

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- February 10, 1970

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

Present

S. P. Kinser, Chairman
C. L. Reeves
M. J. Anderson
Jack S. Crier
Bill Milstead
Roger Hanks
Alan Taniguchi
Fritz Becker
Jack Goodman

Also Present

Hoyle M. Osborne, Director of Planning
Richard Lillie, Assistant Director of Planning
Walter Foxworth, Supervising Planner
Jim Bickley, Planner I
Mike Wise, Planner I

ZONING

The following zoning changes were considered by the Zoning Committee at the meeting of February 2, 1970.

Present

Alan Tanicuchi
Jack Crier
Jack Goodman
Fritz Becker
C. L. Reeves

Also Present

Richard Lillie, Assistant Director
of Planning
Mike Wise, Planner I
Shirley Ralston, Administrative
Secretary

PUBLIC HEARINGS

C14-70-001 Area Study: Int. A, Int. 1st to D, 1st
Tract 1: 100-330 Alpine Road, Rear of 3820-4068 S. Interregional Hwy.
100-914 Ben White Boulevard, Rear of 3701-4001 South Congress
Tract 2: 101-1231 Ben White Boulevard, 4100-4526 S. Interregional Hwy.
900-1218 Shelby Lane, 700-837 Weidemar Lane
Rear of 200-406 Sheraton Lane, Rear of 4101-4605 S. Congress

STAFF REPORT: The property under consideration totals two tracts of land located along both sides of Ben White Boulevard. The tracts with nearly 400 acres were recently annexed by the City Council and under the Zoning Ordinance provision,

66

C14-70-001 Area Study--contd.

land is annexed under the Interim "A" Residence classification. These areas have been designated industrial in the Austin Development Plan and rather than process numerous individual requests for industrial zoning, it was decided to initiate the zoning consideration for the entire area.

Industrial land uses are varied including warehousing, salvage operations and office-type research and development firms. Most commercial uses exist along Ben White Boulevard. Residential uses are established in the southern portion of the area along and to the south of St. Elmo Road. Land uses adjoining the area include a cemetery, golf driving range and I. H. 35 to the east; a residential subdivision and undeveloped land to the south; commercial uses along Congress Avenue to the west; and industrial and residential uses to the north. Major streets serving the area include I. H. 35, Ben White Boulevard and Congress Avenue. There are a number of interior streets ranging from about 30 feet of right-of-way on St. Elmo Road to 80 feet of right-of-way on Warehouse Row. Under the subdivision regulations new streets serving industrial areas must be a minimum of 80 feet of right-of-way. It is the recommendation of the staff that existing rights-of-way in the area be increased to a minimum of 70 feet. This right-of-way should not be subject to zoning. It is suggested as an alternative that a building setback line be established 60 feet from the center line on all interior streets (35 feet for the right-of-way and the normal 25 foot building setback line). Because of the developing single-family subdivision to the south, it is also recommended that a 50 foot building setback line be established on property adjoining the Green Hills Subdivision from Luck singer Lane to Terry-O Lane. The area within the setback can be used, for example, for parking, storage and landscaping. The staff recommends establishing "D" Industrial zoning on the subject area as it conforms to the Master Plan for the City.

TESTIMONY

WRITTEN COMMENT

Dr. Blaustone:	FOR
J. E. Feltes: 1707 Colorado	FOR
J. S. Winkley: 6601 Burnet Road	FOR
C. G. & L. Properties: 313 Capital National Bank	FOR
Building	FOR
John Felter: 3008 West Avenue	FOR
James A. Mosley: 5420 Airport Boulevard	FOR
H. R. Nassour, Jr.: Our Lady of Mt. Carmel Hospital	FOR

PERSONS APPEARING AT HEARING

E. M. Acevedo: 3601 Euclid Avenue	AGAINST
Noble W. Prentice: 1801 Lavaca	FOR
Terry J. Sasser: 719 West 6th Street	FOR

C14-70-001 Area Study--contd.

SUMMARY OF TESTIMONY

No one spoke in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "D" Industrial zoning is in conformance with the Master Plan and is appropriate zoning for the area and recommended that the application be granted, subject to the establishment of a 60 foot building line from the center line on all interior streets so as to provide a minimum of 70 feet of right-of-way and 25 foot building setback line and also subject to a 50 foot building setback line on property adjoining the Greenwood Hills Subdivision from Lucksinger Lane to Terry-O Lane.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the consideration of an Area Study for a change of zoning from Interim "A" Residence, Interim First Height and Area to "D" Industrial, First Height and Area for property located at (Tr. 1) 100-330 Alpine Road, Rear of 3820-4068 S. Interregional Highway, 100-914 Ben White Boulevard, Rear of 3701-4001 South Congress Avenue and (Tr. 2) 101-1231 Ben White Boulevard, 4100-4526 S. Interregional Highway, 900-1218 Shelby Lane, 700-837 Weidemar Lane, Rear of 200-406 Sheraton Lane, Rear of 4101-4605 South Congress Avenue be GRANTED.

C14-70-002 Area Study: Int. A, Int. 1st to C, 1st
3501-4049 South Interregional Highway
1601-2045 Woodward Street
1600-2014 Ben White Boulevard

STAFF REPORT: The 70 acres of land under consideration fronts onto I. H. 35, Woodward Street and Ben White Boulevard. The major portion of the area was recently annexed by the City Council. The frontage along I. H. 35 back to a depth of 150 feet and the Internal Revenue Service tract were the only areas inside the City limits. Land annexed to the City is established under the Interim "A" Residence classification and rather than processing numerous applications for rezoning, it was decided to initiate a study to establish the proper zoning for the area.

Land use within the subject tract includes the IRS facility and a Veterans Administration Computer Center. A service station is located adjacent to IRS and the remainder of the area is undeveloped. Adjacent land to the north is predominantly undeveloped although there is a large apartment complex located on a portion of the land zoned "BB" Residence. The major streets include I. H. 35, Ben White Boulevard and Woodward Streets which are all adequate.

"C" Commercial zoning was established in 1963 on that portion of the IRS tract inside the City limits. The staff feels that the appropriate zoning for the area is commercial and recommends "C" Commercial or "GR" General Retail zoning.

68

C14-70-002 Area Study--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Bob Howell

AGAINST

SUMMARY OF TESTIMONY

Mr. Bob Howell appeared at the hearing and stated that he is the owner of the 242 unit apartment project to the north and questions the general use of the "C" Commercial zoning on the subject property. He asked about the staff's reasons for consideration inasmuch as a substantial portion of the subject property is developed with government offices and there are not numerous property owners involved. Mr. Howell further commented that in his opinion "C" Commercial zoning will permit development that will probably be unnecessary and undesirable from the standpoint of the IRS as well as the apartment project and other property in the immediate vicinity. "GR" General Retail zoning will be more appropriate and desirable.

Mr. Lillie explained that the application was initiated by the request of the Planning Department and not by a request of any of the property owners. The "C" Commercial District designation in the notice permits the review by the Planning Commission and City Council of the various commercial zoning districts and the ability to grant the "C" Commercial or any more restrictive district.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "C" Commercial zoning is too intensive for the area and recommended that "GR" General Retail, First Height and Area zoning be granted as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the consideration of the Area Study for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at 3501-4049 South Interregional Highway, 1601-2045 Woodward Street and 1600-2014 Ben White Boulevard be DENIED but that "GR" General Retail, First Height and Area zoning be GRANTED.

C14-70-003 Bill Tabor: Int. A, Int. 1st & C, 6th to GR, 6th (Tr. 1), Int. A,
Tract 1: 601-811 State Highway 71 Int. 1st to B, 1st (Tr. 2)
Tract 2: Rear of 801-811 State Highway 71

STAFF REPORT: This application covers two tracts of land located along U. S. Highway 183 southeast of the City. Tract 1 contains an area of 12.14 acres and Tract 2 contains .95 acres. The stated purpose of the request is for service stations and various other commercial uses. The land is presently undeveloped, with the exception of a residential structure near Thompson Street. The lots shown along Halsey Avenue, while subdivided, have never been developed. The street does not presently exist. The Planning Department has a subdivision plat on the tract showing the street to be developed through Tract 1 and abutting the north side of Tract 2. The subdivision adjacent has also never been developed and Nimitz Avenue does not presently exist.

Adjacent land uses include commercial, public operations and mobile home parks across U. S. Highway 183 from the subject tract. A livestock activity is located north of the property on U. S. Highway 183. The major street serving the tract is U. S. Highway 183 with a present right-of-way of 200 feet. "C" Commercial zoning was established along both sides of U. S. Highway 183 to a depth of 150 feet. In a subsequent widening program by the State Highway Department, about 90 feet was removed from the subject tract leaving 60 feet of "C" Commercial zoning along its full frontage. "B" and "BB" Residence zoning have been established to the east at Patton Avenue. The staff has no objection to the request and recommends that it be granted subject to the approval of a final subdivision.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Oscar W. Holmes (representing applicant)

SUMMARY OF TESTIMONY

Mr. Oscar Holmes, representing the applicant, concurred with the comments by the staff and explained that "GR" General Retail zoning is being requested on all of Tract 1 so that the zoning will be consistent with the entire area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as the appropriate zoning for the site subject to final approval of subdivision.

C14-70-003 Bill Tabor--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bill Tabor for a change of zoning from Interim "A" Residence, Interim First Height and Area and "C" Commercial, Sixth Height and Area to "GR" General Retail, Sixth Height and Area (Tr. 1) and from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area (Tr. 2) for property located at (Tr. 1) 601-811 State Highway 71 and (Tr. 2) Rear of 801-811 State Highway 71 be GRANTED, subject to final approval of subdivision.

C14-70-004 Hale & Associates: Int. A, Int. 1st to GR, & BB, 1st (Tr. 1)
 Tract 1: 400-522 East Rundberg Lane BB, 1st (Tr. 2) and B, 1st
Rear of 9400-9510 N. Interregional Highway (Tr. 3) (as
 Tract 2: Rear of 9432-9918 N. Interregional Highway amended)
 Tract 3: Rear of 9432-9918 N. Interregional Highway

STAFF REPORT: This application for rezoning covers three tracts of land which are presently undeveloped. Tract 1, containing 7.6 acres is proposed for a neighborhood shopping center; Tract 2, containing 10.23 acres is proposed for apartments, and Tract 3 containing 3.91 acres is proposed for commercial uses. The property under consideration is in an area which is developed with single-family homes south of Rundberg Lane and has one subdivision under development and one being processed north of Rundberg Lane and to the west of the subject tracts. Frontage along I. H. 35 is developed with commercial and semi-industrial uses with several tracts still undeveloped. The land north of Rundberg Lane and along I. H. 35 is outside the City limits. Major streets serving the area include I. H. 35 and Rundberg Lane. The latter is to be widened to 90 feet of right-of-way with 44 feet of paving. Right-of-way from the subject tract is being provided by subdivision. Rundberg Lane will extend from east of Cameron Road to the industrial area near Burnet Road. The applicant is providing in his subdivision a north-south street with 60 feet of right-of-way. A second 60 foot street is proposed to extend from the subdivision east and west to connect with I. H. 35 and anticipated residential development to the west.

Existing commercial zoning has been established at the northeast intersection of Rundberg Lane and I. H. 35. A new service station is being constructed on the southwest corner. The remainder of the area zoned "GR" General Retail is undeveloped or in residential use. The remainder of the area is "A" Residential. The staff recommends the requested zoning be denied. It is recommended, however, that "BB" Residence zoning be established on Tract 1 west of the proposed north-south street and on Tracts 2 and 3. It is also recommended that "GR" General Retail zoning be established on Tract 1 east of the proposed north-south street. The recommended zoning provides an apartment buffer between intensive commercial development and single-family development to the west. The proposed subdivision plans no access between the apartment use area and the single-family use area. In addition there is a 25 foot drainage easement along the west line of Tract 2.

C14-70-004 Hale & Associates--contd.

Mr. Lillie pointed out that the staff recognizes the existing "GR" General Retail which extends back almost directly south of the east portion of Tract 1 and the "GR" General Retail zoning adjoining the site to the east all the way to I. H. 35. This is the reason for the recommendation to "GR" General Retail zoning on the portion of Tract 1 east of the proposed north-south street. The recommendation for "BB" Residence on the remainder of the property under consideration is in response to the commercial development which is already existing on I. H. 35 and that which is likely to occur in the future. The "BB" Residence would provide a transition in zoning between the commercial and single-family zoning to the west.

TESTIMONY

WRITTEN COMMENT

Louis Mecey: 3808 Sycamore Drive

FOR

PERSONS APPEARING AT HEARING

Isom Hale (applicant)

SUMMARY OF TESTIMONY

Mr. Isom Hale appeared on behalf of this request and explained that "C" Commercial zoning was requested on Tract 3 as it is next to property that is developed industrially even though it is not zoned at this time. The thought was that there should be some storage, warehouse type development with built-in office space next to the existing development along I. H. 35 although this does present a problem in that it would front across the street from apartment usage which is requested on Tract 2. It is felt that this would be a better gradation of zoning than to develop apartments next to the industrial development. "GR" General Retail zoning was requested on Tract 1 because of the fact that Rundberg Lane between I. H. 35 and Lamar Boulevard has to be developed with a higher land use than residential. The subject property lends itself to general retail development as Rundberg Lane will be a major street through the area and the existing general retail development is very limited. It is requested that the application as filed be considered; however, if it is necessary to go to the recommendation of the staff it is requested that "B" Residence zoning be granted rather than "BB" Residence on Tracts 2 and 3 and "GR" General Retail on Tract 1.

Mr. Reeves asked about the depth of the lot for the proposed street and the adjoining subdivision. Mr. Hale explained that the lots are 115 feet deep on each side of the street. He pointed out that the topography in the area presents drainage problems. There is a creek going through Tract 1 and a 36 inch pipe going over Rundberg Lane which backs water all over the area because it is so low. The area adjoining to the west is being developed with homes. A subdivision is being prepared on the area to the north for single-family homes.

Mr. Taniguchi asked if the proposed street through Tract 1 could be moved to the west to help maintain the buffer. Mr. Hale indicated that it could.

C14-70-004 Hale & Associates--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending a field inspection of the site.

At the Commission meeting, the staff reported a letter from Mr. Brian Schuller, representing the applicants, requesting that the application be amended as follows:

1. To request "GR" General Retail, First Height and Area zoning on 4.94 acres of Tract 1 located east of the proposed north-south street and the frontage on Rundberg Lane west of the proposed north-south street to a depth of 170 feet.
2. To request "BB" Residence, First Height and Area zoning on the remaining portion of Tract 1 and all of Tract 2.
3. To request "B" Residence, First Height and Area zoning on Tract 3.

Mr. Goodman asked if the staff had any objection to the request as amended. Mr. Lillie explained that the staff objects to the extension of "GR" General Retail zoning west of the north-south street. Such an extension would encourage strip zoning along Rundberg Lane. It is recommended that the "GR" General Retail zoning be terminated at the proposed north-south street. If granted, it is anticipated that the two large lots in the adjoining subdivision to the west and fronting onto Rundberg Lane will also be requested for commercial use. A higher density is expected along Rundberg Lane but it should be of a residential multi-family character as opposed to a commercial character like Burnet Road or Anderson Lane.

Mr. Hale stated that the price of land is too high to put together for residential purposes. He said he does not agree with the staff recommendation on the 170 foot area off of Rundberg Lane because of the fact that Rundberg Lane will be a 90 foot thoroughfare and it is inconceivable that the adjacent land will not be developed commercially. He indicated that 20 feet of right-of-way will be dedicated to the City across the property leaving a depth of only 150 feet which is the standard size service station lot.

Mr. Reeves stated that Rundberg Lane is a proposed 90 foot thoroughfare and pointed out that there are not many 90 foot thoroughfares in Austin which are already improved that do not have commercial establishments near residential areas and specifically near apartment complexes. He said in his opinion the people in the area should be put on notice that this is a thoroughfare and should be zoned for commercial development. Rundberg Lane is going to be a heavily traveled street and people should not be encouraged to buy a narrow strip of land and continue to have residential development. It is a thoroughfare and it should be indicated by the zoning.

C14-70-004 Hale & Associates--contd.

Mr. Foxworth explained that the two large lots in the adjoining subdivision were left in the existing size on the plat for the stated purpose of duplex development.

The Commission accepted the request to amend this application and after further discussion, a majority of the members felt that the requested zoning is appropriate at this location and should be granted. It was then

VOTED: To recommend that the request of Hale and Associates for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area on the portion of Tract 1 located east of the proposed north-south street and the frontage on Rundberg Lane west of the north-south street to a depth of 170 feet and "BB" Residence, First Height and Area on the remaining portion of Tract 1 and all of Tract 2 and "B" Residence, First Height and Area for Tract 3 (as amended) for property located at (Tr. 1) 400-522 East Rundberg Lane, Rear of 9400-9510 N. Interregional Highway (Tr. 2) Rear of 9432-9918 N. Interregional Highway and (Tr. 3) Rear of 9432-9918 N. Interregional Highway be GRANTED, subject to the necessary right-of-way for the widening of Rundberg Lane.

AYE: Messrs. Kinser, Milstead, Hanks, Reeves, Taniguchi, Goodman and Becker
NAY: Messrs. Anderson and Crier

C14-70-005 Alfred Morris: A to B
408-410 Wonsley Drive

STAFF REPORT: The property under consideration contains an area of 27,183 square feet of land which is presently undeveloped. The stated purpose of the request is for apartments and under the requested zoning, a maximum of 26 units could be permitted. The zoning to the north of Wonsley Drive is "A" Residence and Interim "A" Residence; to the south is "B" Residence and "GR" General Retail zoning. "C" Commercial zoning is established to the east along the Interregional Highway. The zoning established to the south of Wonsley Drive has set a pattern for more intensive development along this street and it can be anticipated that there will be further applications to the east toward I. H. 35. The tracts are large and presently under utilized. The staff recommends that the request be granted subject to five feet of right-of-way on Wonsley Drive.

TESTIMONY

WRITTEN COMMENT

John D. Byram: 1108 Lavaca, Suite 200
Nelson Puett

FOR
FOR

PERSONS APPEARING AT HEARING

E. C. Thomas (representing applicant)

C14-70-005 Alfred Morris--contd.

SUMMARY OF TESTIMONY

Mr. E. C. Thomas was present on behalf of this request and advised the Committee that additional lots towards I. H. 35 will be requested for a change in the near future. He also stated that the five feet of right-of-way to widen Wonsley Drive would be dedicated.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning is consistent with the existing zoning in the area and recommended it be granted, subject to five feet of right-of-way for Wonsley Drive.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Alfred Morris for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 408-410 Wonsley Drive be GRANTED, subject to five feet of right-of-way for Wonsley Drive.

C14-70-006 Dr. and Mrs. Byron N. Smith: BB to B
302 East 34th Street

STAFF REPORT: The subject property contains 10,200 square feet of land located on East 34th Street. The stated purpose of the request is for a 12 unit apartment project. The zoning in the area consists of "A" Residence directly to the north with "BB" Residence zoning established at the south, east and north. "B" Residence zoning exists to the west on Helms Street and to the north along Grooms Street and also Tom Green Street. The area is developed with single-family homes, duplexes and apartments. The subject application falls in an area in which the staff prepared a zoning study in 1967. It was determined in the study that in the area south of 38th Street between Guadalupe and Duval Streets applications for "BB" and "B" Residence zoning would be recommended provided a minimum right-of-way of 60 feet is available or could be obtained on the streets. East 34th Street is classified as a Minor Residential street with 60 feet of right-of-way which is adequate. The staff recommends that the request be granted as it conforms to recommendations resulting from an area study.

TESTIMONY

WRITTEN COMMENT

Mrs. Velma Martin: 308 East 34th Street
A. W. Cain: 305 East 34th Street
Scudder & Lannert Properties: 3403 Grooms
Forest Pearson, et al

FOR
FOR
AGAINST
FOR

C14-70-006 Dr. and Mrs. Byron N. Smith--contd.

PERSONS APPEARING AT HEARING

Dr. & Mrs. Byron N. Smith (applicants)
Hazel N. Clark: 304 East 34th Street
Richard F. Lannert: 300 East 34th Street

AGAINST
AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Dr. Byron Smith was present at the hearing and presented a preliminary sketch of the proposed development on the site. He explained that 12 efficiency units with 12 parking spaces are planned for the site. Approximately 90 per cent of the occupancy in an efficiency unit are unmarried persons therefore a great deal of off-street parking is not necessary. This is a very dense area and an ideal location for University housing. The cost for a square foot of land in the area has reached a point where the proposed type of development is the only feasible way to develop.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that the zoning along Speedway and Duval Streets is "B" Residence and "BB" Residence zoning and should be maintained as a buffer. The main objection is to the density, permitted under the "B" Residence zoning. The subject lot is only 60 feet wide and the development of 12 units in the middle, off-street parking and the only ingress and egress off of 34th Street and a narrow dirt alley to the rear is very objectionable as the development would be an asphalt jungle. If 12 units are proposed on the site at least 24 parking spaces are needed to adequately suffice for the necessary off-street parking.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted, as it conforms to Planning Commission recommendations for property in the area resulting from an area study.

A majority of the Commission concurred with the Committee recommendations, and

VOTED: To recommend that the request of Dr. and Mrs. Byron N. Smith for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 302 East 34th Street be GRANTED.

AYE: Messrs. Kinser, Milstead, Hanks, Reeves, Anderson, Crier and Becker
NAY: Messrs. Taniguchi and Goodman

C14-70-007 Robert D. Jones: A to B
1305 Newfield Lane

STAFF REPORT: The subject property contains 8,185 square feet of land located on Newfield Lane south of Enfield Road. The stated purpose of the application is for apartments and under the requested zoning eight units would be permitted. "A" Residence zoning exists to the north, west and immediate east with "B" Residence zoning established to the east along Palma Plaza. The subject lot adjoins the proposed right-of-way and improvements of Mo-Pac Expressway. Newfield Lane at this location is proposed as the east frontage road for the Expressway. The Expressway will effect not only the subject lot but all those lots south of Enfield Road fronting onto Newfield Lane. This is not to say that all the lots should be rezoned to permit higher density, rental type units. Several are probably already rental properties and can continue as low-density residential uses. The staff recommends that the request be granted because of the lot location in relation to Mo-Pac Boulevard and the existing "B" Residence zoning to the east. Newfield Lane has only 50 feet of right-of-way; however, the improvements planned for Mo-Pac do not require additional right-of-way for property along the east side of Newfield Lane.

Mr. Lillie pointed out that all of the area south of Enfield Road and east of Mo-Pac Railroad is designated Medium Density in the Master Plan.

TESTIMONY

WRITTEN COMMENT

Robert D. Jones (applicant)
 Stella Hofheinz

FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted because of the lot location in relation to Mo-Pac Boulevard, the existing "B" Residence zoning to the east, and the Master Plan designation for Medium Density Residential.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert D. Jones for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1305 Newfield Lane be GRANTED.

C14-70-008 Claude C. Curtis: A to B
204 East 33rd Street

STAFF REPORT: This is a request for "B" Residence, First Height and Area zoning on an 8,840 square foot lot located on East 33rd Street. The stated purpose of the request is for apartments and nine units would be permitted. There is "A" Residence zoning adjoining the site to the east, north and south with "BB" Residence zoning established adjacent to the west and also to the east of Grooms Street. To the west of Helms Street is "B" Residence zoning. Single-family, duplex and apartment development surrounds the subject site. This application falls in an area in which the staff prepared a zoning study in 1967. It was determined in the study that in the area south of 38th Street between Guadalupe and Duval Streets applications for "BB" and "B" Residence zoning be recommended provided a minimum right-of-way of 60 feet existed or could be attained on the streets. East 33rd Street is classified as a minor residential street with 60 feet of right-of-way and is adequate. The staff recommends the request be granted as it conforms to the recommendation resulting from the area study.

TESTIMONY

WRITTEN COMMENT

J. M. Patterson: 1406 Colorado
A. W. Cain: 305 East 34th Street
Scudder & Lannert Properties: 3403 Grooms
Forest Pearson
Stella Hofheinz

FOR
FOR
AGAINST
FOR
FOR

PERSONS APPEARING AT HEARING

Buford Stewart (representing applicant)

SUMMARY OF TESTIMONY

The staff advised the Committee members that Mr. Stewart, representing the applicant, was present but was called to another meeting.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to Planning Commission recommendations for property in the area resulting from an area study.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Claude C. Curtis for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 204 East 33rd Street be GRANTED.

C14-70-009 C. R. Thomson: GR to C (Tr. 1) and BB & B to GR (Tr. 2)
 Tract 1: 1913-1927 State Highway 71
 Tract 2: Rear of 1401-1505 Brandt Drive
 Rear of 1801-1927 State Highway 71

STAFF REPORT: This application for rezoning is made on two tracts of land totaling approximately 11.5 acres. The request on Tract 1 containing 1.06 acres is for mobile home sales and on Tract 2 containing 10.27 acres, the stated purpose is for a mobile home park. The City limit line abuts the subject property to the north and east. To the west is Interim "A" Residence zoning developed with single-family residences. To the south is State Highway 71.

This application was before the Zoning Committee about a year ago at which time a special permit was also filed for a mobile home park. The staff, Committee and Planning Commission recommended the change to "GR" General Retail and a special permit site plan was approved. The City Council however, voted not to grant the zoning. The applicant has subsequently submitted a special permit on that portion of his land zoned "GR" General Retail. The area was a part of the original special permit already approved by the Planning Commission. This first phase was also approved by the Planning Commission. The staff recommends the zoning be granted as the conditions in the area have not changed in the past year.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John F. Campbell (representing applicant)	
Jack Bowen: 1300 Hyman Lane	AGAINST
Mrs. A. B. Beddow: 1000 Dalton Lane	AGAINST
John R. Curb: 1500 Brandt Drive	AGAINST
J. B. Hatcher: 1503 Brandt Drive	AGAINST
Donald E. Coffey: 1407 Brandt Drive	AGAINST
Norman R. St. Martin: 1311 Hyman Lane	AGAINST
Karoline J. Curb: 1500 Brandt Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Campbell, attorney for the applicant, explained that the purpose of the requested change is to permit the use of the property for a mobile home park with the front portion being used for mobile home sales. The applicant is in the process of putting in a mobile home park in the area zoned "GR" General Retail and there will be approximately 23 mobile home sites. It is felt that this type of development is the best use for the site as it is located across from Bergstrom Air Force Base and the landing pattern comes across the property. The residential development in the area is almost nil

79

C14-70-009 C. R. Thomson--contd.

although there are eleven houses established along Brandt Drive. In addition, there is a creek behind the residential lots between the subject property to the west and Brandt Drive with fairly dense tree coverage providing a natural barrier. There is an absence of mobile home parks in the City and they are greatly needed. The subject site is ideally located for the proposed development as it is on a State Highway with easy access. All ingress and egress will be to the State Highway and there will be no roads leading to the residential area.

Arguments Presented AGAINST:

Mrs. Beddow and Mr. Norman R. St. Martin appeared in opposition to the request and explained that when the original application for rezoning was made on the subject site several members of the Council visited the area and recommended that the zoning be denied. There are ten or eleven homes developed along Brandt Drive; however, there are almost 40 homes developed in the subdivision. There are enough mobile home sites in the area without establishing a mobile home park on the subject site. Even though there are a number of trees bordering the site, it does not block the view from the residential area and the development of a mobile home park would be a detriment to the existing single-family homes. There is a need for housing because of Bergstrom Air Force Base; however, duplexes or townhouses should be considered as a better use of the land and would be more compatible with the existing development. The homes in the Richland Estates Subdivision adjoining the subject property are in the price range of \$20,000 to \$22,500 and it is the only nice residential area in close proximity to Bergstrom Air Force Base. Homes in the subdivision are much closer to the landing pattern at Bergstrom Air Force Base and if this type development can continue in this location, there is no reason why the subject property cannot be developed with residential homes. Zoning is for the common good as opposed to the good of one individual and the development of a mobile home park could depress the area.

Several other property owners spoke in opposition to the requested change and stated that in their opinion the requested zoning on the subject site for a mobile home park would set a precedent for the remainder of the applicant's property presently zoned "A" Residence, so that the driveway from the trailer park could be extended into the residential area for easier access. There are restrictions on the residential area indicating what can be developed and what cannot be developed and to allow a mobile home development would in a few years create a slum area because mobile homes are not permanent structures and can be moved in and out.

Arguments Presented IN REBUTTAL:

Mr. Campbell stated that unfortunately in the years past mobile home parks have not been very popular; however, the applicant does not intend to build a slum area. He will build an attractive fence to buffer the area and there will not be any access onto Brandt Drive. The applicant simply has 16 acres of land and feels the best development at this location is for a mobile home park.

C14-70-009 C. R. Thomson--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending further study and a field inspection of the site.

At the Commission meeting, Mr. Reeves pointed out that the Commission has considered and recommended zoning on the subject property previously and approved two special permits.

The first time the property was considered, the Commission insisted that "A" Residence zoning be established for the extreme northwest portion as a buffer and required Brandt Drive to extend through, and a six foot fence along the portion of the property abutting "A" Residential zoning. Following that, the Commission considered a special permit which was granted. The City Council denied the zoning and then a special permit was requested for only the portion of the property presently zoned "GR" General Retail and again the Commission approved the request. He said that in his opinion "GR" General Retail zoning should be granted on Tract 2 but that "C" Commercial zoning should be denied on Tract 1 as the existing "GR" General Retail zoning is appropriate.

Several of the members felt that "GR" General Retail zoning is too intensive and recommended that Tract 2 be zoned "LR" Local Retail as this would also permit a mobile home park. They agreed that the request on Tract 1 should be denied. After further discussion, the Commission unanimously

VOTED: To recommend that the request of C. R. Thomson for a change of zoning from "GR" General Retail, First Height and Area to "C" Commercial (Tr. 1) and from "BB" and "B" Residence, First Height and Area to "GR" General Retail, First Height and Area (Tr. 2) for property located at (Tr. 1) 1913-1927 State Highway 71 and (Tr. 2) Rear of 1401-1505 Brandt Drive and the Rear of 1801-1927 State Highway 71 be DENIED and that the existing "GR" General Retail, First Height and Area zoning be retained on Tract 1 and "LR" Local Retail, First Height and Area zoning be GRANTED on Tract 2, subject to a six foot privacy fence along the west and northwest boundary of the property adjoining the existing "A" Residence zoning.

ABSTAINED: Mr. Anderson

C14-70-010 Carroll R. Downey: Int. A, Int. 1st to C, 1st
6005-6019 Bolm Road
1000-1014 Gardner Road

STAFF REPORT: The subject property consists of 40,400 square feet located at the southwest corner of the intersection of Bolm Road and Gardner Road. The proposal is to develop the property for business use. The area south of Bolm Road and west of Gardner Road is designated "Manufacturing and Related Uses" in the Master Plan. Industrial, commercial and apartment zoning exist or is pending in close proximity to the subject tract. A 300 unit public housing

C14-70-010 Carroll R. Downey--contd.

project is proposed on the large tract of land east of Gardner Road. A request for "GR" General Retail and "BB" Residence zoning will also be considered at this meeting on a large tract of land east of Gardner Road and north of Bolm Road. To the north of Mayhall Drive is Johnston High School. Necessary right-of-way for the widening of both Bolm Road and Gardner Road has been accomplished by subdivision already recorded and the staff recommends that the zoning as requested be granted.

TESTIMONY

WRITTEN COMMENT

Arthur F. Johnson (applicant)

PERSONS APPEARING AT HEARING

Arthur Pihlgren (representing applicant)

SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren advised the Committee that he represents the applicant and Mr. Arthur Johnson both owners of the subject property. The area under consideration was recently annexed to the City at the request of the owners in December, 1969. The requested zoning should be granted as the site is located at a major intersection near the Johnston High School and Bolm Road going into Airport Boulevard. "C" Commercial zoning is proper zoning for the site as the area was originally zoned for industrial development and to the south is a great deal of vacant land that is still in the Master Plan as industrial.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted as it conforms to the existing zoning in the area.

A majority of the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Carroll R. Downey for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at 6005-6019 Bolm Road and 1000-1014 Gardner Road be GRANTED.

AYE: Messrs. Kinser, Milstead, Hanks, Reeves, Crier, Anderson, Becker, and Goodman

NAY: Mr. Taniguchi

ABSENT: None

C14-70-011 Baptist General Convention of Texas: B, 2nd to C, 4th
2112 Nueces
601-605 West 22nd Street

STAFF REPORT: This application covers 11,600 square feet of land and the stated purpose of the request is for a four story parking garage. The zoning in the area is predominantly "B" Residence permitting high density residential development primarily for students attending the University. While "C" Commercial, Fourth Height and Area zoning does exist on several tracts to the north, these tracts are on major arterial streets and are apartment-parking complexes. The use proposed for the subject site is commendable; however, the zoning required permitting almost unlimited commercial use of the property would, in the opinion of the staff, be an intrusion into an area of residential use and the staff recommends that the request be denied. If the change is granted, five feet of right-of-way would be required for Nueces Street, classified as a major arterial street with 60 feet of right-of-way.

Mr. Lillie explained that there is a new YMCA building proposed on Guadalupe Street and it is the staff's understanding that there will be no on-site parking. The required parking is to be provided on the property considered in this zoning application. The Zoning Ordinance provides that required parking be on-site or the Board of Adjustment has the ability to approve off-site parking within 200 feet of the site. The subject property is located approximately 500 feet from the site of the proposed YMCA. There are several possible alternatives to the parking requirements. One is a variance from the Board of Adjustment and secondly, this lot is in an area in which the City Council may waive the on-site parking requirements or waive the requirements apart from the Zoning Ordinance or building permit. The applicant has discussed this with the Building Inspector to determine what route should be taken. The Fourth Height and Area permits the structure to be built to the property line with no setback.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

William C. Fielder (representing applicant)

SUMMARY OF TESTIMONY

Mr. William C. Fielder, attorney for the applicant, advised the Committee that the plans are for a four level parking garage, including the ground floor with spaces for approximately 134 cars. The required off-street parking for the University YMCA would be provided plus an additional 30 to 60 spaces for the area. As indicated by the staff, the proposal has been discussed with the Building Inspector and pending the zoning there are no other obstacles. The applicant has a contract to sell the property to the YMCA. Mr. Fielder, further commented that they are talking with several institutions about a loan for the proposal and pending the zoning request are hopeful that it will go

C14-70-011 Baptist General Convention of Texas--contd.

through. The present plan as soon as the zoning is approved is to proceed with the parking garage in advance of construction of the YMCA building. One of the reasons the zoning is appropriate for the property is the high cost of land in the area. It is no longer economical or feasible to build residences and the trend is towards a higher income production than residences in which students rent apartments or rooms on a semester basis would support. Parking is very much needed within the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to five feet of right-of-way for Nueces Street and with the condition that the use be restricted to a parking garage.

At the Commission meeting, Mr. Reeves asked Mr. Fielder, representing the applicant, if they would object to encumbering the property with the restriction that the site be restricted to a parking garage.

Mr. Fielder indicated that there would be no objection. After further discussion, a majority of the members concurred with the Committee recommendation and

VOTED: To recommend that the request of Baptist General Convention of Texas for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Fourth Height and Area for property located at 2112 Nueces Street and 601-605 West 22nd Street be GRANTED, subject to five feet of right-of-way for Nueces Street and with the condition that the use be restricted to a parking garage.

AYE: Messrs. Kinser, Reeves, Anderson, Becker and Goodman

NAY: Messrs. Milstead and Crier

ABSENT: None

ABSTAINED: Messrs. Taniguchi and Hanks

C14-70-012 H. E. Padgett, Trustee: D, 2nd to D, 3rd
400-510 Riverside Drive

STAFF REPORT: The property under consideration contains 5.01 acres located along the north side of Riverside Drive. The stated purpose of the request is for a motel. The subject tract is in an area of apartments, offices, and commercial development with frontage onto a major arterial street. "D" Industrial zoning exists on the site. To the south of Riverside Drive is "B" Residence, Second Height and Area zoning and is developed with single-family dwellings. Riverside Drive is classified as a future expressway and presently has an existing right-of-way of 68 feet. The Expressway and Major Arterial Plan recommends that 90 feet of right-of-way be established along this section. The staff recommends that the zoning be granted subject to 12 feet of right-of-way for the widening of Riverside Drive.

C14-70-012 H. E. Padgett, Trustee--contd.

Mr. Taniguchi asked if "D" Industrial zoning is necessary for a motel or would the use be permitted in some other classification. Mr. Lillie explained that the area between Riverside Drive and Town Lake from Steak Island to the Coliseum is zoned "D" Industrial. The proposed use and recent construction could all be done under more restrictive zoning. It is not necessary to have "D" Industrial zoning for a motel as "GR" General Retail would suffice. The Second Height and Area zoning existing on the site permits a height of 60 feet and the requested Third Height and Area permits 120 feet. The plans of the applicant are to build to 72 feet.

TESTIMONY

WRITTEN COMMENT

Robert E. Kleberg: 504 Academy
Morris Schwartz: 216 Bonniview

AGAINST
AGAINST

PERSONS APPEARING AT HEARING

Ed Padgett (applicant)
Ramon G. Galindo: 511 East Riverside Drive
E. A. Jones: P. O. Box 1383

AGAINST
FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Ed Padgett was present on behalf of this request and explained that the proposal is to build a motel structure 72 feet in height on the west tract if the requested zoning is granted, with the east tract being held for future expansion. There will also be a private club and a small package store on the site. Mr. Padgett advised the Committee that there would be no objection to "GR" General Retail, Third Height and Area zoning if it permits the development as proposed.

Arguments Presented AGAINST:

Mr. Ramon Galindo appeared at the hearing and stated that he owns property to the south across Riverside Drive and is opposed to the development of a very tall structure on the subject site as it would obstruct the homeowners view of town. There would be no objection if the motel were limited to two stories across both tracts rather than a tall structure on the west tract.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the zoning as requested should be denied, but recommended that "GR" General Retail, Third Height and Area zoning be granted as the proper zoning for the site.

C14-70-012 H. E. Padgett, Trustee--contd.

At the Commission meeting, Mr. Taniguchi read a letter from Mr. Padgett agreeing to dedicate 12 feet of right-of-way off the frontage of the property for the widening of Riverside Drive upon the rezoning of the site from "D" Industrial, Second Height and Area to "C" Commercial, Third Height and Area.

Mr. Lillie explained that Mr. Padgett has indicated that in discussions with the potential developers of the property they feel that "C" Commercial zoning is needed rather than "GR" General Retail.

Mr. Padgett advised the Commission that with the money market the way it is, the only reason the proposal would not go through would be because of the financing situation and it is felt that to limit the property to "GR" General Retail would hamper future development.

Mr. Goodman stated that in his opinion careful consideration should be given to establishing "C" Commercial zoning along the lake front. If the proposal did not go through, then "C" Commercial zoning could be detrimental to the people in the area as well as the people in the City viewing it. Mr. Padgett indicated that they would not be willing to risk 6200 feet of frontage for right-of-way if it was felt that the proposal would not go through.

The Commission members discussed the proposal and expressed concern about the type of zoning established along Town Lake. They agreed that "GR" General Retail zoning is the most appropriate zoning for the site and recommended that it be granted subject to the necessary right-of-way for Riverside Drive. It was then unanimously

VOTED: To recommend that the request of H. E. Padgett, Trustee for a change of zoning from "D" Industrial, Second Height and Area to "D" Industrial, Third Height and Area for property located at 400-510 Riverside Drive be DENIED but that "GR" General Retail, Third Height and Area zoning be GRANTED, subject to the necessary right-of-way for Riverside Drive.

C14-70-013 Terrell Timmerman: A to O
903-905 East 53½ Street

STAFF REPORT: The subject property consists of 20,832 square feet of land located along the south side of East 53½ Street. The stated purpose of the request is for offices. Existing commercial zoning and development is concentrated west of Helen Street and Depew Avenue with primary frontage along Airport Boulevard. To the east commercial development is concentrated along I. H. 35. The interior of this small neighborhood is zoned "A" Residence and still maintained with single-family and two-family dwellings. Zoning permitting higher intensity of land use should not be encouraged. The staff recommends that the request be denied as an intrusion into a residential area with inadequate streets. If the request is granted, 15 feet of right-of-way would be needed for 53½ Street which is classified as a Major Arterial street.

86

C14-70-013 Terrell Timmerman--contd.

TESTIMONY

WRITTEN COMMENT

J. E. Felts: 1707 Colorado	FOR
Gayle Essary: 920 East 53rd Street	FOR
Ola Croisdale Wied: 921 East 53rd Street	FOR

PERSONS APPEARING AT HEARING

Terrell Timmerman (applicant)

SUMMARY OF TESTIMONY

Mr. Terrell Timmerman appeared on behalf of his request and explained that at the present time he has two one-bedroom cottages on the property that are in a bad state of repair. He stated that he would like to remove the cottages and build a one-story office building. There is a need for office space in the area and the development would up-grade the neighborhood. There is no objection to the requested right-of-way for widening on 53½ Street.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-developed residential area with streets inadequate for higher intensity of land use.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Terrell Timmerman for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 903-905 East 53½ Street be DENIED.

C14-70-014 Omega Investment Company: A to LR
606-608 Deen Avenue

STAFF REPORT: The property under consideration contains an area of 10,295 square feet. The stated purpose of the application is for uses permitted by the requested zoning. Commercial zoning and land use exists along Lamar Boulevard with "A" Residential zoning and development to the east of the subject site. The application is consistent with the zoning case previously recommended by the Planning Commission and is a part of the special permit for a mobile home park already approved on the site. An error in field notes necessitated this application. A short form subdivision has already been approved and recorded joining these three lots and dedicating the necessary right-of-way for the street. The staff recommends the request be granted.

C14-70-014 Omega Investment Company--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, explained that this request was before the Commission previously and because of an error in field notes, the subject site was left out. In order to avoid any legal problem, the request was refiled on the subject site. The special permit has already been approved.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Omega Investment Company for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 606-608 Deen Avenue be GRANTED.

C14-70-015 Cal Marshall: Int. A, Int. 1st to GR, 1st (Tr. 1) and BB, 1st (Tr. 2)
 Tract 1: 1101-1109 Gardner Road
 6100-6300 Bolm Road
 Tract 2: 1111-1137 Gardner Road
 6101-6213 Mayhall Drive

STAFF REPORT: The subject application covers two tracts of land located at the northeast intersection of Gardner Road and Bolm Road. The stated purpose of the application is for uses permitted by the requested zoning. The request is in an area which has existing and pending zoning for industrial, commercial and apartment uses. Johnston High School adjoins the tract to the north with single-family and two-family homes established to the west. Bolm Road is classified as a neighborhood collector street with a present right-of-way of 30 feet. Gardner Road, with an existing right-of-way of 60 feet is classified as a minor collector street. The staff recommends that the request be granted, subject to 5 feet of right-of-way for the widening of Bolm Road. In order to align Gardner Road at its intersection with Bolm Road, up to 10 feet of right-of-way will be necessary at the intersection.

C14-70-015 Cal Marshall--contd.

TESTIMONY

WRITTEN COMMENT

Darrell Cummings: 2207 Hopi Trail

FOR

PERSONS APPEARING AT HEARING

John Selman (applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant stated that in his opinion the requested zoning is logical and requested that the change be granted. The applicant will furnish the necessary right-of-way.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the zoning as requested is appropriate and should be granted subject to five feet of right-of-way for Bolm Road and up to 10 feet of right-of-way at the intersection in order to align Gardner Road with Bolm Road.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Cal Marshall for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area (Tr. 1) and "BB" Residence, First Height and Area (Tr. 2) for property located at (Tr. 1) 1101-1109 Gardner Road and 6100-6300 Bolm and (Tr. 2) 1111-1137 Gardner Road and 6101-6213 Mayhall Drive be GRANTED, subject to five feet of right-of-way for Bolm Road and up to 10 feet of right-of-way at the intersection in order to align Gardner Road with Bolm Road.

POSTPONED CASE

C14-69-317 Austin Northwest Development Co.: Int. A, Int. 1st to GR, 1st (Tr. 10)
 Tract 10: 7900-7952 Shoal Creek Boulevard
 3100-3318 Anderson Lane

Mr. Lillie, Assistant Director of Planning, reported that this application was before the Commission last month for three separate tracts. Tract 10 was postponed for one month pending further information on the right-of-way for the extension of Great Northern Boulevard and Anderson Lane in connection with the Mo-Pac Expressway with the hope of determining some date at which the property could be acquired or some agreement reached by the City and the property owner for the planned extension. Mr. Wayne Golden, Planning Coordinator has checked

C14-69-317 Austin Northwest Development Co.--contd.

with the Highway Department, the legal department and the City Manager's office and his statement is as follows:

In general, the Highway Department concurs with the Planning Department and Traffic Engineers' suggestion that Great Northern Boulevard be extended northerly to pass under the proposed bridge over Mo-Pac Railroad at Anderson Lane. It is felt this would materially assist in the handling of traffic at the Shoal Creek Boulevard intersection. They pointed out that this was mentioned several times during the discussion of the proposed location of Shoal Creek Boulevard north of Anderson Lane.

The proposed extension of Great Northern Boulevard would be the City's responsibility to construct; however, the Highway Department would provide the additional span in the bridge planned for the Anderson Lane grade separation at Mo-Pac Expressway.

The tentative right-of-way plans for Mo-Pac Expressway in this area have been submitted to the City for their approval, but as yet, have not been approved.

Mr. Lillie emphasized that there are no plans at this time to acquire any property in the area of this particular intersection as the City does not have the funds for acquisition.

Mr. Goodman asked if there is proposed money in the Bond Program for acquiring right-of-way for Anderson Lane. Mr. Osborne explained that it is not specifically allocated in the proposal although there is one million dollars for this type of project.

After further discussion, the Commission members agreed that the requested zoning is appropriate and should be granted.

It was then unanimously

VOTED: To recommend that the request of Austin Northwest Development Co. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area (Tr. 10) for property located at 7900-7952 Shoal Creek Boulevard and 3100-3318 Anderson Lane be GRANTED.

It was also

VOTED: To recommend that the City Council be put on notice of the need for the right-of-way for the extension of Great Northern Boulevard through Tract 10 in connection with the Mo-Pac Expressway program and to further recommend that the right-of-way be acquired.

CP14-70-001 Brodie Keene: 180 Unit Apartment Dwelling Group
 Rear of 2511-2615 Euclid Avenue
 100-204 Cumberland Road
 2528-2630 South Congress Avenue

STAFF REPORT: This application has been filed as required in Sections 5, 5-C and 6 Subsection 8, 39, 75, Paragraph E and F and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed on the site is a 180 unit apartment dwelling group with 343 off-street parking spaces. The subject property is presently zoned "B" Residence, "GR" General Retail and "C" Commercial, Second Height and Area. The Zoning existing on the site would permit the development of approximately 400 units. The site plan has been circulated to the various City Departments and the comments are as follows:

1. Director of Public Works - Driveway locations meet with our approval however, we will need request for and approval of them before construction begins.
2. Tax Assessor - Taxes are paid through 1969. 4-0402-0407
3. Health - No Objections. Waste Water System to be available.
4. Fire Prevention - Install required fire extinguishers as buildings are completed.
5. Fire Protection - We would like to recommend the relocation of the fire hydrants shown on the site plan. We feel that the location shown on the plan would make the length of the lines that might be needed to cover the interior buildings in the northwest part of the development excessive as they would have to be laid down driveways that the trucks could travel. We feel that the hydrants if located as shown in red will help us give faster and better fire protection. These fire hydrants should be placed with the 4" opening facing the driveway and app. 18" from the center of the opening to finished grade. Our trucks require 25' inside turning radius.
6. Traffic Engineer - Plans are in order.
7. Electric - Electric easements to be retained at a later date.
8. Water and Sewer - Sanitary Sewer service is available from the existing main in Cumberland Road and the main going through the easement on the north side of the property. Water service is available from the existing mains in the adjacent streets. Two additional fire hydrants will be required.

CP14-70-001 Brodie Keene--contd.

8. Water and Sewer--contd. - One will be on the northwest corner of the intersection of the drive from South Congress Avenue and the most easterly North-South Drive. The second fire hydrant will be on the southeast corner of the intersection of the most westerly drive and the most northerly drive. This will require running a 6" main with valves from the existing 10" main in South Congress Avenue through the outside drives as shown on the plat and tying back into the 12" main in Cumberland Road. The valving arrangement should follow that shown on the plat. Fire demand meters will be required if a combined fire and domestic system is used.
9. Office Engineer - Require request for commercial drive-ways.
10. Storm Sewer - Plat ok except: (1) show easement (add 5' to existing sanitary easement). (2) Drain at least one-half the area to Cumberland Road (3) 24" pipe required along North line. 680 L.F. @7.60=\$5168.00.
11. Building Inspector - (1) A 4 foot high solid fence is required along the entire west and north property lines where the parking area is adjacent to property developed for a residential use. (2) Does not include Building Code approval. (3) No building may be constructed over the existing Sanitary Sewer Easement shown on the site plan and plat (note on site plan indicates this easement is to be abandoned. This would have to be done before a building permit is issued). (4) As a special permit authorizes only uses specified thereon and within the property boundaries as drawn any intended use of the 150' strip of land along South Congress should be identified. (5) South Congress Avenue is designated as an arterial street requiring acknowledgement of any right-of-way widening.
12. Advanced Planning - Boundary of special permit should be changed or proposed development of property along Congress Avenue should be added to plan.

CP14-70-001 Brodie Keene--contd.

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Several nearby property owners

AGAINST

SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

Several nearby property owners appeared at the hearing and stated that the main objection to the proposal is that it would be a safety hazard. Euclid Avenue is a very narrow street developed with single-family residences and the development on the site would create a traffic hazard for the many children along this street walking to and from school. It is difficult to get onto South Congress Avenue from Cumberland Road so the majority of the traffic generated by the proposed development would come from Cumberland Road and go down Euclid Avenue.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending further information and detail on the site plan.

At the Commission meeting, the staff reported that two departmental comments on this request are still lacking. The Zoning Committee was concerned about the design and there were several comments the staff had made with respect to the frontage on South Congress Avenue. As a result, a revised plat has been submitted deleting the frontage and a short form will be filed dividing the property into three lots. The staff recommends the request be granted, subject to departmental requirements.

Mr. Taniguchi stated that he is aware the Commission does not have any control with regard to building configuration and location but he is concerned in that apartments back to apartments and windows are across from windows.

Mr. Keene, the applicant, advised the Commission that there is approximately 20 feet between most of the units and in many cases, the units are on different levels as there is topographic change within the lot. The common wall is a wet wall construction which reduces the cost of units so there will be low cost housing in the apartment complex. The proposed density is 29 units per acre.

Mr. Goodman stated that he objected to the plans because of the penetration of the parking into the site and the fact that there was no outlet proposed on the west side. Mr. Reeves indicated a concern about the street in that there is a high hill on Cumberland Road and people would be swinging over to use it which

CP14-70-001 Brodie Keene--contd.

would increase traffic into the neighborhood. He asked if there would be any objection to limiting the ingress and egress to Congress Avenue.

Mr. Keene stated that a six foot privacy fence is in the specifications along the west and north sides of the property. He said that in his opinion the use of Euclid Avenue to get to South Congress and Oltorf would be out of the way and very slow.

After further discussion, a majority of the members concluded that this request should be approved, subject to departmental requirements. It was then

VOTED: To APPROVE the request of Brodie Keene for a special permit for the erection of a 180 unit apartment dwelling group located at the rear of 2511-2615 Euclid Avenue, 106-204 Cumberland Road and 2528-2630 South Congress Avenue, subject to departmental requirements and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Kinser, Milstead, Hanks, Anderson and Becker

NAY: Messrs. Taniguichi, Reeves, Goodman and Crier

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

CASE FOR RECONSIDERATION

CP14-69-056 Ernest Joseph: Mobile Home Park
1012-1112 Center Street
Rear of 3306-3618 Garden Villa Lane
3306 Lock Lane

Mr. Lillie explained that the zoning request on the subject property was considered at the City Council meeting last week. The applicant requested withdrawal of the request. The applicant is also requesting that the special permit be withdrawn. It was then unanimously

VOTED: To ACCEPT the withdrawal of this special permit application.

SUBDIVISIONS

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting on January 26, 1970, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that North

R146 SUBDIVISION COMMITTEE--contd.

Creek East Subdivision was referred to the Commission. It was then

VOTED: To ACCEPT the staff report and spread the action of the Subdivision Committee of January 26, 1970, on the minutes of this meeting.

PRELIMINARY PLANS

C8-70-4 North Creek East
North Creek Drive and Rundberg Lane

The staff reported that this preliminary plan was referred by the Subdivision Committee to the full Commission to be considered after the decision of the Zoning matter. There are some questions pertaining to the proposed zoning as applied for on Mr. Hale's property as related to Mr. McPhaul's property. The staff was concerned at that time about giving preliminary approval to the plan before the zoning was resolved. Mr. Foxworth presented the preliminary and explained that the property in question is under two separate ownerships. Mr. McPhaul owns a portion of the property which is shown to be platted into lots and the large tract with the collector street going north-south through it toward the north end of the property belongs to Mr. Hale. Mr. Hale's property is being reconsidered for rezoning. The staff is in a position at this time to recommend that Mr. McPhaul's portion of the preliminary plan be approved subject to revision of the lot layout in Block 2. The plan submitted had one large lot which the staff objects to because of its relationship to the proposed zoning on Mr. Hale's property.

Mr. Foxworth pointed out that there is a drainage ditch and pipe along the north and west sides of Mr. Hale's portion of the property and it is recommended that the plan not provide for the extension of North Creek Drive into the subdivision. The staff recommends that Mr. McPhaul's portion of the preliminary plan be approved and that the variance be granted on block length.

The Commission members agreed that the variance should be granted on block length and that the preliminary plan for Mr. McPhaul's portion of the property should be approved subject to compliance with departmental reports. The Commission then

VOTED: To APPROVE Mr. McPhaul's portion of the preliminary plan of NORTH CREEK EAST subject to compliance with departmental reports and granting a variance on Block length, and deletion of North Creek Drive extension.

After consideration of the zoning requested on the portion of the plan owned by Mr. Hale, the staff recommended that the preliminary plan for this portion of the property be approved requiring the northerly extension of the north-south street to the north property line of the subdivision for access onto a possible 70 foot collector street to the north and subject to compliance with departmental requirements and Council action on the necessary zoning.

C8-70-4 North Creek East--contd.

Mr. Isom Hale advised the Commission that he does not oppose the recommendation by the staff. Mr. Hale raised a question regarding provision for open drainage ditches.

The Commission felt that any decision regarding a variance on drainage would be premature at this point due to the fact that this is only a preliminary plan and the drainage requirements have not been determined. After further discussion the Commission unanimously

VOTED: To APPROVE Mr. Hale's portion of the preliminary plan of NORTH CREEK EAST subject to compliance with departmental requirements, the north-erly extension of a north-south street to the northern most property line and subject to Council action on the necessary zoning.

SUBDIVISION PLATS - FILED AND CONSIDERED

The staff reported that the following final plats previously before the Commission were accepted for filing and disapproved pending technical items which are requirements of the Ordinance, and have been given approval by the staff in accordance with the Commission's amended rules and regulations. The Commission then

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

C8-68-116 Flournoy's Eastern Hills, Section 1, Phase 2
Adina Street

C8-68-104 Imperial Valley, Section 1
F.M. 969 and Imperial Drive

C8-68-121 The Foothills
Burnet Road and Foothills Drive

The staff reported that this subdivision is being presented for review purposes. The preliminary plan of the Foothills was approved in December, 1968. A final subdivision plat on a portion of the area was submitted in June, 1969, and accepted by the Commission and disapproved, pending compliance with departmental reports. Subsequent to that time, as late as 1970, a revised final plat was submitted which added one more tract of land to the final plat over and above what was originally submitted. The new final was accepted for filing and disapproved pending completion and compliance with departmental reports, in January of this year. Since that date, the Planning Department has received a report from the Director of Traffic and Transportation with the following memo attached:

On December 6, 1968, the Department of Traffic and Transportation reviewed a preliminary subdivision plat #C8-68-121. The proposed final plat, "The Foothills", C8-68-121, is a portion of the preliminary plat originally reviewed by this department and consequently approved by the Austin Planning Commission.

C8-68-121 The Foothills--contd.

The preliminary plat was recommended by this department based on the zoning in effect at that time: "A" Residential. Since that time, the Commission and the City Council have approved commercial zoning for a large section of the land that is adjacent to Foothills Drive.

Because of the new zoning of this land, this department has reviewed the location of the streets with particular attention to Silverway Drive. Based on this review, it is the recommendation of this department that the final subdivision plat as submitted be disapproved. The extension of Silverway Drive, a residential street, into the commercial area is highly objectionable. It is difficult for this extension to be justified under reasonable disguise of planning or providing adequate traffic movement.

The general commercial area is bordered on two sides by major arterial streets (Anderson Lane and Burnet Road) and is reasonably close to two collector streets (Shoal Creek Blvd. and Green Lawn Parkway). It is felt these streets should be utilized for the movement of traffic to and from the commercial area. To destroy this residential street when these other streets are in a reasonable location is hard to justify.

There is a great need for a street that would provide circulation around Lucy Reed Elementary School. Such a street could be the extension of Silverway across the northern portion of the school and connect with Pine Leaf Place. Anyone familiar with problems associated with school circulation can appreciate this great need.

It is the recommendation of the Department of Traffic and Transportation that consideration be given to subdivision plans that would not connect Silverway Drive with Foothills Drive but would rather provide circulation for the school.

Mr. Osborne explained to the Commission that in the development of the portion of Allandale Park general residential area to the south of the subject property, the private planning that went on in conjunction with the department involved discussions with Mr. Willard Connally and his engineers concerning the extension of Silverway Drive and other streets. It was subsequently platted out with Silverway coming up to the drainageway on the north side of the school. The general drainageway runs from Burnet Road to the west of Shoal Creek. At that time there was an indicated general agreement with regard to the school's participation in the development of a culvert or a crossing of the drainageway. There was an ultimate agreement firmed up by Mr. Dunnam and his Associates for the future extension of Silverway. At that time the only difference in the plan dealt with Mr. Connally's intent or consideration of developing apartments along the north side of the drainageway and then approximately a 25 acre shopping center. In the existing plans, the shopping

C8-68-121 The Foothills--contd.

center area has been extended to approximately 50 acres with the elimination of the proposed apartments. Over a year ago, discussion was held by the staff and the Austin Public Schools concerning the possibility of a loop street immediately around the Lucy Reed School. There was no resolution and it was in fact indicated that it would not be possible to have a loop street coming across the north side of Lucy Reed School and into Pineleaf on the east side of the school. Within recent weeks the Austin School Board was requested to reconsider the matter and informed the staff of the school's desire to meet with the City. The Planning Department called the various people to meet with individuals and representatives involved, including Mr. Hanks, Chairman of the Subdivision Committee, to discuss whether or not the streets should be around the school. The schools advised that this would not be possible and as a result, the staff feels that the question of having a street around the school is now mute. Part of this does involve recommendation from the Parks and Recreation Department as to their particular development of the school tract in terms of playground facilities. At this point there is an approved preliminary plan with a final plat being submitted on a portion of the area which makes the connection from Silverway and the Foothills coming out to Burnet Road. Mr. Osborne stated that he has advised the Commission and the neighborhood in the past at every point that it would increase traffic on Silverway; however, it is felt that the degree of increase would be attenuable for the residential area and it would probably not be overwhelming. Silverway Drive has existed on the ground for a number of years dead ending at the creek. It has 60 feet of right-of-way and 40 feet of paving. The rezoning concerning height and area for the bank tract on Burnet Road was heard by the City Council, at which time the Council made a motion to accept the recommendation of the Commission for a change in height and area and noted that this was not intended to require that Silverway be open into the Foothills. The statement of the Council was not to require that Silverway be open into the Foothills. This leaves the issue entirely within the prerogative of the Planning Commission.

Mr. Reeves asked if the subdividers intended to go ahead immediately in development of the street if it is recommended by the Commission. Mr. Osborne stated that it is his understanding that the immediate plans are to develop the Foothills only to the point where it reaches Silverway and then if the property develops, it will carry it eventually into Anderson Lane. Mr. Dunnam has indicated that if and when a shopping center is built, one of the requirements will be to have the loop all the way to Anderson Lane. Mr. Osborne stated that if development was just occurring in the area, it is realized that there would be a better solution to the traffic problem that will exist by extending Silverway into Anderson Lane; however, the Commission is faced with traffic problems within the area at this time along Shoal Creek Boulevard, Burnet Road and eventually some traffic along Anderson Lane. This is a very large neighborhood to the south of the property and to the north of Anderson Lane, and as a result there is always heavy traffic along Shoal Creek Boulevard. The issue is whether or not the traffic will be a detriment to the neighborhood and it is the staff's opinion that it will not.

C8-68-121 The Foothills--contd.

Mr. Taniguchi stated that the original recommendation by the Planning Commission was based on a recommendation by the staff which is now different from the recommendation by the Traffic and Transportation Department. Mr. Osborne pointed out that approximately a year ago the Traffic and Transportation Department recommendation was the same as the Planning Department's; however, the Director of that Department has subsequently stated his position which is in opposition. The Subdivision Committee of the Planning Commission was fairly well aware of most of the issues previously. There is the possibility of having an unreasonable amount of traffic; however, these problems should not be too severe. There are some topographic problems with the street in particular at one point on the hill as it drops down to Shoal Creek.

Mr. Hanks stated that Silverway was put in as a collector street when the area was originally subdivided and developed and there is no reason why it should not be extended.

Mr. Goodman stated that he appreciates the fact that Traffic and Transportation has reconsidered and looked at the plan again. Therefore, the change the Director of that department has recommended is not abnormal. He questioned the need to connect Silverway with the Foothills without some supporting evidence that Foothills should continue on north and the quest for solving the traffic problem. In the interest of reducing traffic, it would seem that the logical connection would be from Burnet Road to Anderson Lane. The bank has said that the need for connecting Silverway is not in their plans as they do not see any potential traffic customers that would be serving the area. It would seem that a connection to the north would be more critical in connecting Silverway. He indicated that he personally disagreed with the connection of Silverway to the Foothills as it will generate a high count of traffic on Silverway to a residential area.

Mr. Osborne explained that at the present time a connection to the north is not necessary. The City is into a widening program on Anderson Lane from Burnet Road to Lamar which will provide for a left turn storage, etc.

Mr. Reeves stated that he is very familiar with this area and in his opinion an extension of Silverway into the Foothills will relieve traffic congestion that now exists on Silverway. It is a bad situation and while it may create more traffic now to open Silverway, it would be better and safer for all concerned to get the traffic through. He said that he does not think that Silverway should be put in unless the Foothills tie into Anderson Lane at the same time as it will relieve the congestion on Burnet Road and Shoal Creek Boulevard.

Mr. Osborne explained that the Planning Department is not advocating Silverway be opened immediately. The school staff recommended against the development of the street around the school property as they feel they do not have the room to spare. Silverway Drive was planned as a 60 foot collector street.

C8-68-121 The Foothills--contd.

Mr. Bob Herron advised the Commission that he represents North Cross Associates who is contractually obligated with the North Austin State Bank to complete Foothills all the way to its connection with Anderson Lane by December 30, 1970. The only reason for filing a final plat extending back just to Silverway intersection was the immediate surveying problem of trying to get a subdivision on file which would segregate the 6 acre tract sold to the bank. It is the developer's intent to complete the Foothills. There is no contractual obligation with the bank to complete Silverway but the Foothills will be completed in one unit all the way to Anderson Lane. Under the contract with the bank a variance is allowed as to where Foothills will join Anderson Lane. The final plat before the Commission for consideration is not exactly in line with the approved preliminary plan. The Commission is not being asked to pass on Silverway as the sole means of access. It will tie in with the Foothills and run into Burnet Road. The main street is the Foothills. He said that it was his understanding that several attempts have been made to work out another solution for Silverway in order to alleviate the traffic as much as possible. A plan has never been submitted and approved that proposes Silverway Drive in any other fashion and all plans were considered by the Commission in contested hearings. The plan as submitted has been approved with a good deal of consideration by the developer and it is felt that the approval was final. It is the developer's intent to put all the Foothills in at one time. Silverway and the Foothills at one time would obviously require the filing of another final plat.

Mr. Goodman asked if the developer would have any objection if the Commission required the development of all of the Foothills at the same time Silverway is developed. Mr. Herron stated that it is the prerogative of the developer to proceed and to make his fiscal arrangements while in strict accordance with the preliminary plans. He assured the Commission that the Foothills will be put in all the way up to Anderson Lane by December 30, 1970. The existing location of the tie in of the Foothills with Anderson Lane is not known at this time because of the consideration of how some of the area will be used. Consideration is being given to moving the street over which would make the shopping center tract larger, or the area could be developed for multi-unit purposes. The location on Burnet Road is firmly fixed.

Mr. Leon Lurie, 2806 Silverway, explained that initially this property was zoned "A" Residence and every one who moved into the area knew there was going to be a commercial development in the immediate corner of Anderson Lane and Burnet Road; however, in 1961, no one could envision that the commercial area would develop all the way back to Lucy Reed School. The change in zoning has made the people in the area aware of the fact that there are problems existing because of the topography of the street and that it is hilly and is the only street that the children can get across to get to the school as there are no other crossings and none to be placed in the area. It is felt that the situation is being aggravated by the developers. It has been stated that traffic will be increased on Silverway. It should be pointed out that there are no sidewalks on the street and there is no other street to get to the school. Silverway is not actually a dead-end street. Some 12 months ago the street immediately to the west of the school was made

C8-68-121 The Foothills--contd.

one way. The school faces to the south and there is a drive in the front of Richcreek. By naming the street one way, no one goes it unless they are going to visit someone or take the children to school. There is no concern about the development on the site or the interior streets; however, Silverway presents a problem to the area which will only increase by the proposed extension and tie in with the Foothills. The street should be a cul-de-sac as it is not needed for the development of the back tract. If it is extended it will be a feeder street for traffic on Burnet Road and Anderson Lane.

Mr. Frank Rolco, representing the PTA, stated that the Director of the Traffic and Transportation Department has submitted a professional opinion indicating that the street should not be extended as it would be dangerous and is not needed. He has suggested that the street be a cul-de-sac around the school and further consideration should be given to that solution.

Several other property owners appeared and were strongly opposed to the extension of Silverway because of the increased traffic that would result. The Principal of Lucy Reed School spoke as an interested party and member of the PTA and not as a representative of the School Board. He said that in his opinion the street should not be opened because of the hazards that would exist for school children who have no other way to get to and from school.

The Commission members discussed the approved preliminary plan in relation to the extension of Silverway into the Foothills. A majority of the members agreed that Silverway was originally proposed as a collector street and felt that it should be continued in accordance with the approved preliminary plan, pending fiscal arrangements and conditioned upon the agreement by the applicant to extend Foothills Drive to Anderson Lane at the time Silverway is extended to Foothills Drive. After further discussion, the majority of the members

VOTED: To SUSTAIN the previous approval of the preliminary plan and disapproval of the final plat of the FOOTHILLS pending fiscal arrangements and with the condition that Silverway Drive not be constructed until Foothills Drive is constructed all the way to Anderson Lane.

AYE: Messrs. Kinser, Milstead, Hanks, Taniguchi, Crier and Becker.

NAY: Mr. Goodman

ABSTAIN: Mr. Reeves

C8-69-111 Dessau Estates, Section 1
Dessau Road and Crystal Bend

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending compliance with departmental reports, fiscal arrangements and additional setback on lots adjacent to the railroad.

C8-69-111 Dessau Estates, Section 1
Dessau Road and Crystal Bend

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of DESSAU ESTATES, Section 1, pending the requirements as indicated.

C8-69-112 Parker Heights, Section 3
Oltorf Street and Burton Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending compliance with departmental reports, fiscal letter for sidewalks, fiscal arrangements and current tax certificates. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PARKER HEIGHTS, Section 3 pending the requirements as indicated.

C8-70-3 Phillips Subdivision
Manchaca Road and Gathright Cove

The staff reported that this is the first appearance of this final plat and recommended that it be accepted for filing and disapproved pending compliance with departmental reports, fiscal arrangements and tax certificates. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PHILLIPS SUBDIVISION pending the requirements as indicated.

C8-70-16 Vintage Hills, Lot 6 and Street Dedication
Dubuque Lane and Bluestein Boulevard

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending compliance with departmental reports, fiscal letter for sidewalks, and fiscal arrangements. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of VINTAGE HILLS, Lot 6, and Street Dedication, pending the requirements as indicated.

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-70-20 Wasson Road Subdivision
Wasson Road

The staff reported that all departmental reports are complete and all requirements of the Ordinance have been met except for a variance involved on the exclusion of the balance of the tract from which this short form came. A letter from the owner has been received asking for a variance and indicating that

C8s-70-20 Wasson Road Subdivision
 Wasson Road

there is no specific intent for the balance of the property. In view of this, the staff recommends that this short form plat be approved and that the variance be granted. The Commission then

VOTED: To APPROVE the short form plat of WASSON ROAD SUBDIVISION granting a variance to exclude the balance of the tract.

C8s-70-25 Frances Winetroub Resub.
 Wilson Street

The staff reported that this is the first appearance of this short form plat before the Commission and all departmental reports are complete and all requirements of the Ordinance have been met. The staff recommends that this short form be accepted for filing and approved. The Commission then

VOTED: To ACCEPT for filing and APPROVE the short form plat of FRANCES WINETROUB, RESUB.

C8s-70-11 Andrews Addition
 Manor Road south of Sweeney Lane

The staff reported that there are no departmental reports to be presented in connection with this subdivision as the plan is in the process of being circulated; however, the drainage division of Public Works has raised the issue of fiscal arrangements for a drainage pipe across and through the subject property. Due to the fact that there are no departmental reports, the staff recommends that this plat be accepted for filing and disapproved pending compliance with departmental requirements.

Mr. John Selman, attorney for the applicant, explained that the Planning Commission recently considered and recommended a change in zoning on the site to "GR" General Retail so that a restaurant could be built. As stated in the contract, the property was subject to a short form. The short form was filed and it seems that Mr. Nobles, who has owned this land and lived in this area for many years joined in and paid for his share of the paving costs when the new section of Manor Road was paved. Sweeney Drive was subsequently built several years ago and when Manor Road was constructed, the City in so designing it raised the grade on both sides of Mr. Nobles property so now water comes between Lots 1 and 2 and all the water flows onto his land. When the City put the street in, they cut an inlet curve so that the water would drain onto Mr. Noble's property. He has contacted the City Council and representatives of the City for a number of years about this problem. Mr. Graves observed after the short form was filed with the Water Department that it was going to cost \$1300 to \$1400 to put a storm sewer on this lot. Mr. Nobles said that he has a health hazard which was created by the City when the curb was cut in and feels that the City should resolve the problem. Mr. Nobles had to cut a ditch so that the water would not drain into his house and he feels that to require standard sewer would be unfair.

C8s-70-11 Andrews Addition--contd.

Mr. Selman stated his client has agreed to give a 10 foot drainage easement. He was advised that he would probably have to cut in a ditch to which he replied that he has already cut a ditch and they are bringing all the water in that particular end of town onto his property. Mr. Selman stated that if the Commission would approve the plat he would get the applicant to give the 10 foot drainage easement across his property. The water now draining across the property is a health hazard and the Subdivision Ordinance says that in the event a storm sewer exceeds the value of the land, which sells for approximately \$100 a front foot, the Commission can approve the open type of drainage. The cost of the drainage does exceed the cost of the land.

Mr. Reeves asked if Mr. Nobles objected at the time the City cut and reduced the grade in the street to allow the water to run across. Mr. Selman stated that the applicant says he did and says he had several Council members and several people from the drainage department to look at the problem.

Mr. Foxworth reported that Section 23.47 of the Subdivision Ordinance reads as follows:

"When the Commission, on the basis of confident evidence submitted to it, finds that the cost of the subdivider of installing storm sewers, as set out in the preceding section, exceeds the enhancement in value of his property due to such improvements, suitable drainage ditches may be installed. Such drainage ditches shall be lined with concrete unless the Commission finds that the cost of lining exceeds the enhancement in value of the subdivider's property due to such lining. Under policies to be determined by the City Council, the City may participate in the cost of such improvements."

Mr. Foxworth pointed out that in considering waiving of this particular requirement, the Commission must consider all of the requirements stated by the Ordinance, and not just the ones presented.

Mr. Goodman said that apparently the City reconstructed Manor Road lowering the grade so that water now drains onto the applicant's property and he is having an argument as to who is going to take care of putting a pipe in and paying for it. He asked the staff if the Commission is being requested to decide whether the applicant should grant an easement to the City so that the City would inherit the problem or if the request should be denied so that the applicant has to comply.

Mr. Foxworth stated that the drainage easement is not before the Commission for consideration at this time. A short form plat has been presented proposing to cut one tract into two tracts. The staff does not have any information pertaining to what transpired before the short form plat was filed or why the water drains to the applicant's property. One of the problems in connection with the drainage department's consideration of a proposed subdivision of any sort is the drainage, where it is now and not where it was before. The Commission cannot answer the question of who is responsible for

C8s-70-11 Andrews Addition--contd.

the water being where it is. The problem is taking care of and providing for the drainage that does exist. The staff recommends that the short form plat be accepted for filing and disapproved pending completion and compliance with departmental requirements.

Mr. Reeves stated that the applicant has owned the land as long as the City has owned the street and the City directed the water onto his property by lowering the grade of the street across his property, without an easement. He further stated that in his opinion, in view of the evidence presented, the Commission cannot recommend approval subject to compliance with departmental requirements when it would mean that the applicant would have to spend \$1400 or \$1500 for drainage requirements as a result of the City's negligence or someone's negligence other than himself. He recommended that the request be granted subject to some evidence in the form of an affidavit if necessary from the applicant that the City did lower the grade and cause the water to go across his land instead of just hearsay. The short form should be subject to an easement to the City for drainage, and that the City participate in the drainage pipe across his land, to the extent of improvements on the applicant's easement. After further discussion, the Commission unanimously

VOTED: To GRANT a variance not requiring pipe, not requiring a lined ditch and not requiring a drainage ditch and DISAPPROVED this plat of ANDREWS ADDITION, pending a 10 foot drainage easement only being shown on the plat and compliance with all other departmental requirements.

The staff reported that this is the first appearance of the following short form plats and recommended that they be accepted for filing and disapproved pending compliance with departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the following final short form plats pending compliance with departmental reports:

<u>C8s-70-17</u>	<u>YMCA 22nd and Nueces Re Plat</u>
	West 22nd and Nueces Streets
<u>C8s-70-18</u>	<u>1970 Resub., Northwest Hills Section 4</u>
	Dry Creek Drive and Mountainclimb
<u>C8s-70-19</u>	<u>Balcones Village, Section 3, Phase A</u>
	Brookwood Road
<u>C8s-70-21</u>	<u>Emco Addition</u>
	Harvey Street south of East 12th Street
<u>C8s-70-22</u>	<u>Bearden Acres</u>
	East Ben White Boulevard
<u>C8s-70-23</u>	<u>North Acres, Section 1, Resub.</u>
	Newport Avenue and Applegate Drive
<u>C8s-70-24</u>	<u>Pahlke Resub.</u>
	Holly Bluff Street and Penell Circle

C8s-70-15 Jackson Heights
Medical Parkway and West 40th Street

The staff reported that this is the first appearance of this short form plat and recommended that it be accepted for filing and disapproved pending compliance with departmental reports and current tax certificates. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of JACKSON HEIGHTS SUBDIVISION pending the requirements as indicated.

ADMINISTRATIVE APPROVAL

The staff reported that nine short form plats have received administrative approval under the Commission's rules. The Commission then

VOTED: To ACCEPT the staff report and record in the minutes of this meeting the administrative approval of the following short form plats:

<u>C8s-69-151</u>	<u>Quail Creek, Section 4, 1st Resub.</u>
	<u>Quail Park Drive and Quail Cove</u>
<u>C8s-69-187</u>	<u>Brooks Subdivision and Duval Heights Resub.</u>
	<u>Brooks Street and Clayton Lane</u>
<u>C8s-69-217</u>	<u>Kenneth Davis Clayton Lane Addition</u>
	<u>Clayton Lane and I. H. 35</u>
<u>C8s-70-7</u>	<u>London Square</u>
	<u>Town Lake Circle and Elmont Drive</u>
<u>C8s-70-13</u>	<u>Point West of West Over Hills, Section 2 Resub.</u>
	<u>Silverspring and Ridgehill Drive</u>
<u>C8s-70-14</u>	<u>West Over Hills, Section 4 Resub.</u>
	<u>Emerald Hill and Hayes Lane</u>
<u>C8s-70-12</u>	<u>Ken Ray Corners Resub.</u>
	<u>Guadalupe Street and West 45th Street</u>
<u>C8s-70-8</u>	<u>Dixie Terrace Resub. Lots 10 and 11</u>
	<u>Burnet Road and Doris Drive</u>
<u>C8s-70-16</u>	<u>Quail Creek West Section 1, Resub.</u>
	<u>Pointer Lane and Pointer Lane West</u>

OTHER BUSINESS

C2-70-4(c) ZONING ORDINANCE
Consideration of Amendment to sideyard provision

The Director of Planning reported that this amendment deals with sideyard requirements for lots 60 feet wide or less. It is suggested that the Ordinance be amended to permit a total sideyard of 10 feet or 5 feet on each side. In other words a minimum of 5 feet. This would apply to any lot 60 feet or less in an "A" restricted district. At the present time, the total sideyard required for lots is 15 feet. This means that a house can only be 35 feet wide on a 50 foot lot. There are a number of instances in which a width up to 40 feet is needed to effectively put the house on a lot. This has been particularly observed in low cost Subdivisions where the sideyard is not really

C2-70-4(c) ZONING ORDINANCE--contd.

a major factor. If the ordinance is amended, there would still be at least 10 feet between each house. The staff recommends that the ordinance be amended to permit a total sideyard of 10 feet. The amendment would be helpful in areas of the city where lot widths are less than 50 feet. It would also reduce the workload of the Board of Adjustment in that many requests for variances are from people who want to enclose a carport. Open carports require 10 feet of sideyard and a closed carport or garage requires 15 feet of sideyard.

The Commission members briefly discussed the proposed amendment and concluded that the zoning ordinance should be changed to permit a total sideyard of 10 feet. They also agreed that prior notice of items on the agenda would be desirable. After further discussion, it was then

VOTED: To RECOMMEND that the Zoning Ordinance be amended to require a total sideyard of 10 feet rather than 15 feet.

C3-70-1 CAPITAL IMPROVEMENTS PROGRAM

Mr. John H. Nash, Jr., President of the Chamber of Commerce, appeared before the Commission to request that a convention-sports arena complex be added to the current Capital Improvements Program. He explained that the existing auditorium has a seating capacity of approximately 4,000 on one level and there is a need to expand the City's convention facilities to provide a building with a seating capacity of 15,000 to 20,000 persons.

Mr. Nash explained that the University of Texas Athletic Department has guaranteed to lease the new center at least 20 days per year, including the Texas Interscholastic League activities. With a minimum fee of 50 cents per student attending the events this event should raise \$80,000 to \$100,000 per year. He emphasized that this figure does not include the University of Texas events other than athletic and does not include numerous activities such as the Circus, Ice Capades, Livestock show and various conventions. The proposal also includes an occupancy-tax of 3% on hotel and motel users which would bring in an estimated annual income of \$200,000. He pointed out that the City would also benefit from the concessions for the events scheduled totaling approximately \$55,000 in profit to off-set the \$1000 per day operating costs. It is estimated that the operating costs would be \$365,000 per year. The existing auditorium facility is losing approximately \$100,000 a year at the present time. The guaranteed revenue previously mentioned should cover the operating cost of the new facility.

Mr. Nash advised the Commission members that the estimated cost of the new convention-sports area complex is \$12,600,000 without land acquisition. It would mean a 12 to 13 per cent per \$100 evaluation tax increase for the next 5 years decreasing thereafter. He pointed out the need for a new facility at this time and indicated that even if it is included in the Bond Program that it would take from 3 to 5 years to complete. He emphasized that Austin is losing some of the existing convention business and cannot compete with other major centers unless new facilities are provided.

C3-70-1 CAPITAL IMPROVEMENTS PROGRAM--contd.

The Commission members discussed the proposal presented by Mr. Nash and recognized the potential need for a convention-sports arena complex; however, there was concern that the inclusion of the proposal in the current bond issue might jeopardize existing programs and that the City had other basic high priority programs which should be considered. After further discussion, the Commission unanimously

VOTED: To recommend to the City Council that consideration be given to obtaining professional services for determining the feasibility of a new convention sports arena complex.

Mr. Osborne presented a revised copy of the Capital Improvements Program for the Commission's consideration. They reviewed the revised recommendations of the City Manager noting the specific changes in Public Works and Parks and Recreation programs. They were in general agreement with the revisions but felt that additional time was needed for more detailed study. The members agreed to have a special meeting at 10:00 a.m. Thursday, February 12, 1970 in order to formulate the final recommendation.

C10-70-1(d) STREET VACATION

Glissman Road east of Gardner Road

The staff reported that the closing of Glissman Road east of Gardner Road was one of the conditions of zoning of the special permit on the abutting property for the public housing project. New streets are dedicated in the subdivision for the project. All reports have been received and there are no objections. The staff therefore recommends that the request be granted. The Commission then

VOTED: To recommend that Glissman Road east of Gardner Road be VACATED.

C10-70-1(e) ALLEY VACATION

Alley located between East 55th and 56th Streets and
Evans Avenue and Martin Avenue

The staff reported that this is a request to vacate the above described alley made by Mr. Bob Armstrong. Joining in the request are the other abutting property owners. The request has been circulated to the various City Departments and all comments are in favor subject to the retention of the necessary sanitary sewer, electric department and gas company easements. Telephone company also requires a 10 foot easement to maintain existing telephone cable and existing power company poles. The Commission then

VOTED: To recommend that the alley located between East 55th Street and 56th Street, and Evans Avenue and Martin Street be vacated subject to the retention of the necessary easements.

ADJOURNMENT: The meeting was adjourned at 1:30 a.m.

Hoyle M. Osborne
Executive Secretary