate in this area.
3. West 38 $\frac{1}{2}$ Street should be paved between Avenue B and Speedway as added traffic will cause added annoyances, dust, etc.

Replies to notice were received from four nearby owners approving the proposal.

Two persons appeared in opposition and written objections were received from three owners. Reasons given were:

1. The proposed change customarily means the reduction of standards within a neighborhood and the increased population density ordinarily accompanying such a change.
2. The number of tracts here involved would indicate that there might be some spot zoning. We feel that spot zoning is a deterrent to the proper and orderly development of the city, based on customary irrational proposals.
3. We do, however, feel that ultimately our properties would call for a similar change and we wish to make this a matter of record at this time in the event this current proposed change takes place.

The Director reported to the Commission that he would recommend against the change as 38th Street is designated as a thoroughfare but does not have adequate right-of-way at this time to serve apartment development, also this is

C14-62-132 Howard Onstot et al--contd.

an old, single-family and duplex area, and many of the lots can be resubdivided into duplex lots for temporary solution. Mr. Jackson felt that this should be an apartment area but the only way it could be zoned for that use now would be with additional right-of-way for 38th Street, and that 38 $\frac{1}{2}$ Street not be permitted to be used as a street for frontage purposes. It was the feeling of the Commission that the area is generally an apartment area and with the proper street arrangement it would be suitable and proper zoning, but with the street situation as it is the request should be denied because the streets could not handle the traffic. It was therefore unanimously

VOTED: To recommend that the request of Howard Onstot et al for a change in the zoning plan from "A" Residence and First Height and Area to "B" Residence and Second Height and Area be DENIED.

C14-62-133 Mace B. Thurman: C to C-1
 1607-1609 Interregional Highway

STAFF REPORT: At one time beer was sold here and the applicant now proposes this same use in an existing restaurant. We feel that the Interregional at this point presents a problem for this type of use as it would create an extremely hazardous situation where there is a terrific amount of traffic already.

Mr. Thurman was present at the hearing and stated the following: I understand that the present building will be enlarged with an addition. We have enough parking area to meet the requirements as shown on a plan filed with the application. I am reserving the corner property for future development.

Reply to notice was received from Charles D. Nash, owner of nearby property, favoring the request.

A majority of the Commission felt that this request conforms to the policy on "C-1" applications in that this property is located in a well developed commercial area. Mr. Barrow questioned the problems created by access on this busy highway. Mr. Stevens stated that Mr. Thurman had originally indicated that he would provide access from 16th Street. Mr. Barrow said he felt the request should be denied because of inadequate access and because there is no assurance that access would be provided from 16th Street. It was then

VOTED: To recommend that the request of Mace B. Thurman for a change of zoning from "C" Commercial to "C-1" Commercial for property located at 1607-1609 Interregional Highway be GRANTED.

AYE: Messrs. Jackson, Spillmann and Wroe

NAY: Messrs. Barrow and Riley

ABSENT: Messrs. Brunson, Chriss, Kinser and Lewis

C14-62-134 C. B. Maufrais: D to C-1
131-143 South 1st St.

STAFF REPORT: This application is for development along Town Lake. This zoning change is requested for the purpose of the sale of beer in a restaurant. The building has access by a driveway to South 1st Street and also by a driveway to Barton Springs Road. The restaurant building has been approved by the Town Lake Committee but we feel that none of this property should be rezoned until the study of the entire area along Town Lake is completed and we recommend that this be denied pending completion of this study.

Mr. Maufrais appeared at the hearing and explained that they obtained a building permit and are constructing a nice building here for a restaurant to be operated by Mr. Marvin Young who has operated in other locations in Austin. Mr. Young was also present.

The Zoning Committee reported that this was referred to the Commission without a recommendation so that it could be considered by the full Commission. Mr. Barrow reported to the Commission that the Town Lake Committee had approved the type of building proposed at this location, but with relation to the "C-1" zoning he said he would like to see a small area. After considering the entire area and the surrounding zoning, the Commission felt that this would be the highest and best use for this property. It was therefore unanimously

VOTED: To recommend that the request of C. B. Maufrais for a change in the zoning plan from "D" Industrial to "C-1" Commercial for property located at 131-143 South 1st Street be GRANTED.

C14-62-135 Everett D. Bohls (owner): C to C-1
Mrs. Freddy Wells (lessee)
1150 $\frac{1}{2}$ -1152 $\frac{1}{2}$ Poquito St. and Rear 1916-1918 Rosewood Ave.

STAFF REPORT: This application is for the stated purpose of the sale of beer for off-premise consumption in connection with a grocery store. The property is located within the Urban Renewal development area and across the street from the Rosewood Apartment development which has 120 units housing families. There are single-family dwellings mixed in with commercial uses along Rosewood Avenue and we question whether this conforms to the policy on "C-1" requests.

Mr. and Mrs. Freddy Wells (lessee) were present at the hearing and stated the following: We operate the store here and with the competition of Town and Country stores at two nearby locations to the east and west, we need to include the sale of beer in the business which is mostly drive-in trade. Most customers have to pass the other stores to get to our store and there is another business on Webberville Road which sells beer. The children in the neighborhood would be less endangered than if they were near a place where they sell beer for on-premise consumption.

C14-62-135 Everett D. Bohls (owner) and Mrs. Freddy Wells (lessee)-contd.

Seven nearby owners appeared in opposition and written objections were received from seven owners. Reasons given were:

1. Although zoned "C" Commercial, this is mostly a residential district with a church nearby and many older people and a number of teachers in the area.
2. The government project (Austin Housing Authority) is across the street and people do not like to live in a district where they sell liquor and beer.
3. One owner stated that she owns some apartments north of this and they are full of children. The applicant has snow cones, ice cream, etc., and many children trade with him. She stated that children have a tendency to collect in places like this and it is difficult to tell a student from an adult.
4. The housing project across the street has about 900 children from ages 1 to 12 who would be affected by the sale of beer. One owner in objection stated that he operates a restaurant where children and students from Anderson High School come and they are the ones supporting his business, and since they could not drink the beer on the applicant's property they will be driving up and down the street from there drinking and causing disturbances.

The Commission noted that this operation is in a commercial area and felt that this is the proper use for the property. It was therefore unanimously

VOTED: To recommend that the request of Everett D. Bohls for a change of zoning from "C" Commercial to "C-1" Commercial for property at 1150 $\frac{1}{2}$ -1152 $\frac{1}{2}$ Poquito Street and Rear 1916-1918 Rosewood Avenue be GRANTED.

C14-62-136 Frank C. Barron and L. S. Landrum: A to GR
North Loop Blvd. and Woodrow Ave.

