

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- March 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
Fritz Becker
Jack Goodman

Absent

Alan Taniguchi

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of March 2 and 3, 1970.

Present

*Alan Taniguchi
Jack Crier
C. L. Reeves
**Jack Goodman
Fritz Becker

Also Present

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

*Present only on March 2, 1970.
**Present only on March 3, 1970

PUBLIC HEARINGS

C14-69-305 A. E. Rhodes, Jr.: BB to B
3206-3208 King Street

STAFF REPORT: This application was before the Commission several months ago at which time the recommendation was to deny the request as an intrusion into a low density residential area with inadequate streets. The application went before the City Council and was referred back to the Commission for reconsideration. When this application was presented to the City Council, Mr. Osborne

C14-69-305 A. E. Rhodes, Jr.--contd.

indicated the area was experiencing changes in land values and the existing "BB" Residence zoning was not working as expected. He further indicated that "B" Residence zoning was more appropriate.

The subject site contains an area of 14,625 square feet of land. The stated purpose of the request is for apartment development. The predominant zoning in the area is "BB" Residence, established in 1961, with "O" Office to the north along West 34th Street. "C" Commercial zoning is established along Guadalupe Street to the east. "B" Residence zoning is established at the southeast corner of West Avenue and West 32nd Street and a 76 unit apartment has been built. Land use in the area is predominantly single-family with a few duplexes and small apartments.

TESTIMONY

WRITTEN COMMENT

Mike Horvath: 700 West 32nd Street	AGAINST
Drs. G. & G. Legett: 1707 Colorado	FOR
Miss Maude E. Cartledge: 701 A West 32nd Street	FOR
Joseph H. Sharpley: 614 West 32nd Street	FOR
Catherine Hankey: 3300 King Street	FOR

PERSONS APPEARING AT HEARING

Laura McCaleb: 705 West 32nd Street	AGAINST
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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 the original recommendation of denial should be reaffirmed as the requested zoning would be an intrusion into a residential area with inadequate streets.

At the Commission meeting, Mr. Osborne advised the members that he is recommending in favor of this application as well as the application on property to the south at King and West 32nd Streets. The Planning Department has been giving serious consideration to this area and the "BB" Residence zoning is not working and not being used. This is an area of low intensity residential development but of high land values. The net result is that the only recourse the staff can see is the change to "B" Residence which is more in line with the value situation.

C14-69-305 A. E. Rhodes, Jr.--contd.

The Commission members discussed the changing character of the area and were of the opinion that "B" Residence zoning should be granted. It was then unanimously

VOTED: To recommend that the request of A. E. Rhodes, Jr. for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3206-3208 King Street be GRANTED.

C14-69-306 Carey Legett, Jr. and Georgia F. Legett: BB, 1st to O, 1st
703-705 West 32nd Street

STAFF REPORT: The subject property contains an area of 21,575 square feet of land. The stated purpose of the request is for doctors' offices and multi-family dwelling. The subject site as well as the two lots adjoining to the rear were before the Commission several months ago for consideration of "O" Office, Second Height and Area zoning at which time denial was recommended. The application proceeded to the City Council and was referred to the Commission for reconsideration. The application has been amended to "O" Office, First Height and Area and the two lots immediately to the rear have been deleted from the request. The zoning in the area is predominantly "BB" Residence with "B" Residence, Second Height and Area zoning established directly west of the site at the southeast corner of West Avenue and West 32nd Street. "C" Commercial zoning is established to the east along Guadalupe Street. The land use in the area is predominantly one and two-family residences with some apartments located in the "B" Residence area.

Mr. Lillie advised the Committee that when this application was first considered, the desire of the applicant was to develop the property with a residence and a doctors office. At that time the "O" Office zoning district was necessary as they were going to have more than one outside employee. The Director of Planning has submitted to the Commission an amendment to the Zoning Ordinance which would increase the number of outside employees in an office from one to three in a "B" Residence district. It is the staff's understanding that the Council has not yet acted on this amendment.

TESTIMONY

WRITTEN COMMENT

Maude E. Cartledge: 701 A West 32nd Street
A. W. Penn: 3114 West Avenue

FOR
AGAINST

PERSONS APPEARING AT HEARING

Dr. Georgia Legett (applicant)

C14-69-306 Carey Legett, Jr. and Georgia F. Legett--contd.

SUMMARY OF TESTIMONY

Dr. Georgia Legett was present on behalf of this request and stated that the application was made for the purpose of having a private doctors' residence and office. The plans are the same and if this can be accomplished in a "B" Residence district, there would be no objection. She explained that they do not plan to build apartments on the site.

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 denied as an intrusion into a residential area with inadequate streets, but recommended that "B" Residence, First Height and Area zoning be granted as a logical extension of existing zoning.

At the Commission meeting, Mr. Osborne pointed out that this is a case in which the proposal was for a doctors' office in conjunction with a residence. The "B" Residence district would permit a doctors' office with one employee; however, there is an amendment to the "B" Residence district pending before the City Council, to permit three outside employees. The existing "BB" Residence zoning in this area is not working and is not being used and the staff feels that there will be a conversion to "B" Residence which permits a somewhat higher density and would be a much better relationship.

The Commission members agreed with Mr. Osborne that the area is changing to "B" Residence. They also agreed with the Committee that "O" Office zoning would be an intrusion and should be denied; however, they recommended "B" Residence, First Height and Area zoning be granted subject to five feet of right-of-way for West 32nd Street. It was then unanimously

VOTED: To recommend that the request of Carey Legett, Jr. and Georgia F. Legett for a change of zoning from "BB" Residence, First Height and Area to "O" Office, First Height and Area for property located at 703-705 West 32nd Street be DENIED but that "B" Residence, First Height and Area be GRANTED, subject to five feet of right-of-way for West 32nd Street.

C14-70-016 Olen E. Hager: A to GR
1404-1406 Waller Street
909-911 East 15th Street

STAFF REPORT: The subject property contains an area of 12,000 square feet of land located at the southwest intersection of East 15th and Waller Streets. Waller Street is about two blocks east of I. H. 35. The stated purpose of the request is for a dinner theatre. "A" Residence zoning surrounds the site with "C" Commercial established to the west along I. H. 35. The land use is predominantly older single-family homes with several two-family structures.

C14-70-016 Olen E. Hager--contd.

The area is reasonably maintained. Mr. Lillie explained that most of the blocks in the immediate area are within the proposed interchange plans for Crosstown and I. H. 35 expressways. About 100 feet to the west of the subject tract right-of-way acquisition by the State Highway Department will take place within the next year for widening of I. H. 35.

The staff recommends that this request be denied as an intrusion into a residential area with inadequate streets for greater intensity of land development. If the request is granted, it should be subject to ten feet of right-of-way on East 15th Street and ten feet of right-of-way on Waller Street.

TESTIMONY

WRITTEN COMMENT

Paul R. Sword: 1401 Devon, Corpus Christi	FOR
Mrs. Delia M. Batts: 1011 East 14th Street	FOR
Mrs. C. E. Miller: 1004 East 14th Street	FOR
Lorenzo Rodriquez: 903 East 14th Street	FOR
Elsie B. Anderson: 1008 East 14th Street	FOR
H. H. Hansson: 910 East 14th Street	FOR
Theodore Bogische (by Eliz. Zechiesche): 903 E. 15th	FOR
Lillian Free (by Clara Hansson): 910 East 14th	FOR
Mrs. Ella Smith: 1012 East 14th Street	FOR
David Sherman: 901 E. 15th Street	FOR
Mrs. Myrtle Ligon: 1010 East 14th Street	FOR
Gustave Hermanson: 907 East 15th Street	FOR
Marie Basey: 908 East 14th Street	FOR

PERSONS APPEARING AT HEARING

O. Morris Free: 3208 Hemlock	FOR
Nan Elkins (representing applicant)	FOR
Linalice Carey: 4007 Avenue B	FOR

SUMMARY OF TESTIMONY

Nan Elkins representing the applicant, advised the Committee that there is a beautiful old housing existing on the property which is well built and well-preserved, although it will be completely redone. Plans are for a supper theatre where people can go and sit quietly and watch plays. In addition, there will be tuition free classes in the afternoon for any child in Austin who wishes to attend. There will be hobby and craft classes offered to teenagers. Mrs. Elkins explained that they have taken steps to get a charter for a non-profit organization and a permit has been requested and obtained from the City to solicit funds. The subject house was located and several departments of the City have been contacted with regard to the requested zoning and the proposed use. When the application was filed, a letter was written to the landlords and residents explaining the proposal.

C14-70-016 Olen E. Hager--contd.

There was no objection expressed by any of the people contacted. It is felt that there will be positive gains to the neighborhood through such an operation. An empty house will be made beautiful and will come alive. This will be a small operation and the plays will be over by 11:00 p.m. The plans are to seat no more than 60 people. The subject site will afford sufficient parking spaces and will not intrude upon the neighbors. The proposal will upgrade the entire area and the use will add to the cultural life of the City.

Linalice Carey and Morris Free also appeared and spoke in favor of the request.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was of the opinion that the use proposed on the site is appropriate and recommended that the request be granted, subject to ten feet of right-of-way on East 15th and Waller Streets.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Olen E. Hager for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1404-1406 Waller Street and 909-911 East 15th Street be GRANTED, subject to ten feet of right-of-way on East 15th and Waller Streets.

C14-70-017 W. L. Whitaker: LR to C
1900-1904 Fort View Road

The subject property contains 26,460 square feet of land. The stated purpose of the application is for conducting and expanding a plumbing business with storage facilities. The primary use does exist at the present time on the site. "C" Commercial zoning abuts the property to the west and to the south along Manchaca Road. "LR" Local Retail zoning abuts the site on the east as well as to the west near Manchaca Road and Fort View Road. To the south of Fort View Road is "O" Office zoning. "A" Residence zoning exists to the north and is developed with single-family residences. A service station and shopping center exists just west of the subject tract. The staff feels the requested change is logical and recommends that the request be granted. Ten feet of right-of-way was required and achieved along the north side of Fort View Road in previous zoning.

TESTIMONY

WRITTEN COMMENT

None

C14-70-017 W. L. Whitaker--contd.

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 as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of W. L. Whitaker for a change of zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 1900-1904 Fort View Road be GRANTED.

C14-70-018 David Barrow: Int. A, Int. 1st to BB, 1st
Tract 1: 6911 Thorncliff Drive
Rear of 3807-3811 North Hills Drive
Tract 2: Rear of 3501-3600 North Hills Drive
Rear of 6500-6643 Valleyside Drive

STAFF REPORT: This application covers two tracts of land located to the south of North Hills Drive in Northwest Hills. Tract 1 fronts onto Thorncliff Drive and consists of 1.17 acres. Tract 2 contains 5.52 acres. The stated purpose of the request is for uses as permitted under the zoning. The subject tracts are slope areas which drop from land presently zoned "LR" Local Retail and "BB" Residence along North Hills Drive. West and south of the site is a creek buffering the Highland Hills residential area. "BB" Residence zoning has been established between Tracts 1 and 2 and "LR" Local Retail zoning exists immediately to the north of Tract 2 along North Hills Drive. "B" Residence zoning exists to the east along Valleyside Drive. The extension of apartment zoning to Thorncliff Drive and Hart Lane is in conformance with the proposed subdivision for this area and the staff recommends that the request be granted subject to approval of the subdivision providing for the extension and development of Thorncliff Drive, Hart Lane and Laurel Valley Drive

TESTIMONY

WRITTEN COMMENT

None

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C14-70-018 David Barrow--contd.

PERSONS APPEARING AT HEARING

David Barrow (applicant)

SUMMARY OF TESTIMONY

Mr. David Barrow was present at the hearing and advised the Committee that Tract 2 covers approximately 5½ acres of land. He said that all of the area under consideration represents land he did not own at the time zoning was requested and granted on property to the north and on the area between the two tracts. The property under consideration adjoins property which is already zoned. It would be difficult to develop a new use on property unless it is zoned in conformance with existing zoning. He said that in his opinion the requested change is sound and conforms with good planning and the plan they had when the land was acquired.

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 appropriate and should be granted subject to approval of subdivision providing for the extension and development of Thorncliff Drive, Hart Lane and Laurel Valley Road.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of David Barrow for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area for property located at (Tr. 1) 6911 Thorncliff Drive and the rear of 3807-3811 North Hills Drive and (Tr. 2) the rear of 3501-3600 North Hills Drive and the rear of 6500-6643 Valleyside Drive be GRANTED, subject to approval of subdivision providing for the extension and development of Thorncliff Drive, Hart Lane and Laurel Valley Road.

ABSTAINED: Mr. Crier

C14-70-019 Frank R. Rundell: A to B
1502 and 1508 West 34th Street

STAFF REPORT: This application includes two lots located along the north side of West 34th Street. The stated purpose of the request is for apartments. "O" Office zoning abuts both lots on the east and west side. The area between the two lots under consideration and to the north is predominantly "A" Residential. Land use in the area is predominantly single-family. Brykerwoods Elementary School is located across West 34th Street and there are two doctors offices established in the "O" Office districts. The staff recommends that the zoning as requested be granted because of the changes permitted by the

C14-70-019 Frank R. Rundell--contd.

"O" Office zoning. West 34th Street, classified as a minor collector street with 60 feet of right-of-way, is adequate for the proposed use.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Frank R. Rundell(applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that there is a house on each of the two lots between the subject site. This area is no longer a single-family residential area and the request is logical. There is sufficient room on each of the lots for apartments and the required parking. Mr. Rundell explained that he proposes to move an existing house onto one of the subject lots.

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.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank R. Rundell for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1502 and 1508 West 34th Street be GRANTED.

C14-70-020 Douglas King: A to O
1201-1203 West 49½ Street
4902-4904 Grover Avenue

STAFF REPORT: The subject property contains 18,000 square feet of land located on the southwest corner of West 49½ Street and Grover Avenue. The stated purpose of the request is for uses as permitted under the requested zoning. The subject site is in a residential area. One lot directly to the north of the site was zoned "BB" Residence in 1957. There is "O" Office zoning, also granted in 1957, south of west 49th Street, with "C" Commercial established to the west along Burnet Road. Land use is predominantly single-family residential with a small medical center to the south in the "O" Office district; the Texas Department of Public Health directly to the east and the

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C14-70-020 Douglas King--contd.

and the Texas State School for the Blind to the east and south of West 49th Street. Various commercial businesses are established along Burnet Road to the west. A church school exists south of the medical center. The staff recommends that the request be denied as it would be an intrusion into a residential neighborhood with inadequate streets for greater intensity of land use. The residential neighborhood is well maintained and should have the protection that zoning can provide.

TESTIMONY

WRITTEN COMMENT

Mrs. John R. Watt: Unitarian Church

FOR

PERSONS APPEARING AT HEARING

John B. Selman (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, advised the Committee that he filed what he thought was the minimum zoning for the subject site. The Texas Department of Health is in a situation where they have to expand. They are in an area across the street from the site and are interested in having additional office space. Immediately across the street is "BB" Residence zoning and the area is long past being a single-family residential neighborhood. The site is only a short distance from Burnet Road which is developed with intensive commercial uses. There is office development across the street and to the south. The proposed use is consistent with development in the neighborhood. If right-of-way is needed, the applicant would not object.

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 is appropriate because of the existing development of the Texas Department of Health to the east across Grover Avenue, Texas State School for the Blind and the "O" Office district to the south. They recommended that the request be granted.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Douglas King for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1201-1203 West 49½ Street and 4902-4904 Grover Avenue be GRANTED.

C14-70-021 Fred Wong and Jim Woodmansee: A to B
 712-714 West Annie Street
 1705-1709 South 3rd Street

STAFF REPORT: The subject property contains 15,750 square feet of land. The tract is located at the northeast intersection of West Annie Street and South Third Street. The stated purpose of the request is for apartments. Along South First Street to the east is a tier of "C" Commercial zoning. All of the area adjoining the "C" Commercial district to the west is zoned "A" Residence, First Height and Area. A request for "B" Residence zoning was made on property south of West Annie Street to the west in 1969, at which time the staff recommended denial as it was felt it would be an intrusion into an existing residential area and would bring a high intensity of land-use into the neighborhood. The request is still pending. The area has not changed and the staff recommends denial of this application as an intrusion into the neighborhood. If the request is granted, five feet of right-of-way would be required for the future widening of West Annie Street.

The subject property is located adjacent to the Meadowbrook Code Enforcement area. The primary purpose of the project is to rehabilitate housing to bring them up to standard and to provide needed public facilities to help maintain the character of the neighborhood. Changes in zoning in the area permitting higher intensity of land use would not be compatible to this effort.

TESTIMONY

WRITTEN COMMENT

John Paschall: Rt. 6, Box 46	AGAINST
Mrs. Garland Lawson Alexander: 808 W. Annie	FOR
Winifred Young: 800 West Annie	AGAINST
Jesse J. Fogle: 1609 South 3rd Street	AGAINST
Mrs. James Larde: 1700 South 3rd Street	AGAINST
Clara Johnson: 1209 Brentwood	AGAINST

PERSONS APPEARING AT HEARING

Fred Wong (applicant)	
Jim Woodmansee (applicant)	
Winifred Young: 800 West Annie	AGAINST
Mr. J. Delores Juarez: 707 West Annie	NO OPINION
Sam B. Hill: 710 West Annie	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Jim Woodmansee agreed that the subject property is in a residential area at the present time; however, an application for "B" Residence zoning is pending on property to the west fronting onto the south side of West Annie Street

C14-70-021 Fred Wong and Jim Woodmansee--contd.

and one block west of that is where a new post office will be built. The Expressway and Major Arterial Plan shows that West Annie will be a thoroughfare with 70 feet of right-of-way from I. H. 35 to Robert E. Lee Road. The property is not in the Meadowbrook Housing project but is in the east boundary of the Code Enforcement area. The project will operate only on the west portion of the area. There have been a number of problems with the house on the site and it has been condemned by the City. Mr. Woodmansee explained that when he and Mr. Wong recently purchased the property they cleaned it up. It is hoped that "B" Residence zoning will be granted so that modest priced apartments can be built.

Mr. Wong pointed out that the City will require a sufficient number of off-street parking spaces for the number units permitted. There will be adequate parking and the development will be a help to the area.

Arguments Presented AGAINST:

One nearby property owner appeared and advised the Committee that she opposes the development of apartments on the site and asked the number of units permitted under the requested zoning. Mr. Lillie advised that under the requested zoning, 15 to 16 units would be permitted.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Fred Wong and Jim Woodmansee for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 712-714 West Annie Street and 1705-1709 South Third Street be DENIED.

ABSTAINED: Mr. Reeves

C14-70-022 Fred Wong and Jim Woodmansee: A to C
2316-2318 Thornton Road

STAFF REPORT: This application covers two lots covering 15,000 square feet of land. The stated purpose of the request is to permit warehouse use. A zoning line has been established along Thornton Road. To the west of this street is "A" Residence zoning and to the east is "BB" Residence and "C" Commercial zoning. Scattered single-family development exists to the north, west and south of the site. Across Thornton Road to the east is more intensive land use consisting of a sheet metal shop, furniture company and storage company. The staff feels that commercial zoning should be limited to the area between Thornton Road and the Mo-Pac railroad to the east. The "BB" Residence zoning across from the site was established as a residential

C14-70-022 Fred Wong and Jim Woodmansee--contd.

buffer between the commercial use to the east and the single-family use to the west. It is recommended that the request be denied. If the rezoning is recommended, consideration should be given to "BB" Residence. Also, 5 feet of right-of-way is necessary to help bring Thornton Road up to the minimum necessary for a collector street.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Fred Wong (applicant)
Jim Woodmansee (applicant)

SUMMARY OF TESTIMONY

Mr. Jim Woodmansee was present and explained that there is no particular use for the site at the present time. The area along Thornton Road has in the past been used as residential but in the last several years it has leaned towards commercial development. There is a mobile home development to the north of the site and a storage and furniture company directly across Thornton Road to the east. Mr. Woodmansee pointed out that the large area immediately to the north is vacant and he has talked to the owner of that property. They claim that in the near future they shall continue with the development. It is felt that "C" Commercial zoning is justified because of the existing development along Thornton Road.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information noting that commercial zoning and development should be located between Thornton Road and MoPac railroad and that the west side of Thornton Road is a residential area. They felt that the request should be denied as an intrusion.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Fred Wong and Jim Woodmansee for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2316-2318 Thornton Road be DENIED.

C14-70-023 Ruth E. Lester and H. H. Rothell: A, 1st to B, 2nd
 112-204 West 38½ Street
 201-207 West 39th Street

STAFF REPORT: The subject property contains an area of 33,250 square feet of land. The stated purpose of the request is to permit apartment use. There is mixed zoning in the area consisting of "B" Residence, First and Second Height and Area to the south, north, east and west, with "O" Office to the south on one lot fronting onto West 38th Street. The land use in the area is predominantly single-family and apartment development. The staff recommends that the requested zoning be granted as an extension of the existing zoning and development to the south and east. West 39th Street is a minor residential street with 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

U. M. Kroener: P. O. Box 45	FOR
Estate of H. A. & Loma Merrick	FOR
John C. Burckart: 500 East Anderson Lane	FOR

PERSONS APPEARING AT HEARING

H. H. Rothell, Jr. (applicant)

SUMMARY OF TESTIMONY

Mr. Hank Rothell was present on behalf of this request and stated that they started to build apartment projects in this area about a year ago and found the streets to be adequate in size. As a result, an attempt is being made to extend the apartment facilities on the subject site. There are apartments in close proximity in all directions and the request is in general compliance with 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 as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Ruth E. Lester & H. H. Rothell for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 112-204 West 38½ Street and 201-207 West 39th Street be GRANTED.

C14-70-024 Lee Manors: A to C
2713 South 1st Street

STAFF REPORT: This site consists of 7,056 square feet of land fronting onto South First Street south of Oltorf Street. The area directly to the north, fronting onto South First Street, is zoned "C" Commercial but has remained undeveloped. The area adjoining the site to the east and also to the south extending to El Paso Street is zoned "A" Residence and developed with single-family homes. To the west along South First Street is "B" Residence zoning for apartment development. "GR" General Retail zoning exists to the south on several lots west of South First Street and "LR" Local Retail is established between El Paso Street and Sacramento Drive fronting onto South First Street. The staff feels that "C" Commercial zoning should not be encouraged to extend further south along South First Street and recommends that the request be denied; however, it is recommended that "B" Residence, First Height and Area zoning be granted in conformance to recent zoning across South First Street and as the appropriate zoning for the site.

TESTIMONY

WRITTEN COMMENT

A. F. White: 1207 Alta Vista	FOR
Mrs. Edna G. Novy:	AGAINST
Harold Butler: 2700 Stacy Lane	FOR
Mrs. Park L. Myers	FOR
Forest S. Pearson: P. O. Box 1987	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 "C" Commercial zoning should be denied as it is too intensive for the area; however, they recommended that "B" Residence, First Height and Area zoning be granted as it conforms to the zoning existing in the area.

At the Commission meeting, Mr. Reeves explained that the Zoning Committee recommended "B" Residence zoning on the site because of the same zoning directly across the street. It was felt that the "B" Residence would act as a gradation and buffer between the "C" Commercial to the north and the "A" Residential to the south.

C14-70-024 Lee Manors--contd.

After further discussion, a majority of the members agreed with the Committee and

VOTED: To recommend that the request of Lee Manors for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2713 South First Street be DENIED but that "B" Residence, First Height and Area zoning be GRANTED.

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

NAY: Messrs. Becker and Hanks

ABSENT: Mr. Taniguchi

C14-70-025 Bill Simpson: A to C
918-1002 Stobaugh

STAFF REPORT: This application covers two lots totaling 43,560 square feet of land. Both lots have homes, one with a gift shop and the other with an enclosed auto body shop. The requested zoning is to permit the continuation of the existing uses. The area to the north, south and west is "A" Residence developed with single-family homes. "A" Residence zoning is also established on the lot adjoining to the east. Two lots to the east is "C" Commercial zoning developed with a pest control business. "C" Commercial zoning is pending on six lots adjacent to North Lamar Boulevard. In the two previous zoning applications for "C" Commercial zoning on property to the east of the subject tracts, the staff indicated a concern for the immediate residential neighborhood and recommended that commercial zoning not be extended down Stobaugh Street from Lamar Boulevard. It is a residential neighborhood with streets inadequate for higher intensity of development. The existing non-residential uses are in violation of the Ordinance and should not be permitted to continue unless it is determined that the area is ready for a complete change. The staff feels that the area is not ready for a change at this time and recommends that the request be denied. If granted, five feet of right-of-way would be needed for Stobaugh Street.

Mr. Lillie explained that Mr. C. T. Uselton made application for "C" Commercial zoning on six lots near Lamar Boulevard with the anticipation of building a commercial center. The staff supported this application because of the relationship to Lamar Boulevard-Anderson Lane intersection. When the application for "C" Commercial zoning came in on one lot to the west, the staff felt that if this one lot was zoned as a separate lot, there was no place to stop commercial zoning until Watson Street. The staff and Planning Commission recommended against the application but the Council recommended in favor subject to right-of-way. What the staff anticipated would happen has now occurred with this joint application on Stobaugh Street. I think we can all agree that the area along Anderson Lane across from the H.E.B. Center will be commercial. There will be a three or four level interchange

C14-70-025 Bill Simpson--contd.

at Lamar Boulevard and U. S. 183; however, the interior area, is a single-family residential area. The property may be rental but it is residential in character and should have the protection that zoning can give. If the request is granted it can be anticipated that other owners will request commercial zoning and there will be no justification for limiting it.

TESTIMONY

WRITTEN COMMENT

Standard Mortgage Company, Inc.:	P. O. Box 1987	NO OPINION
Kenneth E. Rogers:	1001 Stobaugh	AGAINST
Willie A. Janecka:	917 Stobaugh	AGAINST
Leroy L. Lange:	2712 Cascade Drive	FOR

PERSONS APPEARING AT HEARING

Bill Simpson (applicant)	
Mr. Wier	FOR
Nearby property owner	FOR

SUMMARY OF TESTIMONY

Mr. Bill Simpson appeared at the hearing and advised the Committee that he is the owner of the gift shop existing on one of the lots under consideration. This block is one of the older neighborhoods in the area and is highly saturated with rental property. A number of property owners were contacted and only two were opposed to the change. The reason one of the property owners objected to the change was because of the noise from the body shop on one of the lots under consideration. The owner of the lot has now stopped working late hours at night. The gift shop business consists of a single car garage which has been converted into a shop. There is "C" Commercial zoning existing on one lot to the east and six additional lots are under consideration for the same zoning. From all indications, Anderson Lane will soon be developed into four lanes and property fronting onto Anderson Lane adjoining the site to the north will be commercial. There will be a new interchange at U. S. 183, North Lamar Boulevard and Anderson Lane and the close proximity of Stobaugh Street makes more dense zoning logical.

Mr. Wier also appeared at the hearing and stated that he owns the body shop existing on one of the lots. He explained that his son buys cars and he gets them ready to sell. He also builds dune-buggys and has not had any complaint about noise.

A nearby property owner appeared in support of the request for the reason that there is a large interchange planned at Lamar Boulevard and U. S. Highway 183 in the near future and the high traffic count makes the area along Stobaugh Street desirable commercial property. This is an ideal location for commercial property and the request should be granted.

C14-70-025 Bill Simpson--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and were of the opinion that this request is premature and should be denied as an intrusion into a residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bill Simpson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 918-1002 Stobaugh be DENIED.

C14-70-026 Frank Barron: A to GR
5109 Old Manor Road

STAFF REPORT: This application covers a large undeveloped tract containing approximately four acres of land. The stated purpose of the request is for commercial and apartment development. "GR" General Retail zoning is established to the north between Old and New Manor Road and "B" Residence and "LR" Local Retail zoning is to the east. "BB" Residence zoning exists to the south along Manor Road. "A" