

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- November 20, 1962

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

Present

D. B. Barrow, Chairman
Howard Brunson
Pericles Chriss
Edgar E. Jackson
S. P. Kinser*
Barton D. Riley
W. A. Wroe
*Left 10:30

Absent

W. Sale Lewis

Also Present

Hoyle M. Osborne, Director of Planning
Alfred R. Davey, Assistant Director of Planning
E. N. Stevens, Chief, Plan Administration
Paul Jones, Assistant City Attorney

MINUTES

Minutes of the following meetings were approved as submitted:

August 28, 1962
October 23, 1962

The following zoning change and Special Permit requests were considered by the Zoning Committee at a meeting November 13, 1962:

ZONING

C14-62-150 Fairway Enterprises: B & 1 to B & 2
1406-1514 Riverside Dr.

STAFF REPORT: This tract includes about 319,700 square feet with 715 feet of frontage. We had the same request in 1960 at which time the Commission recommended against the requested change but did recommend "B" Residence and First Height and Area which was granted. This proposal for "B" and Second Height and Area is for an apartment dwelling group. To the west is a small area left "A" Residence and west thereof is the Gondolier Motel. This property fronts on Riverside Drive, proposed as a thoroughfare with 120 feet of right-of-way. The street presently is inadequate. The density would increase from 213 units to 426 units under Second Height and Area.

Mr. Parker C. Folse, Jr. (agent) represented the applicant and stated the following: Our intentions are to build only 204 units and we may not need to change this zoning as was advised by Mr. Jordan and Mr. Foxworth. We

C14-62-150 Fairway Enterprises: B & 1 to B & 2--contd.
1406-1514 Riverside Dr.

wanted an apartment group instead of a single building with only one entrance (presented site plan which shows entire tract and how the apartments were to be placed.) 1,500 square feet per unit is needed to have an apartment hotel grouping. This means we need to have at least 12 units in any one structure. These are two-story garden-type apartments. We have submitted this plan to the Town Lake Committee and it was approved. (The Director explained that they approved the idea only.)

Opposition was expressed by Mr. Roy R. Hocker, Sr. (1317 Riverside Drive) for the following reasons:

1. With parking permitted in front of the Gondolier on both sides of Riverside Drive the width of an otherwise adequate street is diminished by half and we have a hazard. The least miscalculation on the part of any driver could prove fatal. The slight curve in the street here prohibits an extended view of on-coming traffic which did not exist prior to on-the-street parking.
2. Construction should adequately meet the parking requirements and prohibit a deathtrap situation such as now exists.

After hearing the statements of the applicant that he only intended to erect 204 units, the staff felt that no zoning change may be necessary and the Committee referred this request to the Commission pending further study. At the Commission meeting, the Director reported that no zoning change is necessary but a Special Permit will be needed for the apartment dwelling group, and that the applicant has verbally requested that this case be withdrawn. The Commission therefore unanimously

VOTED: To ACCEPT the withdrawal of this request.

C14-62-151 E. E. Naumann: A to B, 1 to 2
Comal and Hackberry Sts.

The Zoning Committee reported that, since this property is located in the urban renewal area, the applicant is withdrawing the request pending consideration by the Urban Renewal Committee, and that the Committee had

VOTED: To ACCEPT the withdrawal of this request as requested by the applicant.

C14-62-152 John Sanchez: A to LR
2011 Holly St.

STAFF REPORT: This is an application for "LR" Local Retail on one lot in the block between Lynn and Anthony to permit a dry cleaning and pressing shop.

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C14-62-152 John Sanchez--contd.

This block is developed with single-family residences. We feel this would be a spot zone and recommend that the zoning not be granted.

Mr. Sanchez was present but added no statements to those of the staff. Replies to notice were received from two nearby owners favoring the request but stating no reasons.

In view of the fact that this would be a spot zone in a residentially developed block, the Commission unanimously

VOTED: To recommend that the request of John Sanchez for a zoning change from "A" Residence to "LR" Local Retail for property at 2011 Holly Street be DENIED.

C14-62-153 Raymond Campi: C to C-1
1136-1138 (1118) West 6th St.

STAFF REPORT: This is for a change to "C-1" on one lot for the purpose of the sale of beer for on-premise consumption. The area has mixed uses but we feel this is a policy matter and make no firm recommendation. This lot has been zoned for some time and the area is developed both residentially and commercially. No one appeared to represent the applicant. Replies to notice were received from three nearby owners expressing no objection to the request.

The Commission felt that this could be considered a well developed commercial area and that the request conforms to the policy with regard to "C-1" zoning requests. It was therefore unanimously

VOTED: To recommend that the request of Raymond Campi for a zoning plan change from "C" Commercial to "C-1" Commercial for property at 1136-1138 (1118) West 6th Street be GRANTED.

C14-62-154 James D. Connolly: Interim A to B, Interim 1 to 1
1006-1012 Grove Blvd.

STAFF REPORT: The property contains approximately 7.4 acres and is presently outside the city limits. The applicant wanted the request for annexation and zoning to be considered at the same time. This is located 800 to 1000 feet west of Montopolis Drive. The west side of the property is bounded by the Austin Country Club where there is a private road serving the Country Club. The property is of such a size as to permit 214 units under the requested zoning. The zoning is proper if adequate access can be provided.

Mr. Connolly was present at the hearing and presented the following information: This tract of land is now outside the city limits but I have made application for annexation to coincide with the change of zoning. This was filed as a result of members of the Austin Country Club approaching me to

C14-62-154 James D. Connolly--contd.

build an apartment house on the site. I have studied this about $1\frac{1}{2}$ years and I can get financing. With regard to access, we have two ways to get in and out -- the Country Club road and Club Terrace. I am a member and feel that I and any others who are members could use the road. About 90 per cent of the tenants would probably belong to the Country Club. I understand I could build 179 units but the engineers advise at least 48. Architects say a swimming pool would fit in with the atmosphere of the development.

Mr. Fancher Archer was present and stated that he has nothing to do with this application but he could not say that Mr. Connolly could use the Country Club Road as access to this property.

The Zoning Committee submitted the following report of its action: The question of access was considered. Mr. Stevens said there are several things involved - need for a special permit, zoning change, annexation, access, and subdivision. He felt that the question of access is very important and should be worked out. He suggested that one solution would be to extend Club Terrace through this tract to connect with the private road. The Committee generally agreed that this would be the proper zoning if adequate access is provided but concluded that the request as presented should be denied because of the unsatisfactory traffic pattern and improper access for the proposed use. It had therefore recommended that the request be denied.

At the Commission meeting, the Director reported that he has talked with Mr. Connolly and his engineer regarding the extension of Grove Boulevard, and suggested that the Commission could either recommend favorably on the request or deny it with the understanding that access problems will be solved before the request is considered by the City Council. The Commission agreed that it would have no objection if conditions expressed above are met and if adequate access is provided before it is considered by the Council. Because of present inadequate access to this property, the Commission then unanimously

VOTED: To recommend that the request of James D. Connolly for a change of zoning from Interim "A" Residence and Interim First Height and Area to "B" Residence and First Height and Area for property located at 1006-1012 Grove Boulevard be DENIED.

DISQUALIFIED: Mr. Chriss

C14-62-155 Mrs. Mary Freeman: C to C-1
West Lynn and West 10th Sts.

STAFF REPORT: This is a request for "C-1" Commercial for the stated purpose of the sale of beer to go in a drive-in grocery store. The property contains about 14,000 square feet and is on the corner of West Lynn and West 10th Streets. This is in the area where we had a fairly recent zoning request for "C-1" on the northeast corner of this block which was denied. Since then an application was filed on the corner of 11th and West Lynn. This was recom-

C14-62-155 Mrs. Mary Freeman--contd.

mended with the understanding that the street would be made adequate. It went to Council and was held for some time and then denied. West Lynn is a commercial collector street and we feel it should have a total right-of-way of 70 feet. 10th Street is also inadequate in width and is only 28 feet wide at the intersection with West Lynn. Right-of-way should be acquired from the south side if 10th Street is widened. There is commercial zoning and development on the other side of West Lynn Street. The commercial on the west side is developed residentially. The Telephone Company, TV tower and Mathews School are to the south. Since this involves the policy concerning "C-1" in a commercial area we do not make a firm recommendation.

Mr. Arthur E. Pihlgren (agent) represented the prospective purchaser, Mr. John A. Joseph, who was also present. The following information was submitted in support of the request: 7-Eleven operates stores all over Texas. This property is in "C" Commercial and will now permit the erection of a drive-in grocery. There is no drive-in to serve the area now. "C-1" is for the sale of beer for off-premise consumption. It is understood that if "C-1" is granted it would be with the condition that five feet would be dedicated if it is deemed necessary to widen West Lynn Street.

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

1. This area to the east and west, except for a small strip along West Lynn, is predominantly residential where small homes are located. Mathews school is located one block away. Students pass this area on the way to and from school. There are older people living along 10th Street and if this change is permitted they would feel forced to move and they are too old for that. There are Christian people and many children in this area.
2. There is no need for this particular type of development since there is a drive-in store on Lamar, a U-TOTE'M nearby, and a liquor store at Blanco and 6th Streets. This would be an entering wedge for other similar businesses. If the change is made beer could be sold for on-premise consumption.
3. The congestion here is more than the streets can handle and it would be difficult to widen them. The Telephone Company has just constructed a new curb and gutter and they would not want to give up their land now. The traffic is so heavy now that owners have trouble entering and leaving by their driveways.

The Zoning Committee reported the following action taken at the public hearing: A majority of the Committee felt that the proposed change would create unnecessary traffic hazards in this highly congested area and that additional traffic would render 10th Street practically useless. One member felt that this conforms to the policy and that the request should be granted. It had then recommended that the request be denied.

C14-62-155 Mrs. Mary Freeman--contd.

At the Commission meeting, Mr. Pihlgren presented a letter containing the information that the applicant would give 5 feet for the widening of West Lynn Street provided the request for "C-1" Commercial is granted. The Chairman returned the letter and advised Mr. Pihlgren that the letter could not be considered as written, in that a zoning change could not be recommended in exchange for right-of-way. The Commission then reconsidered this request and some members reported that after further inspection of the property and area they could see no reason for denying the request for the 7-Eleven store which would be a proper use in the neighborhood, and that this street is not too heavily traveled to be affected by the change. It was concluded that for these reasons and the fact that this conforms to the Commission's policy on "C-1" zoning requests, the request should be granted. It was therefore unanimously

VOTED: To Recommend that the request of Mrs. Mary Freeman for a zoning change from "C" Commercial to "C-1" Commercial for property on the northeast corner of West Lynn and West 10th Streets be GRANTED.

C14-62-156 Mabel C. Baker: C to C-1
 South 1st and West Annie Sts.

STAFF REPORT: This is a small parcel of land of about 5200 square feet. The purpose of the request is for the sale of beer to go in an existing grocery store. To the north and south there is mixed commercial development. There is adequate access and area for 3 to 4 off-street parking spaces behind the structure. South 1st is a commercial collector street and has adequate right-of-way. In the Austin Development Plan West Annie is proposed as a secondary thoroughfare with a recommended right-of-way of 90 feet. There is a question as to whether it fits the policy and we make no firm recommendation.

Mrs. Baker was present at the hearing and stated that she has operated this grocery store for 8 years and improved the property, and that she would like to have the sale of beer to go to meet her obligations to her customers. She did not feel that this would hurt anyone.

One person appeared favoring the request and four replies to notice were received in favor of the proposal.

The Commission recognized the fact that West Annie Street is proposed as a secondary thoroughfare and that additional right-of-way will possibly be needed, but noted that the building and business is already existing. It was concluded that this request conforms with the policy of the Commission with regard to "C-1" Commercial requests and it was therefore unanimously

VOTED: To recommend that the request of Mabel C. Baker for a zoning change from "C" Commercial to "C-1" Commercial for property located on the northeast corner of South 1st and West Annie Streets be GRANTED.

C14-62-157 Gilbreth and Milburn: A to C
3303-3315 South 1st St.

STAFF REPORT: This is a proposed change from "A" Residence to "C" Commercial for future commercial development on two tracts containing approximately 64,000 square feet. This is a part of Brinwood Section 4, a proposed subdivision, which shows an extension of Barton Skyway from South Congress Avenue to South 1st Street. It is proposed to continue the westward extension of Barton Skyway where it will curve to the north through the rear of the hospital across South 1st Street. The surrounding property is mainly developed residentially, with "O" Office where the hospital is located, "LR" Local Retail to the north, and Dawson Elementary School further to the north. This would be a continuation of the present "LR" zoning and initiate strip zoning and we feel that the zoning should not be extended. "C" Commercial is a very intensive classification and permits certain types of warehousing and storage.

Mr. Thomas Watts (for Marvin Turner Engineers, agent) represented the applicants and presented the following information in support of the request: We have an approved preliminary subdivision which shows these corner tracts as contemplated commercial. This strip of land is a forest now and development will take quite a lot of fill. It does not lend itself to residential use. The "LR" zoning was established before South 1st Street was widened and improved. There is commercial on Congress Avenue which is a very short distance to the east. The next major street to the north is Oltorf. We do not believe that the proposed extension of Barton Skyway would be a detriment to the property. We would like to extend the commercial zoning at this time so that people purchasing lots cannot say they bought thinking this would be residential.

The Zoning Committee reported the following consideration and action at the public hearing: During the discussion of this request by the Committee, Mr. Stevens explained that, while these tracts were shown on the subdivision plan as proposed for commercial, the plan further showed a possible alternate use as residential as requested by the staff, and that the Subdivision Committee had called attention at the time of consideration that a zoning change request would need to be considered before the commercial zoning could be established and that approval by the Committee did not establish the zoning. He called attention to these small tracts which are limited for commercial development with no provision for expansion on the subdivision plan. A majority of the Committee felt that "LR" zoning would be more suitable and would be a logical extension of the present "LR" zoning. One member was opposed on the grounds that this would be spot zoning and that this change is speculative since there are no immediate plans for development. He felt that this would be continuing past mistakes and creating hodgepodge zoning on South 1st Street. It had then recommended that the request for "C" Commercial be denied and "LR" Local Retail established for the property.

At the Commission meeting, the Director stressed his objections to the extension of strip zoning down South 1st Street, thereby perpetuating bad zoning

C14-62-157 Gilbreth and Milburn--contd.

as it already exists. He stated that only a small per cent of the commercially-zoned property on this street is now being so used and that the laundry is the only commercial use in the adjoining "LR" District. He felt that this zoning will be a hindrance to development to the south and that larger shopping centers are forming competition to this type of commercial on small tracts. Mr. Barrow said he is generally in agreement that there should be larger areas for shopping centers but felt that the situation on South 1st Street is beyond repair and that changing this zoning is the only thing that can be done. He expressed his thinking that it is proper with this subdivision to show what is intended for commercial when people purchase nearby residential lots. The Commission concurred with the Committee's recommendation since the pattern is already established along South 1st Street and that "LR" is the logical zoning for this property. It was therefore

VOTED: To recommend that the request of Gilbreth and Milburn for a zoning change from "A" Residence to "C" Commercial for property at 3303-3315 South 1st Street be DENIED; but that an "LR" classification be established for that property.

AYE: Messrs. Barrow, Brunson, Jackson, Kinser, Riley, Spillmann and Wroe

NAY: Mr. Chriss

ABSENT: Mr. Lewis

C14-62-158 Southtex Land Sales, Inc.: C to C, 3 to 4 (as amended)
Colorado, West 12th and Lavaca Sts.

DIRECTOR'S REPORT: The following factors were presented for consideration by the Committee:

1. This is a change from Third to Fourth Height and Area, and from "C" Commercial to "C-2" Commercial for the sale of beer for on-premise consumption. Fourth Height and Area would permit an increase in the height of the building. At the present time the property is used for a floral shop and for parking. The surrounding area is generally a "C-1" pattern along the west side of Lavaca Street, on the north side of 12th Street is "B" Residence where a church is located, and beyond the church is "C" Commercial. To the south it is generally "C" Commercial with the exception of the Governor's mansion and the Capital Area to the east which is unzoned. Further south is the Central Business District. There is no immediate "C-2" in the vicinity but there is a "C-1" zone along the west side of Lavaca Street. The Central Business District is generally Fourth Height and Area and beyond that is Third Height and Area. Land use in this area consists of churches, off-street parking, office buildings, and a finance company. There is no retailing within the immediate area.

C14-62-158 Southtex Land Sales, Inc.--contd.

2. The proposed use of the building of 20,500 square feet, with from 15 to 18 stories, is four floors of offices and ten floors of apartments, and three floors for off-street parking to be underground. It is feasible and economic to provide this type of off-street parking.
3. This area was originally proposed in 1957 by the Pacific Research Planners, acting as consultants to the State of Texas, to be included in the master plan for the Capital Area expansion program, for the development of appropriate state office buildings and facilities. We believe this plan was done in good faith and sincerity, although the program was not adopted until recently and the area was revised. A letter was received prior to this hearing from the State Building Commission informing the Planning Commission that this property and the adjoining block to the north have been included in the area previously designated. I prepared a sketch which represents fairly close approximation of the height of this proposed building, the University tower, the State Capitol, and other State buildings. This building would project above all of the buildings except the University tower and the Capitol building.
4. Zoning of the specific lot adjacent to "C-1" Commercial should be the first essential question in making a recommendation as to whether or not this is a part of a comprehensive plan. There are three spot zones of Fourth Height and Area outside of the Central Business District -- a block at 17th and Guadalupe, a block at 10th and Rio Grande, and a part of Medical Arts Square at 30th and Red River. Further consideration should be given to whether there would be an effect on traffic and congestion. This is a large building, with the possibility of 100 apartments, four floors of offices, a restaurant, private club, and three floors of off-street parking. This use will be a traffic generator.
5. The area generally around the University, including this property, is a section that is determined in the Ordinance where a reduction of off-street parking to one-half of the required spaces can be requested of the City Council. 250 parking spaces are required in this building under present regulations.
6. As far as office spaces fitting into the area, there is no problem of compatibility since offices and other uses are developed in this area. At the present we feel it is a spot zoning question and will not make a recommendation. I think you should incorporate a reasonable area of the lots with any zoning change so that we would have a comprehensive zoning pattern and an extension of the zoning in the Central Business District. The Fourth Height and Area permits very high apartment density. The proposed development would have 200 square feet of land for each apartment.

Messrs. Frank Erwin (agent for land owners), Sid Jagger, Julian Zimmerman, W. S. Drake, Jr. and Thomas Darmstadter appeared for the applicant and presented the following information in support of this request:

C14-62-158 Southtex Land Sales, Inc.--contd.

- Frank Erwin: 1. I am representing the land owners. We propose to build a structure which involves an expenditure of \$4 million dollars which would be by far the largest expenditure of private housing existing in the city, and possibly some hotels.
2. The purpose of "C-2" is that one-half of the top floor is proposed for a public restaurant and the other half a private club. Most tall buildings have clubs at the top. People have found that you cannot operate a restaurant without the sale of beer and wine. If "C-1" would permit the proposed uses we would agree to that. Third Height and Area permits a height no more than 90 feet and we propose 180 feet above ground. The building Mr. Stone proposes has 3 floors of parking underground and we are not asking for deviation on parking. Very expensive and intensive plans have been made to take care of permanent and temporary tenants.
3. I am authorized by Mr. Willard Houser of the Board of Stewards of the First Methodist Church to express their approval. The insurance company has no objections. Other property is owned by Joe Bland and he has authorized me to state that he has no objections. Cook Funeral Home has no objections. The only objection is the Parent Teachers Association and their objection was that it should not be next to a church. This will not be a beer joint and will not cause unpleasantness in the neighborhood or to the church.
4. Streets are adequate and traffic will not be aggravated. The tract is bounded by a 120-foot divided street and two other streets. It may technically be a spot zone in that Fourth Height and Area does not adjoin this property but there is Fourth Height and Area at the southwest corner of 11th and Lavaca. At the present time this is a vacant lot which produces very little revenue to the City. A \$4 million dollar building would produce tremendous revenue and bear part of the taxes the State does not pay. In Dallas and Houston as well as other places there are buildings of similar structure. We believe it will be fine for the city. It will provide a beautiful view of the hills and also the Capitol and surrounding areas. Visitors coming from out of town will come here.
5. The State Building Commission with its new buildings has blocked the northside of the Capitol. All you can see is the dome. Even with our building, the top of the dome will be visible from the hills. You cannot see anything but the top of the tower from the west now. We do not feel that this will be a third tower that would interfere with the view. We could build on another piece of property in front of the Capitol building on Congress Avenue without asking for a change, but our market analysis shows the chosen site is in a position where we can rent the building. These are not student apartments. Office space will not be competitive as it is for a different type of use.

C14-62-158 Southtex Land Sales, Inc.--contd.

6. We do not feel the Building Commission, since it has blocked off the Capitol, has a right to extend the capital area. The Legislature has authorized the Commission to buy one block on each side of Congress Avenue to 16th Street and one-half block on each side from 16th to 19th Streets. This has not all been bought. Land already purchased will satisfy needs until the year 2000.
7. This land under petition has been vacant for several years and before that it was not maintained. It should not be a purpose or function of any ordinance of the City of Austin to enter into an agreement with the State of Texas to keep the people of Austin from selling the property at its fair market value and if this land should otherwise be rezoned it is certainly no argument that it be zoned down so that the State could later buy it cheaper. Former Governor Shivers once owned part of this land and wanted to build but the State had an option to buy. The Lumbermen's Association came to Austin, looked at the land which was not then in the Capital area, and paid an option on it. They have employed Mr. Stone to prepare the plans.

Mr. Sid Jagger: (Lumbermen's Investment Corp.) There is a setback and parking entrance on Lavaca Street. Entrance for the lobby, commercial stores, primarily for use of tenants, is on Colorado. The club and restaurant portion will have a window-like setback from the remainder of the building and will have a promenade in front. We had economic surveys made to find out where to place this type of building we had in mind and determined that this is the only place where we would be justified in placing a \$4 million dollar investment as is necessary in this type of building. This location is in downtown Austin.

Mr. Julian Zimmerman: (President Lumbermen's Association) This company was organized for the purpose of making available small loans. It is now a very effective company. It would be easy to underate the potential of this development. Apartments can be built for much less cost. We are satisfied with the market analysis. Sid Jagger tried to put together something that would be an asset to the city and would be unusual. We hired the best architect for this development. Mr. Stone was pleased with this location and felt that the site offered an unusual opportunity as it would be visible from all sides.

Mr. W. S. Drake, Jr.: (Chairman of the Lumbermen's Board) We feel that this application will be one to help our community far more than any one can imagine and will not do any damage. We think it is a fine thing that this is coming to Austin. Employees are all of a high-paid type. We need a building like this.

Reply to notice favoring the request was received from the Insurance Company of North America (1108 Lavaca Street) but no reasons were stated.

C14-62-158 Southtex Land Sales, Inc.--contd.

Seven persons appeared in opposition and written objections were filed by the Texas State Teachers Association. Reasons given may be summarized as follows:

1. In regard to Mr. Stone's comments that the site was unusual as it would be visible from all sides, we should be interested in other than economic aspects. This building offers some problems. Austin is characterized by two towers -- the University tower and the Capitol. Other tall buildings are clustered together on lower ground and do not form an active part in the image of the city. Approaching the city from any direction a visitor to the Capitol and this area is impressed by these two land marks. People are delighted to have new industries come in but a question that comes before us on this new building is the possibility of its becoming a third tower. That would not represent part of the city but would become symbolic in itself.
2. The idea of having apartment housing next to town is an excellent one. In checking on apartment buildings in the last two years, it was found that in the first half of 1961 approximately 32 apartment projects were constructed with 572 units. There are no figures for the second half. In the first three-quarters of 1962, something over 800 apartment units have been built. None of these apartments are of this scope. As noted in this afternoon's paper speculators are also considering two blocks from 12th to 13th.
3. The present zoning of this parcel should be retained because of its relationship to the Capitol. Austin will begin to take the Capitol for granted. It belongs to all the people in the State. The kind of enterprise they propose is favorable but the objection is the relationship to the Capitol because of the height of the building.

On November 13, 1962, the Commission received a letter from the State Building Commission, reading in part as follows:

All of the property of Blocks 135 and 148, Original City of Austin, Travis County, Texas, are within the defined Capitol Expansion Area. They are the two blocks of property immediately west of the Capitol of the State of Texas, and as such, represent the only remaining fringe area property in that direction. The above "Notice of Public Hearing" deals with but three lots in one of the blocks, namely Lots 1, 2, and 3, of Block 135, Original City of Austin, Travis County, Texas.

It is not desirable that zoning should operate within the defined Capitol Expansion and Fringe Area to permit the overshadowing of the Texas State Capitol and other State buildings or to enhance the property values.

It is requested that these facts be taken into consideration when the matter is presented for review and decision.

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C14-62-158 Southtex Land Sales, Inc.--contd.

The Zoning Committee reported the following action taken at the public hearing: The Committee discussed the relationship of the proposed "C-2" uses and the activities of the church across 12th Street in light of the State law requiring a certain distance between the two uses and it was noted that the "C-2" uses are proposed to be located at the top of the proposed building and are of such a type that would ordinarily not be noticeable outside of the club and restaurant. The location of the existing nearby "C-1" zone was also taken into consideration. The Committee then considered the change to Fourth Height and Area and attention was called to the fact that the south portion of the block should be included in order to provide a connection between the existing and proposed zones. It was felt that this would be a logical extension of the Fourth Height and Area zoning but that the remainder of the block could not be rezoned except under a new hearing. One member opposed the change to permit the building as proposed for the reason that this use would generate more traffic and create further parking difficulties. A majority then concluded that this would be a reasonable extension of the existing Fourth Height and Area, recognizing that there are still intervening lots in Third Height and Area. It had then recommended that this request be granted.

At the Commission meeting, the Chairman presented the following statements: This application received a lot of publicity. Most people know that the State Building Commission gave notice to the Planning Commission that they thought this should be in the Capital expansion program. We have no legal reason not to consider the request. The Planning Commission has been advised by the Legal Department that this is no reason for the Planning Commission not to consider this application; therefore, the Planning Commission will consider the request. Some people have suggested that the Planning Commission should not consider cases where the Building Commission proposed to purchase the property. The Secretary of the Building Commission suggested that the City might not change this property since they might have to pay more for the property. Regardless of what we do, if the State wants the property they have the right to acquire it. I am sure the builder will settle that question before he proceeds with the construction. Some think the "C-2" uses should be established within the building. The applicants could withdraw this "C-2" request and file another application for "C-2" when they determine where the "C-2" is needed upon completion of their plans. The Planning Commission feels that they would not recommend the "C-2" zoning on a street front. Mr. Darmstadter then, in behalf of the applicants, requested that the application be amended to request a change in Height and Area only and eliminate the request for "C-2" zoning.

The Director explained that the building as proposed extends about 1/2 to 2/3 the height of the rotunda of the Capitol, and this would be the highest building in the area of the Capitol--about 50 to 75 feet above other buildings. He said in the event it is recommended it should be incorporated into a general area so that there would be a consistent Fourth Height and Area zoning.

C14-62-158 Southtex Land Sales, Inc.--contd.

The Commission then discussed the requested change to Fourth Height and Area and agreed with the conclusions of the Zoning Committee. It was therefore unanimously

VOTED: To recommend that the request of Southtex Land Sales, Inc. (as amended) for a change of zoning from "C" Commercial and Third Height and Area to "C" Commercial and Fourth Height and Area for property located at Colorado, West 12th and Lavaca Streets be GRANTED.

C14-62-159 Rogan B. Giles: A & B to B (as amended)
 Airport Blvd., Parkwood Rd., and Fernwood Rd.

DIRECTOR'S REPORT: (Reviewed the previous consideration of this property and proposed zoning changes.) The present requested change is for apartment development on the eastern portion of the island area. The surrounding area to the north and east and south across Airport Boulevard is entirely single-family and has a number of restrictions. This particular tract has been in controversy. I still feel that an extension of zoning presents serious problems. The Commission denied the original application for "B" Residence and Second Height and Area on this portion of the tract. An apartment under "B" and Second would permit too high density with development of one apartment for every 750 square feet which is over 50 units per acre, adjacent to a very sound single-family development. I recommend against "B" and Second Height and Area. The previous action of the Planning Commission was to recommend denial of "B" and Second but to recommend "B" and First. I feel that this does have limitations and would have some detrimental effect but that "B" and First should not encroach seriously into the single-family area. This would limit development to one apartment per 1500 square feet. The portion with which we are concerned would permit 65 units under "B" and First or 131 units under "B" and Second. With the entire area, 150 units could be built under Second Height and Area and 75 under First Height and Area. I feel that 75 units is more than adequate for this piece of land. The present Ordinance requires one parking space per unit which is entirely inadequate. In some instances we find that $2\frac{1}{2}$ spaces per unit are necessary. Apartment tenants could have two cars.

Mr. Rogan Giles (applicant), Mr. Glen Garner (representing the proposed builder), and Mr. Charles Garner were present at the hearing and presented the following:

1. Rogan Giles: There are new members on the Committee and I would like to review the previous application). The result of the litigation was that the court held there were no restrictions of any kind on this island tract and the only limitation for the use of this property is from the standpoint of zoning. We have a right to put anything permitted under "C" zoning on that property. The restaurant that we proposed to build would be on the "C" and parking on the "B" part, but because

C14-62-159 Rogan B. Giles--contd.

of a change in plans, no restaurant now is planned on this property. I decided on multiple units for the entire tract. The cost of drainage facilities alone makes this land too expensive for normal residential use. We have sufficient existing zoning for a restaurant and parking or to build another type of commercial project with parking. The apartment project we propose offers less objections from a neighborhood standpoint than a restaurant. Apartments would be for the entire tract with no restaurant odors, doctor's office or anything else except residences in apartment form. Mr. Earl Jackson would like to build the apartments. I would not give up "C" zoning unless "B" and Second could be obtained. Otherwise I have no other choice but to revert to "C" Commercial to support the cost of drainage system. In response to a question regarding fronting of the apartments: Mr. Jackson usually has a courtyard and if that is done here the apartments would face inward, but at this time I cannot say they will not front on the streets.

2. Mr. Glen Garner: (Representing Mr. Earl Jackson from Dallas) We will not build two-story buildings. Anyone can realize that an apartment house must be in a desirable and convenient location. This project will amount to about \$1 million dollars, and be of Colonial or French architecture. There will be no more than 100 units and probably no more than 84. Other space will be utilized for parking. We cannot build under "B" and First and come out economically. We will have to correct the drainage situation if we buy. Some apartments will rent for \$240 per month; some will have three bedrooms. We hesitate to spend too much money or time on plans until we know what can be done here. We propose a development that will be compatible with the neighborhood, and we will provide parking to exceed the Ordinance requirements.

Several adjacent owners appeared seeking information on the proposed development, asking about the parking and possible congestion of the streets, and calling attention to the value of improved homes in the neighborhood, especially across Airport Boulevard. No opposition was expressed.

Written objections were filed by Mr. Edward Taborsky (4503 Parkwood) and Mr. Harris Young (1303 Fairwood) for the following reasons:

1. One person bought property in 1951 with the understanding that this is strictly a residential area and that the tract in question would be dedicated to be a park or else become residential property. All of this property except the tip at the expressway was zoned "A" Residence at that time.
2. The proposed zoning change would cause this and other owners of residences substantial loss of value. One man should not be given an advantage at the cost and to the detriment of others.

C14-62-159 Roban B. Giles--contd.

The Zoning Committee reported the following action at the public hearing: The Committee recalled that a recommendation was submitted with the original request on this area that this portion of the property be zoned "B" Residence and First Height and Area, and felt that the same conditions exist now and that this would be the proper use of the land. It was further felt that "B" Residence and Second Height and Area would permit too intensive use of the area, but that the land tends to be unsuitable for "A" Residence development, especially because of the drainage problem. It had therefore recommended First Height and Area.

At the Commission meeting, the staff presented a letter from Mr. Giles requesting that the application be amended to ask for "B" Residence and First Height and Area on the present "B" and "A" Residence portions of this property as recommended by the Committee. The Commission then reviewed the recommendations of the Committee and concurred with its opinion. Therefore, it was unanimously

VOTED: To recommend that the request of Rogan B. Giles (as amended) for a zoning change from "A" Residence and "B" Residence to "B" Residence for property located at Airport Boulevard, Parkwood Road and Fernwood Road be GRANTED.

C14-62-160 Lela Parkinson: A to LR
 1109-1305 South Interregional Highway

STAFF REPORT: This tract on the east side of Interregional Highway contains over an acre of land or 48,000 square feet. Lupine Lane dead-ends at this property. The property is on a hillside and shallow in depth. Zoning would initiate strip zoning along the Interregional starting at Riverside going south. Three tracts to the southeast were previously changed to "BB" and "B" Residence and First Height and Area. We feel that this development would be better if joined to adjacent tracts of land. Because of the precedent setting strip zoning aspect we recommend that the application be denied.

Mr. Robert Sneed (attorney) represented the applicant and Mr. J. A. Lands (Sales Manager for Gulf Corporation) was also present in behalf of the request. The following information was presented in support of the case.

1. Neither the engineers nor the planners created this problem. The original property extended north and included this property and that west of the Interregional Highway. The Interregional carries a tremendous amount of traffic. We have almost an acre of land remaining. The terrain is rough and if it is ever to become anything but a wasteland it is going to be terribly expensive to develop. It will take a specialized type of business which can pay for development of the hillside which will take lateral support of the property. By reason of the contour and value of the land along Interregional Highway, it is necessary that it be used for this type or it will remain a wasteland. This use would have to be something that would see 40,000 cars per day.

C14-62-160 Lela Parkinson--contd.

2. A service station is planned on the property from the north line of Lupine Lane to the north property line. The owner has a contract to sell subject to the zoning change. We cannot excavate unless lateral support is provided on the hill. We have hired a local engineer to see what type of retaining wall will be necessary. A retaining wall will cost \$29,000.
3. The land is idle with the owner paying taxes on it. It is totally useless for "A" Residence use. As far as it being thrown in with other property, the owner has no power of condemnation. Something has to give. We are in a position of having frontage on the highway. The City of Austin did acquire small left-over tracts. The width makes no difference if you have sufficient depth. This is the only logical use here because of the access coming to and from the freeway.
4. Anyone who has been out on this hill has recognized the beauty of the scenery. We did not ask for a change around the corner. This remaining portion that she does not plan to sell will take a great amount of study.

Messrs. M. D. Gibbons (1701 Travis Heights Boulevard) and Mr. E. L. Munson (1502 Lupine Lane, also presenting written approval) were present in favor of the request but offered no statements.

Written objections were received from Mr. and Mrs. Jack Ross (1204 Summit Street) and Mr. Ruel E. Snow (1506 Lupine Lane) for the following reasons: This will depreciate the value of residential property. The lack of depth of the 670-foot expressway frontage does not allow much space for off-street parking as needed for "LR" Local Retail.

At the Commission meeting, the Director called attention to this as an attractive area and stated that the staff has generally contemplated "O" Office along this section of the Interregional. He noted that it will be necessary to cut back the hillside and construct a very large retaining wall for the proposed filling station.

The Commission considered the fact that it has been the desire of the staff and the Commission to preserve the most beautiful view of the city along the entrance over the South Interregional Highway, and that this would not be an extension of the present zoning on the south which is "BB" Residence. It was felt that the zoning of this land would have a permanent effect since there are other tracts of land which could be used for commercial development along the Highway. A majority concluded that the request should be denied, as the size of the land does not lend itself to this type of use because of the shallow depth. It was therefore

VOTED: To recommend that the request of Lela Parkinson for a change of zoning from "A" Residence to "LR" Local Retail for property at 1109-1305 South Interregional Highway be DENIED.

AYE: Messrs. Barrow, Brunson, Chriss, Jackson, Kinser, Riley and Spillmann

NAY: Mr. Wroe

ABSENT: Mr. Lewis

C14-62-161 Citadel Transmission Company: A & Int.A to D; 1 & Int. 1 to 6
1150-1156 Jain Lane

STAFF REPORT: The stated purpose of this request is for the erection of jet fuel storage tanks for service to Bergstrom Air Force Base. There are several problems. Installation has started before it was discovered that part of the property was inside the city limits. The City Council had granted the applicant permission for the installation of the transmission pipe lines. We became involved as a subdivision was necessary. Most of the property is in the city limits. The applicants also have filed a request for an amendment to the Master Plan as this area is not proposed as industrial. North of this property across the railroad it is designated as industrial with the railroad being the dividing line. There is a high school at Gardner and Bolm Road. One problem is if the Plan is amended where will the new boundary be established? Another is the matter of access. Jain Lane has 20 feet of right-of-way. If the property is zoned "D" Industrial it will have to be an 80-foot street. If it cannot be, it will need to be at least 60 feet. The applicants are willing to give 40 feet of right-of-way. We recommend that this request be referred to the Commission.

Mr. Wallace A. McLean (agent) appeared for the applicant and stated the following: The Base Field Officer has presented air photos showing development of other fuel storage tanks in the area which is heavily wooded. The applicant is prepared to grant whatever right-of-way is required. All fuel stored in these tanks will be brought in and sent out by pipe line. There will be no truck traffic. The pipe line is already laid and construction was already underway on the site before the error was discovered. Fuel brought in by pipe line is considerably cheaper than by truck or railroad. Tanks are completed but not in operation.

Lt. J. M. Pope represented Bergstrom Air Force Base and presented the following statements: The position of the Air Force in this case is the transportation of the fuel in the most efficient way we can think of. A volume of 150,000 gallons per day is used. If trucks are used they have to go behind the flight line which involves a security problem.

Mr. Lloyd R. Rolen (1150 Jain Lane) appeared in favor and written approval was filed by Mr. and Mrs. E. W. Fischer (1145 Shady Lane).

The Zoning Committee reported that this request was referred to the Commission without a recommendation since the change involves an amendment to the Development Plan which is pending consideration by the Commission.

At the Commission meeting, the Director reviewed the development in the area and the presently zoned and proposed industrial areas. He explained that the existing tank farms are north of the railroad and several hundred feet from these proposed tanks, that the proposed industrial area does extend east of Airport Boulevard and that a part of this property is in the existing industrial district. He said he had realized that this would eventually be used

C14-62-161 Citadel Transmission Company--contd.

industrially, but there is a large amount of residential with undeveloped land north of Bolm Road. He recalled that in connection with the zoning hearings on the area to the south of Bolm Road it had been his feeling that this area should be held as residential as long as it could be. Mr. Osborne called attention to Jain Lane which has a technical right-of-way of 20 feet and that it should be 80 feet, and that there is a problem of widening this street. Mr. Barrow said he understood that the applicants have agreed to give their portion for the widening of Jain Lane. It was concluded that, since a portion of this property is already in the industrial district, the requested zoning change should be granted. The amendment to the Development Plan was also approved (C2-62-1-e).

The Commission therefore unanimously

VOTED: To recommend that the request of Citadel Transmission Company for a zoning plan change from "A" Residence and Interim "A" Residence and First Height and Area to "D" Industrial and Sixth Height and Area for property located at 1150-1156 Jain Lane be GRANTED.

SPECIAL PERMIT

CP14-62-6 Fiesta Homes, Inc.: Apartment Dwelling Group
729-909 East Oltorf St.

STAFF REPORT: This property was recently zoned "B" Residence for the stated purpose of erection of apartment houses. The applicant proposes a group of three buildings with 75 units. Carports for 90 cars and open parking for 50 guest cars will be provided. Two swimming pools and a playground area are proposed. Oltorf Street is a primary thoroughfare, but the plan proposed does not create any problems in the development of the thoroughfare. The building distance between two structures on the east boundary line shows a minimum of 5 feet and it should be 6 feet under the Building Code regulations. We feel that the plan should be approved subject to conditions recommended by City departments. The following reports were presented by the departments listed:

Water & Sewer	- Recommend approval.
Fire Protection	- Fire hydrant needed. (Indicated on site plan)
Health Unit	- Approved: Sanitary sewer line available.
Fire Prevention	- O.K.
Traffic & Transportation	- O.K.
Building Inspector	- Development site O.K.
Electric	- No comment
Office Engineer	- 1. Separate request necessary for driveways.
	2. Driveways shall be constructed with ramps, not built to street section.
	3. Driveways shall be constructed of concrete from curb line to property line.

CP14-62-6 Fiesta Homes, Inc.--contd.

Director of Public Works - The driveways off of E. Oltorf Street meet with our approval, except that portion between the curb line and property line which should be paved with concrete instead of asphalt so as to comply with City Ordinance regarding work done outside the property line.

TESTIMONY

Mr. James K. Eichelberger, Jr. (agent) agreed to any changes requested by the departments. Mr. James E. Crozier (agent) explained that this is the plan they intended when they asked for the zoning change and that they now propose to use in development. He said their parking area will be almost two spaces per unit and more parking can be obtained in the center section. He felt that this will be an asset to the city as it is an ideal development and well planned.

The Zoning Committee reported that it had reviewed the site plan presented and the recommendations of the City departments, and had concluded that this plan is satisfactory and that the request should be granted subject to the conditions noted by the departments and the planning staff. It had therefore approved the site plan and recommended that the Special Permit be GRANTED subject to the following conditions:

1. Provision of 6 feet between the two structures on the east boundary line instead of the 5 feet as shown, and
2. Compliance with all departmental requirements.

At the Commission meeting, the staff reported receipt of a memo from the Drainage Department to the effect that there is a drainage problem which cannot be completed at this time and for that reason the staff requested that the case be postponed. The Commission considered the plan and recommendations of the staff and Committee. It was concluded that it would be satisfactory with the Commission for the site plan to be approved by the Chairman and the Director when it has been revised to comply with the above recommendations. The Commission therefore

VOTED: To authorize approval of the request and site plan when the plan has been revised to comply with the following conditions:

1. Provision of 6 feet between the two structures on the east boundary line instead of the 5 feet as shown, and
2. Compliance with all departmental requirements.

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DEFERRED ZONING

C14-61-174 Linden Jones: A to BB (as amended)
West Ave. and W. 32nd St.
 (Deferred 4-10-62)

The Commission considered this requested change of zoning on property which is within a large area previously considered and scheduled for re-hearing at this meeting (C14-61-185). In view of the action taken on the area rezoning, the Commission

VOTED: To INCORPORATE this request (as amended) in the area study (C14-61-185).

AYE: Messrs. Brunson, Chriss, Jackson, Kinser, Riley, Spillmann and Wroe
 NAY: Mr. Barrow
 ABSENT: Mr. Lewis

CASES FOR RECONSIDERATION

C14-61-185 Planning Commission Area Study
W. 29th, W. 34th, Lamar Blvd. and Guadalupe St.

DIRECTOR'S REPORT: A review of the history of this case and additional information was presented as follows:

1. This area was previously considered in connection with a request by Mr. Linden Jones (C14-61-174) for a change to "BB" Residence and First Height and Area (as amended) for property at the southeast corner of West Avenue and West 32nd Street. This application by Mr. Jones was heard seven months ago and was postponed voluntarily by Mr. Jones and his attorney, although they had a right to insist that this be brought up before the City Council in 35 days. Mr. Jones' attorney requested last month that the Commission take action and it was felt that the best thing to do was to study the entire area again and notify the property owners affected.
2. The general character of zoning on peripheral streets, particularly Lamar and Guadalupe, is commercial. There is some commercial and some "O" Office along 34th Street. Within the entire core of the area it is entirely "A" Residence at this time. There are basically 1100 people living in the area. There are about 263 single-family houses and on some 25 lots there are two houses per lot. Only 3 apartments exist in the entire area with a total of about 16 units. There are 40 duplexes, with 80 households, and some houses have boarders or roomers. The general area still retains single-family characteristics with an infiltration of multi-family housing. While houses in the area are fairly old, a majority are maintained in fair to excellent condition. There is very little vacant land.

C14-61-185 Planning Commission Area Study--contd.

3. The original recommendation by the Department was for zoning the entire area "BB" Residence and First Height and Area. We still feel that "B" Residence and Second Height and Area would lead to extremely serious problems and permit rather high density. On the Jones tract "B" and Second would permit 42 units while under "B" and First he could have 22 units and under "BB" and First he would be permitted 16 units. There is a trend now toward large apartment units, as is shown by apartment development on Enfield Road, and this type of use would not be suitable in this area.
4. The area already shows signs of a trend toward multi-family housing. It is an area which is accessible to the University and the Central Business District. We feel that "B" Residence and Second Height and Area and "B" Residence and First Height and Area is too high density and that the best use of the land, considering the types of lots in the area, would be "BB" Residence and First Height and Area uses, and that the streets are not adequate for traffic which would be created by more intense uses.

Four owners appeared favoring some type of change in the area and written approval of a change was filed by 8 owners. Some owners recognized that the area is no longer suitable for single-family use and some expressed preferences for apartment, semi-commercial, offices or commercial development.

Twenty owners appeared in opposition and written objections were received from 17 owners. Reasons given may be summarized as follows:

1. This area has a unique character and there are many professional people - doctors, lawyers and University faculty. Professors can maintain their homes here where they can walk to the University. There are many older persons who would suffer hardship in having to move to another location. The homes were built in accordance with traditional culture patterns and the Heritage House has recently been restored as a show place. This is not a deteriorating neighborhood but the homes and rental property are well maintained.
2. The perimeter could be commercial and changes confined to that area. It is unnecessary to attempt to divide and tear up a neighborhood which is primarily a home area because of a small minority who live on the outskirts and favor the change.
3. Any change would benefit builders of apartments but would be seriously detrimental to the welfare of the many residents who have bought homes and conscientiously maintained them in the expectation that they would be permanent and secure from commercial encroachment. There are already some apartments in converted houses and a few duplexes and that is enough. Any change in zoning and invasion of apartment houses, with the inevitable noise, traffic and parking problem would be ruinous to this area

C14-61-185 Planning Commission Area Study--contd.

as a residential section. Apartment houses are speculative and most of the tenants live there because they are transient and care nothing for the neighborhood. This destroys the atmosphere of a residential section.

4. Apartments in this area are not necessary and there are too many in Austin now. Want ads and information from a rental agency show there are many apartments vacant. This indicates that there is no dire need for disturbing a good residence area to accommodate more apartments.
5. The streets in this area are not sufficiently wide to care for the traffic congestion which would be created with more cars and more people. Although off-street parking is provided, tenants will park on the streets.

At the Commission meeting, the Director stated that some of the area would be difficult to develop, but in many of these blocks there is a likelihood of houses being converted into two apartments. All members felt they would like to see the lowest density. Upon review of the existing development, the staff report, and the arguments presented, a majority of the Commission concluded that a change to "BB" Residence and First Height and Area for all of the "A" Residence property in this area would permit the logical use of the land and yet afford protection to the student neighborhood in the form of usage under which existing streets and utilities could be used. They felt that this change would support the area in the form of apartment dwellings of low density. Mr. Kinser suggested that the change only include that area from West Avenue to Guadalupe Street and not disturb the homes on the west side of West Avenue. Mr. Wroe felt that within the next ten years there will be more applications and that ownership in the area will probably be changing because of the age of the homes which established by older people. Mr. Barrow thought it is a sound thing to look at an area and decide how it should be used now and in the future, but that it does hurt people who are interested in it and he did not think it is right to zone this area when it is known that some of it will not be used for the uses permitted under rezoning for 20 years and will disturb people in their homes. The Commission then

VOTED: To recommend that the "A" Residence property in the area bounded by West 29th Street, Lamar Boulevard, West 34th Street, and Guadalupe Street, be changed from "A" Residence and First Height and Area to "BB" Residence and First Height and Area.

AYE: Messrs. Brunson, Chriss, Jackson, Kinser, Riley, Spillmann and Wroe
 NAY: Mr. Barrow
 ABSENT: Mr. Lewis

C14-62-132 Howard Onstot et al: A to B, 1 to 2
W. 38th St. and Ave. B

DIRECTOR'S REPORT: This was recommended for denial by the Commission and sent to the City Council who discussed the thoroughfare along 38th Street and the need for widening, particularly on the north side, and what effect

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

this would have. The request was referred back to the Commission to consider what could be done. 38th Street has relatively solid development on the north side where there is some possibility of widening. Ultimately there should be 80 feet of right-of-way with 60 feet of paving. I feel that the rezoning is not wise as it would affect the thoroughfare. I do not think that requesting additional right-of-way should be considered in this zoning case, although ultimately there should be some type of apartment development and that something should be done about the widening. The Council wanted the Commission to consider if there is any way to have the zoning change and have the thoroughfare. Speedway north of 38th has a right-of-way of 80 feet and has very little apartment development, although zoned for that use. 38 $\frac{1}{2}$ Street was once an alley, Avenue B should be widened as a connection to the north.

Mr. Uselton (agent) said they have been led to believe that if they could get all the property owners to sign a petition to widen 38th Street the zoning change would be granted. He said he has been unable to get all the owners to sign a petition, and if this zoning is changed the people would build on the rear and establish parking on the front. He felt that once the development is started the developers will take care of this widening for they realize the need for more right-of-way. He explained that 38 $\frac{1}{2}$ Street was an alley until three owners near Speedway had subdivided and widened the street and asked that it be considered as 38 $\frac{1}{2}$ Street.

Mr. Barrow expressed the opinion that if the apartments are built there would be people and traffic on 38 $\frac{1}{2}$ Street. He explained that the Commission had examined the street width and decided that the zoning is not sound in view of the street widths and if the applicants later show that the streets are adequate the Commission would consider the zoning. He also felt that the Commission would be willing to recommend to the Council that the streets be widened. After thorough consideration, the Commission then unanimously

VOTED: To RE-AFFIRM the former action of the Commission in recommending that the request of Howard Onstot et al for a zoning change from "A" Residence to "B" Residence and from First to Second Height and Area be DENIED.

C14-62-146 Simmons Motor Co.: B to C
1205 (1207) Baylor St.

DIRECTOR'S REPORT: The City Council felt that it might be wise to consider what the ultimate zoning would be on this triangle since there is already commercial along Lamar and 12th Streets and residential along Baylor. My feeling is that possibly "O" Office zoning might in the final analysis meet the needs but this would not meet with Mr. Simmons' request. I think "GR" would take care of the paint and body shop, but this would mean the intrusion into a small residential area.

C14-62-146 Simmons Motor Co.--contd.

The Commission recalled that Baylor Street is not a commercial street and is definitely not wide enough for commercial and there are individual tracts which would result in any development fronting on Baylor Street. The Commission also called attention to the island and separated traffic lanes on Enfield Road at the intersection of Baylor Street which could cause a problem. It was then unanimously

VOTED: To RE-AFFIRM the former recommendation that the request of Simmons Motor Company for a change of zoning from "B" Residence to "C" Commercial for property at 1205 (1207) Baylor Street be DENIED, and to recommend that no change be made in the remainder of the block.

SPECIAL PERMIT FOR REVIEW

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

During a discussion of a short form submitted on the Penick tract (C8s-62-144) adjoining the subject property, the staff reported that information had been received that the first building will be a temporary hospital on the rear of the lot which was not shown on the site plan, and that this building will later be converted into storage and similar usage. The Director stated that this may eliminate the proposed apartment area and felt that a revised site plan should be submitted as development is now planned. The Commission then

VOTED: To authorize the staff to request a revised site plan to be submitted by the applicant showing the proposed construction, said site plan to be approved by the Chairman and the Director.

R146 SUBDIVISION COMMITTEE

The staff reported that the written report of the Subdivision Committee meeting of November 12, 1962, has not been completed but that no appeals had been filed from the action of the Committee and no subdivisions had been referred to the Commission for consideration. The Commission therefore took no action on the report of the Committee pending submission of the written report.

PRELIMINARY PLAN

C8-62-68 Allandale Terrace Sec. 3
Lovers La. and Shoal Creek

Mr. Barrow announced that he is disqualified since he has an option on the property across the railroad. Mr. Kinser then served as chairman.

The Director presented the following report: This is a new preliminary plan of this area, the southeastern portion along Shoal Creek Boulevard being included in the preliminary plan of Section 2. The plan of Section 3 would have no effect on this southeastern portion except as shown on the original

C8-62-68 Allandale Terrace Sec. 3--contd.

plan. The City Council has stated that they do wish to acquire the thoroughfare extending to Justin Lane and on to Airport Boulevard, and has authorized the Mayor to proceed with purchase of the property. There has to be a firm offer before any condemnation proceedings can be initiated. In view of the City Council's action and the fact that this subdivision is in conflict with the Development Plan, I would recommend disapproval of this subdivision.

Mr. Isom Hale (engineer) stated that Mr. Puett could not be present and had asked him to proceed in processing this preliminary plan. He said he was not aware of the Council's action but was aware of their discussing the thoroughfare and subdivision, but there were no terms negotiated regarding acquiring the right-of-way. Mr. Hale said he has not stimulated any of the local people but they are concerned with the area. He then presented the following review of the subdivision: The plan was submitted October 1, 1962, and prior to that there was some question of the thoroughfare plan being involved in the request for zoning of property to the south. We were aware of this before the subdivision plan was submitted. As far as I know the City does not now know the exact location of the Missouri-Pacific Boulevard, but because of the long-time nature of the Boulevard and the land waiting development, something should be done. This is the first time this has been presented to the Commission because of postponements and discussion on the thoroughfare. The Development Plan showed this thoroughfare as being located on Greenlawn Parkway and the City Council at some time must have taken some action in changing the location.

Mr. Osborne then explained that the subdivision is being considered tonight and that it is for the Commission to determine the best time to consider the remainder of the thoroughfare. He suggested that it be taken before the City Council. He explained that to use Greenlawn and locate the interchange there would require the acquisition of 14 houses. He noted that within the past year the City hired a consulting engineer to study the Missouri-Pacific Boulevard and the cross streets. He stated that if a thoroughfare is not located in this general area the City will be faced with an overloading of Anderson Lane and Northland Drive. He reported that the City has considered the Pegram Avenue thoroughfare for five years as a secondary thoroughfare, with development proposed in about four or five years in the future. He explained that the thoroughfare will connect North Lamar to the proposed West Loop which is a distance of five or six miles. He noted that intensive development will be needed to extend it to Airport Boulevard, and that traffic is increasing faster than was anticipated. He felt that it is very probable that changes will have to be made in the Plan because of the growth of the city.

A number of home owners who would be affected by this thoroughfare were present and presented a petition signed by all owners between the Northwest Park and Burnet Road who had purchased properties on a residential street. Mr. Kinser suggested that their discussion should be with the City Council.

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C8-62-68 Allandale Terrace Sec. 3--contd.

Mr. Hale then stated that they had made an effort to follow the adopted plan and asked if the Commission could adopt the plan submitted subject to clarification of this matter. He said he was not aware of what Mr. Puett will do if this plan is rejected by the Commission.

The Commission felt that the plan could not be approved since it does not conform to the Development Plan. It was therefore

VOTED: To REJECT the plan of ALLANDALE TERRACE SEC. 3.

DISQUALIFIED: Mr. Barrow

SUBDIVISION PLATS - FILED

C8-62-81 University Hills Sec. 3, Phase 3
Loyola La. and Parkwood Dr.

The staff reported that there is no approved preliminary plan for this subdivision and recommended that the plan be rejected. The Commission therefore

VOTED: To REJECT the plan of UNIVERSITY HILLS SEC. 3, PHASE 3, for filing.

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:

C8-62-49 Deer Park Sec. 2 (Revised)
Manchaca Rd. and St. Alban's Blvd.
C8-62-80 Oasis Village Sec. 3
Eureka Dr. and Sahara Ave.

SUBDIVISION PLATS - CONSIDERED

The following plats were reported by the staff as having satisfied all the standards of the Subdivision Ordinance and were recommended for final approval. The Commission therefore

VOTED: To APPROVE the following final plats:

C8-62-46 Gage Subdivision
Hardy Drive
C8-62-62 Temple Beth Israel Memorial Park
Interregional Highway
Approved with each lot being identified with a lot number
C8-62-78 Western Trails Sec. 7-A
Comanche Circle

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

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

It was reported by the staff that several requirements of the Ordinance have not been met on this plat. The Commission therefore

VOTED: To DISAPPROVE the plat of CHERRYLAWN SEC. 2, subject to the following conditions:

1. Completion of fiscal arrangements,
2. Showing of additional easements required and changing electric easements to public utilities easements,
3. Annexation of the subdivision and the abutting county road, and dedication of this road, and
4. Meeting the requirements for widths of lots on the cul-de-sac.

C8-62-74 North Lamar Park Sec. 2
Slayton Dr. and Carpenter

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

VOTED: To DISAPPROVE the plat of NORTH LAMAR PARK SEC. 2 pending completion of fiscal arrangements.

C8-62-75 University Hills Sec. 2, Phase 3
Loyola Drive

The staff reported that several requirements of the Ordinance have not been met. The Commission therefore

VOTED: To DISAPPROVE the plat of UNIVERSITY HILLS SEC. 2, PHASE 3, subject to the following conditions:

1. Completion of fiscal arrangements,
2. Showing of additional easements required,
3. Completion of engineering check,
4. Showing of block numbers,
5. Receipt of all departmental reports, and
6. Initiation of annexation proceedings.

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C8-62-76 University Hills Sec. 2, Phase 4
Northeast Dr. and Vanderbilt

Some Ordinance requirements were reported by the staff as not having been met. The Commission therefore

VOTED: To DISAPPROVE the plat of UNIVERSITY HILLS SEC. 2, PHASE 4, subject to the following conditions:

1. Completion of fiscal arrangements,
2. Showing of additional easements,
3. Making engineering corrections on the plat,
4. Receipt of all departmental reports, and
5. Initiation of annexation proceedings.

C8-62-77 Lanier Terrace Sec. 2
Renton Dr. and Ohlen Rd.

The staff reported that lot widths on the cul-de-sac do not meet the present Ordinance requirements, but do meet the proposal. Attention was called to a requirement by the Public Works Department for 36 feet of paving on Renton Drive which connects Doris Drive and Ohlen Road. The Commission therefore

VOTED: To APPROVE the plat of LANIER TERRACE SEC. 2, and to notify the subdivider that the Public Works Department requires 36 feet of paving on Renton Drive.

C8-62-79 Herman Brown Addition No. 2, Sec. 3
Pecos Street

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

VOTED: To DISAPPROVE the plat of HERMAN BROWN ADDITION NO. 2, SEC. 3, pending completion of fiscal arrangements.

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:

Short Form Plats approved--contd.

- C8s-62-137 Swanson's Ranchettes
Slaughter Lane
- C8s-62-145 Barton Terrace Sec. 1, Resub. Blks. 3 & 4
Spring Creek Dr. and Barton Hills
and to authorize the staff to hold the plat from recording
pending vacation of utility easements caused by resubdividing.
- C8s-62-146 Barton Terrace Sec. 1, Resub. Lots 14-23, Blk. 1
Spring Creek Dr. and Robt. E. Lee Rd.
and to authorize the staff to hold the plat from recording
pending vacation of utility easements caused by resubdividing.
- C8s-62-147 Oltorf Village Sec. 1
Interregional Hwy.
- C8s-62-149 Harry A. Sandberg Jr., Resub. Lots 4 & 5, Blk. W, Highland
Park West
Crestway Drive

The following short form plats were considered and action was taken as shown:

- C8s-58-61 N. A. Giblin Subdiv.
Braker La. and Georgian Dr.

The staff reported that this plat was considered in 1958 and disapproved because lot widths were less than 60 feet for septic tank installation, and that a letter had been received at that time advising that septic tanks were installed without inspection and could not be approved. Since that time Mr. Giblin has sold some of the lots and has now submitted a letter explaining that this work was done while he was ill and not in accordance with his instructions, but that the Health Department has recently checked the septic tanks and lateral lines and has given approval. Mr. Giblin is now requesting approval of this subdivision so that separate water meters may be provided for each of the seven homes on the property. The staff further reported that a memo has been received from the Health Department stating that an inspection has revealed that the septic tanks and field lines are apparently operating satisfactorily and withdrawing their objection to the approval of this subdivision.

Mr. Stevens stated that there is now another problem in that since 1958 it has been determined that Braker Lane is a secondary thoroughfare and to provide the required right-of-way would take 20 feet from this property and that some of the houses are very near the street. He noted that since that time additional right-of-way has been obtained from other subdividers. The Commission felt that approval of this formerly disapproved plat would be justified in light of the new report from the Health Department that septic tanks appear to be operating satisfactorily. The Commission therefore

VOTED: To APPROVE the plat of N. A. GIBLIN SUBDIV. and to grant a variance from the Subdivision Ordinance on lot width requirements for septic tank installation.

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C8s-62-144 Penick Subdivision

Woodward St. E. of Willow Springs Rd.

The staff reported that a part of the original tract was sold for a hospital and this caused the need for street dedication of 15 feet in front of the hospital for the widening of Woodward Street. It was further reported that the City is not asking for widening of the street for the balance of the property until this remaining area is developed or possibly acquired by St. Edwards University. The Commission therefore

VOTED: To DISAPPROVE the plat of PENICK SUBDIVISION pending the 15-foot right-of-way required from Tract 1 for widening of Woodward Street.

C8s-62-148 Northwest Hills Sec. 6, Resub. Lots 7 & 8, Blk. 1

Mesa Drive

It was reported by the staff that this property must be annexed to the city, and that a letter is required from the subdivider stating that this property split will not affect the general layout of the balance of the tract for future development since a part of the unsubdivided property is being added to these lots. Mr. Barrow stated that this would not affect the general layout of the balance of his property. The Commission therefore

VOTED: To DISAPPROVE the plat of NORTHWEST HILLS, SEC. 6, RESUB. LOTS 7 & 8, BLK. 1, subject to initiation of annexation proceedings.

ADMINISTRATIVE APPROVAL

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

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

C8s-62-140 Fiskville School Addition, Resub. Lot 12, Blk. 1

Elliot Street

OTHER BUSINESS

C10-62-1(p) STREET VACATION

Havana St. W. from S. 1st St.

(Deferred 10-23-62)

The Director explained that this portion of Havana is an unopened street on the ground and that it was difficult to determine whether or not it was actually a dedicated street. The original street came out of the Willingham tract and it is proposed to replace this with Barton Skyway which is an alternate and better street which will permit dedication of Barton Skyway to Dr. Wade's hospital across South 1st Street. Mr. Osborne further explained that the through lots which are

C10-62-1(p) Havana Street Vacation--contd.

record lots and are 200 feet in depth are only 50 feet wide except for one lot and would not have sufficient area to divide into two lots fronting on Havana and Oak Crest. Mr. Barrow said he had found that people did not want large lots now and he felt that the 200-foot-deep lots are a waste of land. He felt that the street should remain and that if lots are purchased together they could be resubdivided. The Commission then

VOTED: To recommend that the portion of Havana Street west from South 1st Street as shown on the attached plat be VACATED.

AYE: Messrs. Brunson, Jackson, Kinser, Riley, Spillmann and Wroe

NAY: Messrs. Barrow and Chriss

ABSENT: Mr. Lewis

C10-62-1(q) EASEMENT VACATION

Windsor Park III, Sections 2 and 3

The staff presented a request by Marvin Turner Engineers, representing Nash Phillips-Copus, for the vacation of a 60-foot easement for street, public utility and drainage between Lots 11-12, Block J, and Lots 21-22, Block L, Windsor Park III, Section 3, and a 50-foot easement between Lots 14-15, Block H, Windsor Park III, Section 2. The Director explained that an existing easement in adjoining Royal Oaks was previously vacated and there is a house located on that lot now so that Peacedale Lane cannot be extended to the east. He said it is possible to extend this street across the creek. He then recommended that the 60-foot easement in Block J, Section 3, be vacated but that the 60-foot easement in Block L, Section 3, and the 50-foot easement in Block H, Section 2, be retained so that it will be possible to have at least a pedestrian crossing because of the long blocks. The Commission agreed that these recommended easements should be retained because of the long blocks and therefore

VOTED: To recommend that the City Council VACATE the 60-foot easement between Lots 11-12, Block J, Windsor Park III, Section 3, subject to the City retaining the necessary utility easements, but that the 60-foot easement between Lots 21-22, Block L, Windsor Park III, Section 3, and the 50-foot easement between Lots 14-15, Block H, Windsor Park III, Section 2, be retained by the City and not vacated.

C10-62-1(r) STREET VACATION

Woodland Ave. W. of Interregional Hwy.

The Director reported that the City is proposing to vacate that portion of Woodland Avenue which formed a jog in the street before the right-of-way was changed to form an 80-foot curved street west of the Interregional Highway. He explained that Woodland Avenue is proposed as a 90-foot secondary thoroughfare and recommended that this old portion of the street be vacated with the

C10-62-1(r) Woodland Ave. Street Vacation--contd.

retention of 5 feet along the street and the remaining City-owned triangle on the north side for future widening of the street. The Commission then

VOTED: To recommend that the portion of Woodland Avenue north of the present 80-foot right-of-way west of Interregional Highway as shown on the attached plat be VACATED subject to the City retaining 5 feet along the old right-of-way and the City-owned triangle on the north side of the present right-of-way.

C2-62-1(e) DEVELOPMENT PLAN AMENDMENTS
Industrial use area on Jain Lane

The Commission considered a request by the Citadel Transmission Company for an amendment to the Development Plan to include a portion of a tract proposed for industrial zoning (C14-62-161). Upon consideration of the statements in the request and a review of conditions and proposed future industrial development in this area, it was felt that possibly a larger area should be included in the future but that at this time the Plan should be amended to include the tract requested. The Commission therefore

VOTED: To recommend that the City Council amend the Austin Development Plan to include that portion of the Citadel Transmission Company property on Jain Lane as described by metes and bounds in the attached request.

R812 VACATION OF PLAT OR PLAN

Sub. Lots 1 & 2 of Desha Bunton Sub. of Isaac Decker League by G. Flury

The staff reported that this subdivision was considered and approved by the Planning Commission in 1931, but has never been recorded nor developed, and that the present owners have submitted to the Commission a request for vacation of this plat. It was stated that a zoning change on this property for commercial use has been recommended by the Commission and granted by the City Council; therefore the owners are requesting that the approved residential streets and lot arrangement be vacated.

Mr. J. Chrys Dougherty stated that Mr. John Copeland, with his office, has circulated the request for vacation to various City departments who have approved the vacation. He noted that since this subdivision was laid out by Mr. Flury in 1931, the owners have conveyed some of the property to the City for street widening purposes and it has been difficult to determine who should approve the vacation since the Ordinance requires the approval of all owners before a subdivision may be vacated. Mr. Jones (Assistant City Attorney) said it was the Legal Department's conclusion that there is no reason why the plat should not be vacated except in the event any of the departments were using any of the land as easements.

Since this request has been cleared by the necessary City departments and because of the nature of the subdivision, the Commission felt that the subdivision should be vacated. Therefore, it was

R812 Vacation of Sub. Lots 1 & 2 of Desha Buntun Sub. by G. Flury--contd.

VOTED: To VACATE the SUB. OF LOTS 1 & 2 OF DESHA BUNTUN SUB. OF ISAAC DECKER LEAGUE BY G. FLURY.

R810 SUBDIVISION ORDINANCE AMENDMENTS

The Director presented the following proposed amendments to the Subdivision Ordinance for consideration by the Commission:

PART I

"TECHNICAL PROVISIONS"

Sec. 23.1 Definitions.

Subdivision. Subdivision means the division of any lot, tract or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. It also includes the resubdivision of land or lots. A division of land which meets all the following conditions shall not be included in this definition of subdivision:

1. All parcels or lots shall be at least five acres in size.
2. The subdivision shall be at least two miles from the city, accessible to the city by public road and within three miles from the city, measured along the public road.
3. The subdivision shall not include or affect the planning or development of a new street on the part of either the subdivider or any public agency.
4. All resulting parcels shall abut on a public street of adequate width as defined in the subdivision ordinance.

Sec. 23.11 Preliminary Plan.

(4) (Addition) Such topographical information, locations and dimensions shall be of sufficient accuracy as to permit the verification of water, sanitary sewer, storm drainage, street design and other proposed development.

Sec. 23.13 Plats.

The plat shall be drawn in black ink upon tracing material prescribed by the Director of Planning to a scale of one hundred . .

PART II

"VARIANCES"

Sec. 23.5 Variances -- When permitted.

R810 Subdivision Ordinance Amendments--contd.

The Commission may authorize a variance from the provisions of this chapter when all of the following conditions exist:

1. That a specific request for the variance be submitted in writing.
2. That any variance be granted only for the specific case.
3. That there are special circumstances or conditions affecting the land that are peculiar to the particular land.
4. That, owing to exceptional and extraordinary circumstances, literal enforcement would result in unnecessary hardship.
5. That the granting of the variance will not be detrimental to the public health, safety or welfare nor injurious to other property in the area.
6. That the spirit of the ordinance shall be observed.
7. That the granting of the variance will not have the effect of preventing the orderly subdivision of land in accordance with the provisions of this chapter.
8. That, where applicable, the additional specific conditions imposed in sections of this chapter be met.
9. That the Director of Planning and the City Attorney report to the Commission whether or not, in their opinion, the above conditions have been met.

PART III
"LAYOUT PROVISIONS"

Sec. 23.32 Block Lengths.

Residential blocks shall be approximately twelve hundred feet long except where parallel to and adjacent to a thoroughfare where they shall be approximately fifteen hundred feet long. Commercial and industrial block lengths may be up to two thousand feet in length provided the requirements of traffic circulation and utility service are met. Block lengths may be varied according to the requirements of circulation, topography and provisions of the master plan.

Sec. 23.35 Lot Sizes.

Where all lots of the subdivision are to be served immediately by a sewage-collecting system connected to a public sanitary sewer or a central disposal unit, the minimum dimensions for interior residential lots shall be fifty feet at the building line and for all points fifty feet to the rear of the building line and one hundred fifteen feet for depth; provided that a decrease in depth may be made if the lot width is increased so as to provide for a minimum lot area of five thousand seven hundred fifty square feet.

R810 Subdivision Ordinance Amendments--contd.

On cul-de-sac or curved streets, the minimum lot width at the front street property line shall be thirty-three (33) feet where the side property lines are radial to the street line. The minimum width of residential corner lots shall be sixty feet at the building line and for all points fifty feet to the rear of the building line and the minimum area of corner lots shall be six thousand, nine hundred square feet. Residential lots not served by a public sewerage system and located in a subdivision which will not be served immediately by a central disposal unit shall not be less than sixty feet wide at the building line and at all points seventy five feet to the rear of the building line and not less than nine thousand square feet in area.

The Commission briefly reviewed these proposals but no action was taken.

R143 MEETING SCHEDULE

The Commission discussed the time consumed in the various meetings and a suggestion was made that meetings be scheduled to start at 7:00 p.m. instead of 7:30 as now held. It was then

AGREED: That future regular evening meetings be scheduled to begin at 7:00 p.m.

REPORTS

R140 PLANNING COMMISSION

The Director reported receipt of an invitation from the State Building Commission to the Planning Commission to attend the dedication of the John H. Reagan State Office Building at Congress Avenue and West 14th Street Monday, December 3, 1962, from 10:00 to 10:30 a.m.

C8-62-70 Western Trails Sec. 7
Comanche Tr. and Pack Saddle Pass

It was reported by the staff that the Commission was contacted by telephone on November 15, 1962, and that a majority had

VOTED: To APPROVE the plat of WESTERN TRAILS SEC. 7.

MEMBERS CONTACTED: Messrs. Jackson, Kinser, Riley, Spillmann and Wroe

ADJOURNMENT

The meeting was adjourned at 11:25 p.m.

APPROVED:

David B. Barrow
Chairman

Hoyle M. Osborne
Executive Secretary