STAFF REPORT: We feel that this is definitely spot zoning and that the street pattern is inadequate. North Loop is designated as a secondary thoroughfare with a right-of-way of 90 feet and it is presently 50 feet. The traffic count is about 8300 cars per day at this intersection, most of it on North Loop. We have had two applications to the east which were recommended against and were withdrawn. We recommend that the request be denied as this would increase the traffic on an inadequate street and would create a spot zone in a residential area.

Mr. Landrum represented the applicants in this request and presented the following statements: In 1948, I built a rock house, 22'x22', on the back of this property with the expectation of building something else later, and then the regulations were changed. This is a one-bedroom house which is an un-

C14-62-136 Frank C. Barron and L. S. Landrum--contd.

desirable residence and too small to rent and I am not getting a profitable return on the property. I have about a \$2000 house on a \$3500 lot. My son and I are in the electric contracting business on the Burnet Road and if we could get our office here with a few trucks parked every night, it would help us. This would not hurt the neighborhood.

Mrs. Sue F. Hughes (5301 Aurora Drive) was present favoring the request and stated: I made application for office zoning at 1211 North Loop because of the nature of this street. We would like to make some use of the property. I have two rent houses and feel that they are not well located on this street for that use. Renters change because of too much traffic and it is difficult to get into the street from the property. The other streets are not burdened by the traffic.

Two other nearby owners appeared in favor and replies to notice were received from two other owners approving the request.

Twelve nearby owners appeared in opposition and written objections were received from 14 owners. Reasons given may be summarized as follows:

1. The recent history of the property, which includes many periods of vacancy, would seem to make a prima facie case against its present zoning as "A" Residence, or in other words, it would appear that no one likes to live there. Probably the chief reason that will be advanced is the heavy traffic on both Woodrow Avenue and on North Loop since they were paved. There are no sidewalks in the area and children have to walk in the street to get to school and this corner is very dangerous.
2. Another likely reason for the present state of the property and its recent residential history could be that little or no attempt has been made to maintain its status. Little attempt was made to bring the lot surface into attractive conformity with the curb levels of the new paving or to improve the exterior appearance of the dwelling and garage to match the improved streets. If such attempts had been made without success in maintaining occupancy one could be sympathetic to changed use, providing the changed use did not bring blight on nearby areas. But in this case I feel the proposal should be denied on both counts. First, as noted above, sincere attempts at improvement do not appear to have been made, and second, the alternative use is likely to depress the residential value of the contiguous areas for a long time into the future as the spectre of commercial inroads hangs over every potential residential improvement.
3. Within a few blocks in every direction are more than adequate commercial facilities of every description, all with adequate off-street parking, and representing heavy commercial investment. These businesses are competing with similar businesses in the downtown area and have caused inroads from business developments still further out. What then is to be

C14-62-136 Frank C. Barron and L. S. Landrum--contd.

gained by providing still more local business competition while at the same time destroying the residential backbone that must support the existing commercial community? Owners bought homes in this restricted area because it was close to schools and a residential area, and yet convenient to shopping areas in all directions.

4. When spot zoning is permitted, it is often the opening wedge for further changes which detract from a residential area. There are still many available commercial sites in Austin which do not encroach on established residential zones.

It was felt by the Commission that this would not be suitable for the area as it would create a spot zone in the midst of a residential area. It was therefore unanimously

VOTED: To recommend that the request of Frank C. Barron and L. S. Landrum for a zoning change from "A" Residence to "GR" General Retail for property located at 1400 North Loop Boulevard and 5300-5304 Woodrow be DENIED.

C14-62-137 Theo P. Meyer, Jr.: A to B, 1 to 2 (as amended)
4204-4212 Red River St.

STAFF REPORT: This request was made for the purpose of erecting an apartment hotel. Under the zoning requested ("C" Commercial), 128 units would be permitted in an apartment hotel. We feel that this definitely is spot zoning and would permit excessive density which would encroach into a well maintained residential area. While this is across the street from Sears shopping center, we recommend against the change for the above reasons. The applicant has indicated that he would amend the application to request "B" Residence and the staff feels that the same reasons for denial would apply. "B" Residence and First Height and Area would permit 42 apartment hotel units and "B" Residence and Second Height and Area would permit 84 units.

Mr. Robert C. Sneed (attorney) represented the applicant at the hearing. Also present in support of the request were Mr. and Mrs. Meyer (applicants) and four nearby owners. Mr. Sneed presented the following information:

1. Mr. Meyer has this property under contract for sale subject to a change in zoning. I request that the application be amended to ask for "B" Residence and Second Height and Area. The proposed use of the property is an apartment house. I think the recommendation of the Planning Department is contrary to the usual and customary recommendation of this Department and the Commission. We now have in this particular area, when the Sears tract is completed, two regional shopping complexes which will contain more square footage than the downtown area as far as shopping is concerned. Sears will be one-half the size of downtown Austin.

C14-62-137 Theo P. Meyer, Jr.--contd.

This means the thoroughfares designated will become main traffic arteries flowing into this development. 38th and 45th Streets feed directly into this complex.

2. Other zoning was done to the south before the Sears development was started. There will be a development of commercial around the shopping center. There were no changes along Red River down to this place until the Sears tract was zoned. The logical method of zoning recommended by the Planning Department has been gradation zoning. The logical protection of the residential area is to zone this for apartment development and there will not be a spillage of commercial into the residential area. The golf course is a barrier and also St. Mary's Academy. The remaining area of protection is the strip to the north. This apartment house development will complete the protection. This is the place that is coherent in the City of Austin. We feel this will be a proper buffer. The residential area would receive the best protective development. We plan between 54 and 62 units.
3. The same thing will happen to the Sears area that has happened to residential property around Capital Plaza. The problem traffic-wise will be at Sears but there will be a parking area there for 3000 cars. Red River south of this property is 80 feet wide and if it needs to be widened we will give our part and if it is to be paved we will pay our part. The normal flow of traffic will be to 41st Street and into the Interregional Highway.

There were 22 nearby owners at the hearing opposing the change and written objections were filed by 12 owners. Reasons given may be summarized as follows:

1. This change would lower the valuation of our homes in this area which is one of Austin's most beautiful residential sections as we own our homes and take great pride in beautifying our yards to make an ideal area in which to live. We have all worked hard and spent large amounts of money to make this a most desirable residential section. In Mr. Sneed's talk he continued to compare our residential area to Capital Plaza area which went commercial. After all, there is no comparison as that area never had the lovely homes that we have. It was a much cheaper neighborhood and rather thinly populated.
2. We chose to locate here because we felt that our zoning laws gave us protection and the assurance that the character of our area would not be violated. There were recreational facilities nearby and very little traffic. At that time it appeared that there would be no commercial encroachment whatsoever.
3. Regardless of how costly an apartment house might be, it will be no asset, as it always brings in undesirables regardless of how much the

C14-62-137 Theo P. Meyer, Jr.--contd.

managers might try to keep them out. Apartment renters are never permanent and would have no interest in spending their money to add to the beauty of the neighborhood. The swimming pool will be noisy and depreciate property. 50 to 60 apartments will add from 75 to 100 cars.

4. There is no need for multiple units here and there are other areas available and zoned for apartment development where homes will not be disturbed. In discussing apartment rentals with students, we found that they are finding ample available apartments.
5. If once the barrier is broken the entire neighborhood is ruined. Apartment building is definitely at its peak and after this is over we will have nothing but run-down, shabby houses, with neighbors moving out. The filling station at 41st and Red River is vacant and that indicates what might happen if other than residential uses cross Red River. If we once let other zoning cross Red River in one spot then it will spread. We hope to hold as residential the area between Red River and Duval where 90 per cent own their own homes.
6. This proposed use would greatly increase the traffic on Park Boulevard and create a hazard as there is definitely no space for parking on Red River and Sears' development will create some parking damage. There are no sidewalks on Red River for the safety of school children walking to Robert E. Lee School. Red River could not be made 80 feet wide anywhere from 1st Street to where it ends at Ridgetop School without the City buying expensive homes. Existing apartments on Duval and Red River Streets create a terrific parking problem. These and Medical Arts Square do not provide sufficient off-street parking. People will park on both sides of the streets and that leaves space for only one line of moving cars.

The Zoning Committee reported that some members had expressed a desire to study this property and area on the ground before making a decision and that the case had been referred to the Commission without a recommendation.

At the Commission meeting, the Director presented and summarized letters from Mr. W. W. Patterson and Mrs. A. A. Tisdale which were received after the summary of testimony at the hearing was prepared for the Commission. Mr. Sneed then presented some statements summarizing his plea and expressing his opinion that Red River Street would not provide a shield for the nearby residential area but that the apartment development would serve as a shield. He further felt that there has already been an encroachment across Red River and that there will be more in the future. The Director expressed his opinion that the applicants do not have sufficient area to protect the surrounding neighborhood and that this request involves two tracts of land and the present Ordinance affords no protection in the type of apartment development. He called attention to the fact that the City had provided a 50-foot buffer strip along Red River and a 60-foot buffer zone along the north property line of the Sears tract.

C14-62-137 Theo P. Meyer, Jr.--contd.

The Commission concluded that this should be denied as a spot zone and an encroachment into a well developed residential area, and that a buffer zone has been provided along Red River Street for the protection of this property. It was therefore unanimously

VOTED: To recommend that the request of Theo P. Meyer, Jr., for a zoning plan change from "A" Residence and First Height and Area to "B" Residence and Second Height and Area (as amended) for property located at 4204-4212 Red River Street be DENIED.

C14-62-138 James H. Hawley and Stephen K. Hawley: B to O
904-908 West Avenue

DIRECTOR'S REPORT: This request includes the application for a lot on West Avenue and the additional area (lot) at the corner of West Avenue and West 10th Street. This area is designated in the Master Plan for high density residential. The area study by the Planning Department and Commission has concluded that "O" Office zoning is appropriate to the area and in keeping with the intent of the Plan to provide a mixed apartment and office area to the west of the Central Business District. The complication to the case arises when the width of West 10th Street from West Avenue to Lamar is considered. With only 35 feet of right-of-way, neither the general traffic nor any new commercial traffic can be adequately handled. It is recommended that the zoning change (application plus additional area) be granted with the condition that the City Council establish a future street right-of-way line (or building line) 30 feet from the existing centerline of West 10th and that all new construction be set back the required distance from this new right-of-way line. This construction would allow for additional rezoning in the area without having to consider the West 10th Street right-of-way in each case. In other words, it would provide for a comprehensive zoning change in which the future street would be protected regardless of the kind of development.

Mr. James H. Hawley was present and stated that this property is under contract of sale to a lady who plans to have an antique shop and live on the property. He felt that this will fit into the uses in the neighborhood.

Mr. Jack J. Aills (609 West 9th Street) appeared in favor of the change and a written statement that this is an orderly and proper transition was received from Earl E. Simms, Jr.

The Commission reviewed and concurred with the recommendation of the Director with regard to a setback or building line along West 10th Street and noted the fact that this would apply only to the additional area at the corner of West 10th and West Avenue and included for purposes of hearing. It was felt that "O" Office is the proper zoning of this property and other property in the area provided West 10th Street can be widened to carry the present and additional traffic added by office uses. It was therefore unanimously

C14-62-138 James H. Hawley and Stephen K. Hawley--contd.

VOTED: To recommend that the request of James H. Hawley and Stephen K. Hawley for a zoning change from "B" Residence to "O" Office for property at 904-908 West Avenue be GRANTED; and that the property located at 910-912 West Avenue and 801-803 West 10th also be included in the change; with the understanding and urgent appeal that the City Council will establish a building line for all new construction along West 10th Street.

C14-62-139 Burke Matthews: C to C-1 (as amended)
209 North Loop Blvd.

STAFF REPORT: This application has been amended to include only a small part of the entire tract where the sale of beer is proposed. We feel that this conforms to the policy as this is a well developed community center and recommend that the amended request be granted.

Mr. Matthews was present at the hearing and stated that he owns the shopping center and that the U-Totem people have agreed to lease an area about 45'x45' in size provided they can sell beer. He said they seem to be the only tenants he has found who want to lease this building.

Written comments were received from five nearby owners who approved the change for the following reason: This is an economically sound change that should not adversely affect the value of property in the neighborhood.

Written objections were filed by two owners for the reason that this use will invite people of low standards and morals, an element residents of the area do not want, it would cause serious traffic hazards, and would lower the material value of property in the area.

At the Commission meeting, the staff reported that the applicant has amended his application to request a smaller area for the "C-1" zoning to include only the building affected. The Commission felt that this request conforms to the policy on "C-1" requests in that the location is in a well developed community center. It was therefore

VOTED: To recommend that the request of Burke Matthews for a change of zoning from "C" Commercial to "C-1" Commercial (as amended) for property located at 209 North Loop Boulevard be GRANTED.

C14-62-140 T. A. Kirk: Tract 1: B to C-1, 2 to 1 (as amended)

Rear 7541-47 N. Lamar and Rear 721-29 Morrow

Tract 2: B to GR, 2 to 1

7513-49 N. Lamar and Rear 721-731 Morrow

STAFF REPORT: When the original subdivision of this area was planned, the developers set aside this property for apartment development and the area to the north for commercial use. The new owner is requesting "C-1" Commercial

C14-62-140 T. A. Kirk--contd.

for Tract 1 and "C" Commercial for Tract 2. There is strip commercial zoning along Lamar Boulevard except for a large commercial tract to the north which will probably be developed as one unit. We think there should be some protection for the adjoining residential areas and are recommending that "GR" General Retail be established for Tract 2 and "GR" for Tract 1 until the owner establishes the location of the building in which he wants a "C-1" use, and we would then recommend "C-1" for that area.

Mr. Isom Hale (agent) represented the applicant and stated the following: I believe the recommendations of the staff conform to the desires of the owner. There is commercial around this tract and it was consistent to request "C" but I think "GR" will permit any uses proposed. Mr. Kirk plans a U-Tote'm type of store on Tract 1.

Reply to notice was received from Mr. Chas. E. Curtis (7620 North Lamar) approving the change.

Mr. E. S. Johnson, Jr. (710 Crestland Drive) and Mr. Douglas W. Murphy (708 Crestland Drive) appeared in opposition. Mr. Johnson said this would adjoin his lot on which there are restrictions to residential development, and that since the property across Lamar and to the west is commercial he did not think there is a need for this to be zoned "C" Commercial.

At the Commission meeting, the staff reported that the applicant had submitted an amendment to his application and is now requesting "GR" General Retail and is locating the "C-1" Commercial on an area 100'x125' within Tract 1 and requesting "GR" General Retail for the remainder of this tract. The Commission concluded that this would be the proper zoning for these tracts because of the pattern of commercial zoning along North Lamar. It was therefore unanimously

VOTED: To recommend that the request of T. A. Kirk (as amended) for a zoning plan change from "B" Residence and Second Height and Area to "C-1" Commercial and First Height and Area for property located at the rear of 7541-47 North Lamar and rear of 721-729 Morrow Street (Tract 1) and from "B" Residence and Second Height and Area to "GR" General Retail, First Height and Area for property located at 7513-49 North Lamar Boulevard and 721-731 Morrow Street (Tract 2) be GRANTED.

C14-62-141 Wayne Burns: B to A, 2 to 1

Guadalupe, Morrow, Delafield, Creston and Paxton

STAFF REPORT: When the original subdivision of this area was planned, the developers set aside a certain area for apartment development and the area to the north for commercial use. The new owner is proposing single-family use of this area in his subdivision known as "Tempo North" and is requesting that the zoning be changed to "A" Residence in accordance with the preliminary subdivision plan. Our recommendation is that this request be granted as it conforms to the subdivision plan.

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Reg. Mtg. 9-25-62

CL4-62-141 Wayne Burns--contd.

Mr. Isom Hale (agent) appeared for the applicant but offered no statements in addition to the staff report. Replies to notice were received from two nearby owners approving this change.

The Commission felt that the "A" Residence zoning would provide for the highest and best use of this property and is in conformance with the new subdivision plan. It was therefore unanimously

VOTED: To recommend that the request of Wayne Burns for a change of zoning from "B" Residence and Second Height and Area to "A" Residence and First Height and Area for property at Guadalupe, Morrow, Delafield, Creston and Paxton Streets be GRANTED.

SPECIAL PERMIT

CP14-62-5 James M. Gault: General Hospital and Clinic
407-501 Woodward Street

STAFF REPORT: The site is to be developed with a General Hospital and Clinic consisting of a 90'x184' main building with 80 beds, four separate structures to be used as convalescent cottages with 20 beds, a chapel building, and a 24'x60' staff apartment building. The plan indicates 84 parking spaces with two driveway entrances and exits from Woodward Street. There are 41 parking spaces proposed in front of the main building and 43 spaces in the rear with a double or two-way driveway along the side of the main building to the parking in the rear. The convalescent cottages and chapel are to be located behind or south of the main building. The site consists of a 5.06-acre tract with average dimensions of 231 feet wide by 955 feet deep.

The property is presently outside the city but adjoins it and there is at present an application for annexation to the city. We find in measuring the parking spaces that they do not meet the requirements of the Zoning Ordinance and if they comply they lose several spaces. We feel the arrangements is a problem. The ambulance entrance is awkward. We do not feel that the use conflicts with the Development Plan. We do feel that the site plan has problems as it is not developed on the rear two-thirds of the property. The area contains approximately 5 acres which meets the minimum area for a hospital. We do not know how the rear two-thirds of the tract will be used. We feel the location of the building is too close to the rear and does not provide sufficient parking on the rear. The location of the building would make it difficult to add to it.

Mr. Tom Penick told us there is an industrial street on the south which dead-ends at the south end of this property and he and we feel this street should be extended northward to connect with Woodward. This street could be located along the side of the tract but this would require a complete re-arrangement of the buildings. We feel this should be determined before the site plan is

CP14-62-5 James M. Gault--contd.

approved. A relocation and extension of this street would require a subdivision plat. We questioned whether or not the apartments for the staff would be permitted in an "A" Residence District. Mr. Paul Jones (Assistant City Attorney) said the problem is whether or not this apartment would be considered as an accessory use under the Ordinance. He said he has found, where necessary, single resident physicians and staff members are normally housed at the hospital, in some cases housing is provided for them at a cost. It was his opinion that this would be permitted in connection with the hospital if it is only for the staff, and it would customarily be considered as an accessory use to the hospital.

The following comments were received from City Departments:

- Building Inspector - Disregarding the building details, I see nothing wrong with the plot plan. Some of the parking spaces are too small, however there are approximately 29 spaces to spare.
- Fire Prevention - O.K.
- Office Engineer - Plan O.K. Separate request required for driveway approaches. Area pending annexation.
- Health Unit - Approved: Sanitary sewer available, subject to final approval of hospital plans by State Health Department.
- Electric - Primary metered. Electric work to be installed by customer.
- Director Public Works - Driveway locations and widths O.K.
- Traffic & Trans. - O.K.
- Advanced Planning -
 1. The parking area should be revised to provide adequate stall sizes and driveways.
 2. Accessibility to the ambulance entrance and service area should be improved.
 3. Parking for staff apartments should be based on off-street parking requirements for apartments (dwelling units).
 4. Woodward Street is classified as a secondary thoroughfare in the Austin Development Plan. The right-of-way required is 90 feet.
 5. The subject tract is located in an area designated for industrial use in the Austin Development Plan.

Mr. Robert C. Sneed (attorney) appeared for the applicant and presented the following statements: We would like to file an amendment to move the building back to provide the parking area of 180 square feet per parking space and the necessary parking spaces, and to re-arrange the ambulance entrance. This will not be an emergency ambulance service as these cases are taken to Brackenridge Hospital. This would not present the same problem as an emergency. We can have the revised site plan for the Planning Commission meeting. The Development Plan provides for a hospital in this area and it is within one-half mile of this particular location. We will consider the recommended location of the industrial street extension.

Planning Commission -- Austin, Texas

Reg. Mtg. 9-25-62

CP14-62-5 James M. Gault--contd.

Mr. Gault was also present and stated the following: The area would be better served by the street to the east. We would like to have our long narrow strip to have access other than that street. It would also serve Mr. Penick's property. The property on the west is divided into several ownerships.

Three nearby owners appeared in favor of the proposed development and the staff was advised by telephone that St. Edwards University had no objection.

The Commission reviewed the site plan which had been revised to meet the requirements of the City departments. The Director called attention to the fact that Woodward Street is proposed as a secondary thoroughfare and thought that the present right-of-way should be widened approximately 15 feet across the front of this property. He noted that the site plan involves only the use of the front portion of the property for a depth of about 315 feet and that the balance of the property would be vacant land. He questioned whether or not the hospital can expand to the rear under the site plan as presented. Mr. Gault explained that the hospital could be expanded but their administrator does not want to expand it. In response to a question regarding the parking arrangement, Mr. Gault said there would be only 8 people in the apartments, that the type of construction is limited by the width of the property, and that the reason 5 acres was purchased was to comply with the Ordinance requirements. Mr. Osborne stated that he felt the parking is adequate and that under special permit provisions the Commission can approve the plan and any minor changes which are improvements may be approved by the staff.

Mr. Riley called attention to the service entrance and driveway which have blind corners at the back of the building but it was recognized that the width of the property would affect the design of development.

The Director mentioned the existing roadway to the south, which is not a dedicated street, and explained that it was the intention when this was established to extend this roadway northward to Woodward Street. He said that in reviewing the area he did not feel that the City is in a position now to establish a street pattern and had asked the applicants if they would agree to develop a street across the southeastern portion of the property if it is needed in the future. He thought that until Mr. Penick and Mr. Jung complete their plans there is no basis for locating this street. A letter was filed by Mr. Gault stating that he agreed to dedicate for street purposes at any time hereafter when requested by the City of Austin up to 18,400 square feet of land out of the south 150 feet of this property, and also agreed to pave, curb and gutter such roadway in accordance with the specifications established by the City of Austin in relation to the laying and building of public streets, recognizing that the City of Austin will designate the route of the roadway.

Upon review of the site plan and the above discussion, the Commission

VOTED: To APPROVE the site plan as revised with no extra conditions and to authorize the Chairman to sign the necessary resolution issuing the Special Permit.

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of September 17, 1962. The staff reported that no appeals had been filed for review of the Committee's action but that one case had been referred to the Commission without action on:

C8-62-59 Cherrylawn Section 2

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of September 17, 1962, on the minutes of this meeting.

PRELIMINARY PLANSC8-62-58 Wilbarger Place Sec. 2
Manor Rd. and E. 51st St.

The staff reported that this subdivision was previously postponed to permit the subdivider to study a suggested layout for his property, and that the owner has verbally accepted the Department's suggested layout but has not submitted a revised plan. The Committee therefore

VOTED: To DEFER action on this subdivision until the next Subdivision Committee meeting.

C8-62-59 Cherrylawn Sec. 2
Manor Rd. and Walnut Hills

It was reported by the staff that additional easements are necessary and that a variance is needed for Lot 5 which has a small area at the rear which does not have the required minimum width of 50 feet. This variance on Lot 5 was recommended since this small area cannot be used for any other purpose. Mr. John Sellman (subdivider) stated that this small area was originally acquired because there was a water well located there and was included with this property when it was acquired by the present owner.

The Committee looked with favor on the inclusion of the area with Lot 5 and realized that the land can serve no other purpose since the subdivider does not own the adjoining property in which this area might be included for other uses. It was then

VOTED: To REFER this subdivision to the Planning Commission pending establishment of a policy regarding the granting of variances.

The Commission considered the REFERRAL of this subdivision. The staff reviewed the discussion at the Committee meeting and explained that since that time a question has arisen because this subdivision includes two culs-de-sac

C8-62-59 Cherrylawn Sec. 2--contd.

with lots of less than 35 feet of frontage. The Director suggested that the plan be given conditional approval and that the Ordinance requirements would then be applicable when the final plat is considered. The Commission therefore

VOTED: To GIVE CONDITIONAL APPROVAL to the plan of CHERRYLAWN SECTION 2 subject to departmental requirements, and the condition that the width of the dogleg portion of Lot 5 and the frontage of cul-de-sac lots comply with Ordinance requirements at the time the final plat is approved.

C8-62-60 White Plains Sec. 4

Wagon Trail and North Lamar Blvd.

It was reported by the staff that Newmont Road is shown as a proposed continuation of a collector street which was requested when White Plains Section Two to the south was subdivided, but that there is a question of what will happen to the north since there is an existing north-south street further to the east and the property along Kramer Lane has been Subdivided. It was felt that there would be no problem for the development of the adjoining undeveloped tract on the south with regard to this collector street.

Attention was called by the staff to lots facing Newmont Road and backing to adjoining lots but it was noted that with the future development of the adjoining tract to the north it is possible that there would be lots facing in the same direction. Attention was also called to lots fronting on North Lamar and backing to adjoining lots and the possibility that these lots might be developed commercially, although they have not been designated on the plan for other than residential use. It was assumed that all of this subdivision would be developed for single-family use since no other designation has been shown as required by the Subdivision Ordinance for other uses.

The Director called attention to the long strips of land under separate ownership and said the Department is trying to tie the existing streets together, taking into consideration the intervening undeveloped tracts. He suggested a jog in the collector street to the north to avoid an extra drainage crossing when that property is developed.

Mr. Isom Hale (engineer) reported that Mr. Nelson Puett (subdivider) has sold two lots fronting on North Lamar but he does not know the use proposed.

The Committee then

VOTED: To DISAPPROVE the plan of WHITE PLAINS SEC. 4 subject to compliance with departmental requirements.

SUBDIVISION PLAT - CONSIDERED

C8-62-28 Crestland
Rogge La. and Gloucester La.

The staff reported that Lot 13 has been deeded to the City subject to a 10-year limitation pending a decision on the need for a street at this location, and that the plat now is ready for final approval. The Committee therefore

VOTED: To APPROVE the plat of CRESTLAND.

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following plats:

C8s-62-92 Allandale North Sec. 1, Resub. Lots 19-22, Blk. D
Belford Drive
C8s-62-112 W. M. Gephart Sub.
Braker La. and Middle Fiskville Rd.
C8s-62-121 James E. Bouldin Addn., Resub. Lot 9, Blk. 1
South 3rd St. S. of Johanna

C8s-62-120 Bergstrom Terrace
Dalton Lane

The staff reported that fiscal arrangements have not been completed and a variance on street width requirements is needed for Dalton Lane and is recommended since the subdivider has given his share for the necessary widening. It was requested that the staff be authorized to give administrative approval when fiscal arrangements have been completed. The Committee therefore

VOTED: To DISAPPROVE the plat of BERGSTROM TERRACE pending completion of fiscal arrangements, to grant a variance from the Subdivision Ordinance on street width requirements for Dalton Lane, and to authorize the staff to give administrative approval when fiscal arrangements have been completed.

ADMINISTRATIVE APPROVAL

The staff reported that 4 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:

ADMINISTRATIVE APPROVAL--contd.

C8s-62-108 Fairview Park Addn., Resub. Lot 25 & W.35.5' of Lot 26
Newning Ave. and Academy
C8s-62-117 Monte Vista, Resub. Pt. Lots 1 & 2, Blk. D
Bowman Ave. W. of Hillview
C8s-62-118 George L. Robertson Sub.Lot 3, Blk. 7
E. 11th E. of Waller St.
C8s-62-119 Ridgetop, Resub. Pt. Lot 1, Blk. 0
E. 53rd & Harmon

REPORT

C8-62-42 Flournoy's Eastern Hills 3
Webberville Road

The Director reviewed former action of the Committee approving the plan of this subdivision subject to departmental requirements and reported that the Department has been advised by the Drainage and Water Departments that their reports cannot be made complete for the reason that the topographic information on the plan is inadequate. He said he has informed the owner and the engineer that they do not have approval of this plan as compliance with departmental and Ordinance requirements has not been met. Mr. Nicholson said that Mr. Flournoy (owner) has taken a copy of this plan to discuss with the engineer but he has had no report.

PRELIMINARY PLANS

C8-62-42 Flournoy's Eastern Hills Sec. 3
Bandera Rd. and Adina St.

The staff reported that this plan was previously considered but no action was taken because of a report from the Drainage and Water Departments that topographic information on the plan was inadequate for them to make reports. It was further reported that the revised plan has been submitted with new contour lines but there is some problem concerning drainage easements in one portion of the plan and two guy easements are required by the Electric Department, also that the Drainage Department requires a 60'x70' easement near Heflin Lane. Mr. Whitney said the reason for bringing this up now is that Mr. Flournoy has filed a final plat on a portion of this subdivision and is requesting that the Commission approve that portion of the plan included in the final which does not include the area affected by the easements. The final plat includes 12 lots out of the total 59 lots. The Director stated that because of the delay the subdivider has encountered, he felt that this could be done. The Commission then

VOTED: To APPROVE that portion of the plan of FLOURNOY'S EASTERN HILLS SECTION 3 included in the final plat submitted at this meeting, subject to departmental requirements.

C8-62-60 White Plains Sec. 4
Wagon Trail and North Lamar Blvd.

Mr. Whitney called attention to a 10-foot strip along North Lamar Boulevard which was reserved on the plan for widening of the right-of-way, and that the Department is requesting that the actual widening be shown. The Director said he has been advised that "reserved" areas do not assure this area for future streets and that the right-of-way should be dedicated.

Mr. Isom Hale said it was their intention to reserve this 10-foot strip on the final plat for the widening of Lamar. His understanding of the City Council policy was that the City would acquire all right-of-way over 70 feet and that was the reason for the reserved area. He noted that there has been no dedication of widening on the east side of Lamar Boulevard (Mr. Osborne said most of this property was subdivided prior to the adoption of the Development Plan), and that he could not find any evidence of widening on the west side. The staff called attention to some widening which had been required on the west side (Neans Place Section 2, Part 1). Mr. Hale then said they were willing to dedicate this strip but it is outside the city limits. Mr. Barrow expressed his opinion that the policy of the City Council was that the City would acquire the additional land for right-of-way when it is needed and that under the policy as he read it from the Subdivision Ordinance, he felt that the subdivider should dedicate this additional right-of-way. Mr. Osborne agreed that this right-of-way should be dedicated. The Commission then

VOTED: To DISAPPROVE the plan of WHITE PLAINS SEC. 4 because North Lamar Boulevard has inadequate right-of-way to meet the standards of the Austin Development Plan.

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:

C8-62-42 Flournoy's Eastern Hills Sec. 3, Phase 1
Bandera Rd. and Adina St.

C8-62-47 Northmoor Park
Dry Creek Dr. W. of Bull Creek
(Disqualified: Mr. Barrow)

C8-62-61 Lakewood Park Sec. 2, Lot 10, Blk. D
Laurel Wood Road

This is a one-lot final out of a preliminary subdivision and this one lot has some problems which have not been worked out with the Water Department. The staff requested authority to record the plat after the Water Department has approved it. This was granted by the Commission.

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C8-62-60 White Plains Sec. 4
Wagon Trail and North Lamar Blvd.

It was recommended by the staff that this plat be rejected for filing because the additional right-of-way for widening Lamar Boulevard has not been provided as a dedication. The Commission therefore

VOTED: To REJECT for filing the plat of WHITE PLAINS SEC. 4.

SUBDIVISIONS - CONSIDERED

C8-58-20 Harry Kelley Sub. Sec. 1
Bastrop Highway

The Harry Kelley Subdivision was first considered in 1958 and a one-lot subdivision with a schematic plan for the balance of the property. The Subdivision Committee at that time gave approval subject to the following conditions:

1. Identification of the easement on the plat as a drainage and public utility easement on the east and south sides of Lot 1.
2. Showing of volume and page of a separate instrument dedicating the street, which instrument should be recorded simultaneously with the final plat. Mr. Rainey said the instrument of dedication would be executed and then presented to the Planning Department for recording with the final plat, and that the street and the volume and page of dedication would be shown on the plat.
3. Showing of a street name for the proposed street to be shown on the plat.

This preliminary action expired and the Subdivision Committee again considered the plan as refiled by the subdivider August, 1960. At this meeting it was represented to the Committee that Gulf Boulevard was a dedicated street as a dedication had been offered to the public by entry into the County Deed Records. Also, at that time the Committee discussed the matter of whether or not this street had been accepted by the City. Mr. Nicholson of the Water and Sewer Department stated that water and sewer lines will be needed in this street and that utilities and paving will have to be taken care of when the final plat is considered. The Committee then

VOTED: To APPROVE the plan of HARRY KELLEY SUB. subject to compliance with departmental requirements and subject to the showing of the following information on the plan:

1. Building setback lines on the plan,
2. Boundary survey of Section 1,
3. Acreage of Section 1, and
4. Location sketch.

C8-58-20 Harry Kelley Sub. Sec. 1--contd.

The property has since changed hands and Mr. Odas Jung is now the owner. His engineer, Mr. Doak Rainey, is trying to get final approval of the subdivision. In going through the file to determine what was necessary to complete it for final approval the staff determined the following:

1. Fiscal arrangements for water line in Gulf Boulevard.
2. Fiscal arrangements for storm sewer pipe.
3. Fiscal arrangements for development of Gulf Boulevard. (Paving curb and gutters).
4. Annexation for the portion of this one lot that is not out of the city.

Mr. Rainey was so informed of these requirements and he attempted to comply with them with one exception - that being the development of Gulf Boulevard as a city street. Mr. Rainey felt that he has met the conditions imposed by the Subdivision Committee by his dedication offer to the public of Gulf Boulevard. Also, that it was never his understanding that the Commission intended to have this street developed, but would intend to have it serve as an outlet only to the balance of the property as shown on the schematic plan. He therefore asked approval of the final plat, leaving Gulf Boulevard in its present status - that being a street not accepted by the city and not developed to city standards. The staff is now asking the Planning Commission what the intension was in 1958 and 1960 regarding Gulf Boulevard as a city street.

The Director stated that the original subdivision plan as considered was for a residential subdivision and it now appears that it is to be used as a junk yard. There is a salvage yard next to it which may be in violation of the Zoning Ordinance for that portion inside the city limits. The Director further stated that the Harry Kelley Subdivision was out of a tract of land 2000 feet long and that access to the rear portion of the property is cut off without a street for access.

Mr. Jung stated that he owned the property behind this one lot and at the time the subdivision was originally filed, it was for residential use but after the highway was developed and a junk yard came in next to the property, he changed his plans. The street was originally planned to serve the residential property to the rear, but Mr. Jung now proposes to leave it as it is as dedicated with no change in status. Mr. Jung further stated that the people on the west dedicated the street because he wanted it as he had sold the lot to the west and had required the street agreement.

The Commission concluded that they should have a current preliminary to fit the current proposals. It was therefore

AGREED: That the owner could develop the street to city standards and proceed with the present final plat or that it would approve a two-lot short form without showing the street which would include the lot to the west and all of Mr. Jung's property.

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C8-62-25 Richland Estates Sec. 1
Dalton La. and Sherman La.

It was reported by the staff that fiscal arrangements have not been completed and all departmental reports have not been received, and that this property needs to be annexed to the city. The staff requested authority to poll the Commission when these have been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of RICHLAND ESTATES SEC. 1 pending completion of fiscal arrangements and receipt of necessary departmental reports, and to authorize the staff to poll the Commission when these conditions have been met.

C8-62-31 St. John's Commercial Area
Denson Dr. and Airport Blvd.

The staff explained that there was a strip of land between the railroad and Airport Boulevard which the Department requested not be made a lot, and that a note was placed on the plat that any lot of Blocks A and B between the railroad and Airport Boulevard will become a part of the lots adjacent to the railroad and that this will not at any time be a separate lot. Mr. Stevens stated that the staff would like to have the approval of this statement by the Legal Department and for the Commission to authorize the staff to hold the plat from recording until it has been so approved. The Commission then

VOTED: To APPROVE the plat of ST. JOHN'S COMMERCIAL AREA and to authorize the staff to hold the plat from recording until the statement on the plat regarding provision for lot separation is approved.

C8-62-52 Springdale Hills (Revised)
19th St. and Tannehill La.

The staff reported that this plat has been revised to provide the required area and width for septic tank installation for the corner lots, but that Lot 2, Block B, and Lot 2, Block C, adjoining the corner lots are below the required width. Mr. Thomas Watts (Marvin Turner Engineers) said the Health Department has stated that they would approve these lots. The Director felt that under the Ordinance this plat would have to be disapproved. Mr. Barrow stated that the Commission is in favor of amending the Ordinance to require an average width of 60 feet instead of a minimum width but this cannot be done at this time. He suggested that the lot lines between the corner lots and the adjoining lots could be removed to make the four lots into two lots. The Commission then

VOTED: To APPROVE the plat of SPRINGDALE HILLS as revised with removal of the lot lines between Lots 1 and 2, Block B, and Lots 1 and 2, Block C, from the plat.

SHORT FORM PLATS - FILED

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

VOTED: To ACCEPT for filing the following plats:

C8s-62-116 Bothmer Addition
Bluff Springs Rd.
C8s-62-122 Northwestern Industrial Addn., Resub. Lot 6, Blk. 5
United Dr. and U. S. Hwy. 183
C8s-62-123 Lancaster Subdivision
Montopolis Drive

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following plats:

C8s-62-110 Kings Subdivision
Pecan Springs Rd.
C8s-62-120 Bergstrom Terrace
Dalton Lane

C8s-62-8 Meiske & Moritz
U. S. Hwy. 183

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

VOTED: To DISAPPROVE the plat of MEISKE & MORITZ pending completion of fiscal arrangements.

C8s-62-124 Edwin Kovar Subdivision
Matthews La. and Albert Rd.

This plat has the approval of all the departments but it involves subdivision of a tract of land where one owner (M. E. Bethke) has a water tap and will not sign the plat. The owner of the north tract owns two adjacent lots in an approved subdivision on Matthews Lane, but if these two lots are sold and this subdivision approved, the interior portion of the north tract would be without access to a street. The subdivider is requesting a variance on signature requirements. The subdivider is asking that this rear portion not be included in the subdivision. The Commission then

VOTED: To APPROVE the plat of EDWIN KOVAR SUBDIVISION and to grant a variance from the Subdivision Ordinance on signature requirements.

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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-62-113 Pecan Valley, Resub. Lots 20-22, Blk. 5
Spur Street
C8s-62-125 Huntland Heights Sec. 1, Resub. Lots 9, 10, Blk. 8
Miranda Dr.

OTHER BUSINESS

C10-62-1(c) STREET VACATION
 Westerly 10' E. 51st St. N. of Manor Rd.

The staff reported that this request has been referred back to the Commission for reconsideration. The Director reported that property abutting 51st Street is all proposed for single-family development and that since the original consideration the question of ownership of the vacated 10-foot strip has been settled and that the vacated portion would revert to the abutting property owners according to advice from the Legal Department. Since 51st Street is designated as a secondary thoroughfare with 90 feet of right-of-way required and it now has 100 feet, the Commission

VOTED: To recommend that the westerly 10 feet of East 51st Street north of Manor Road be VACATED subject to the City retaining the necessary easements.

C10-62-1(n) ALLEY VACATION
 E. 18th St. Alley bet. San Jacinto Blvd. and Trinity St.

The staff reported that this alley is not opened because of the terrain as the alley extends down the hill. It was further reported that all City departments have approved the vacation. The Commission therefore

VOTED: To recommend that East 18th Street Alley between San Jacinto Boulevard and Trinity Streets be VACATED subject to the City retaining the necessary easements.

C10-62-1(o) STREET VACATION
 30' unnamed street E. from McNeill Rd.

It was reported by the staff that this 30 feet of an unnamed street was dedicated in a subdivision with the condition that if the other 30 feet was not dedicated within 10 years this would be vacated. This dedication extended for several hundred feet into the county. The Commission felt that there is no need for this street and it was therefore

C10-62-1(o) 30' Unnamed Street Vacation--contd.

VOTED: To recommend that the portion of the 30-foot unnamed street east from McNeill Road as shown on the attached plan that is within the city be VACATED subject to the City retaining the necessary easements.

C2-62-1(d) DEVELOPMENT PLAN AMENDMENTS
John O. Raney Subdivision

A written request from Mr. John O. Raney was presented and covered the following:

1. This is a three lot residential short-form subdivision on Weidemar Lane, immediately to the south of Industrial Boulevard in southeast Austin.
2. Although the area is designated as industrial in the Master Plan, there are several homes in the immediate vicinity and it is proposed to subdivide for residential use.
3. In view of these circumstances, the request is to amend the Master Plan to permit the residential subdivision and development.

I am herewith requesting that the Commission rezone my parcel of land on the Master Plan from Industrial to Residential "A", and I hope you Gentlemen after reviewing this property will recommend to the City Council to take such action on this property. Some of the reasons for the requested change are as follows:

1. My home is located on part of this tract of land.
2. Tract is surrounded by Residential tracts on both sides.
3. There is an abundance of industrial sites in and around Austin on the Master Plan.
4. The City Council recently changed the zoning on a 50-acre tract adjacent to mine, Wayne Burns Tract.
5. I have sold 2 of the 3 lots to families to build under FHA - 203 I.

These families could not qualify for homes in the City, and therefore as a Realtor, I am fulfilling my obligation to my clients in this request.

The staff presented the following information to the Commission:

1. The area is outside the City and not subject to zoning control.
2. There is an extensive industrial area beginning about 900 feet to the north of the proposed residences.

C2-62-1 Development Plan Amendments--contd.

3. There are over 100 acres of vacant land, generally in large tracts, adjacent to the proposed subdivision. All of this land is suitable for industrial development.
4. There are about 13 houses in the general area. Most of these were built prior to the designation as industrial.
5. The 17 acre tract to the east of the subdivision (extending to the Interregional Highway) and the 50 acre tract across the street are proposed for industrial development by the owners.

The Director noted that residential development could benefit the owner immediately but that by holding the land for future industrial development both the owner and the other industries in the area would benefit. The Director also noted that a residential development surrounded on three sides by industry would be most undesirable. In view of this, the Director recommended that the Plan not be amended.

The Commission discussed these points and the land uses observed on the ground. Mr. Wroe called attention to the fact that there are other residential uses around the property and questioned the advisability of requiring the owner to hold up development on his property pending future industrial use. Other members of the Commission noted that industrial development was increasing in the area and that the potential for this land was good. The Commission then

VOTED: To DENY the request of Mr. John O. Raney for amendment to the Development Plan to change the area from Industrial to Residential.

R808 VARIANCE FROM SUBDIVISION ORDINANCE

Phillip Baker Sub.

Angelina and Cotton Sts.

The staff reported that Mr. Baker owns a corner lot on which a dwelling is located on the south portion and a small ice cream stand on the rear portion, and that he would like to split the lot in two and demolish the ice cream structure to construct a home there. It was noted that each lot would have a frontage of 53.5 feet and a depth of 87.5 feet but a variance would be needed on the corner lot which is required to be 60 feet in width. It was further stated that where lots in a commercial zone have an area less than required for residential use a restriction is required to be placed on the plat that these lots will not be used as residential. The Director advised that under the Ordinance provisions the Commission has no authority to vary from the requirements for corner lot widths. He further noted that if a variance were granted the Building Inspector could not approve a building permit.

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R808 Variance from Subdivision Ordinance--contd.

Mr. Baker stated that he wanted to have a 50-foot lot on the corner where his house is located and to leave the 57 feet for the north lot. He noted that other lots in this area are the same size.

The Commission then advised Mr. Baker that they could not approve this subdivision.

SUBDIVISION APPROVAL BY TELEPHONE POLL

It was reported by the staff that the following subdivisions were considered by telephone poll on September 5, 1962, and that a majority of the Commission had

VOTED: To APPROVE the following plats:

C8-58-44 Manor Hills Sec. 11
Manor Rd. and E. 51st St.
C8-62-33 Tomanet Estates Sec. 1
Parmer Lane
C8-62-51 Sherwood Oaks Sec. 6
St. Edwards Dr. and Sherwood La.
C8-62-55 Allandale North Sec. 4
Wooten Dr.

MEMBERS CONTACTED: Messrs. Barrow, Brunson, Kinser, Lewis, Riley and Wroe

It was further reported that the following subdivision was considered by telephone poll on September 7, 1962, and that a majority of the Commission had

VOTED: To APPROVE the following plat:

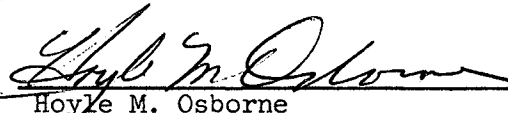
C8-62-41 Southwest Terrace Sec. 1
Delcrest Dr. and Southland Dr.

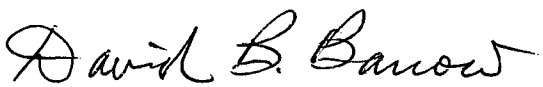
MEMBERS CONTACTED: Messrs. Brunson, Kinser, Lewis, Riley and Spillmann

ADJOURNMENT

The meeting was adjourned at 11:10 p.m.

APPROVED:


Hoyle M. Osborne
Executive Secretary


Chairman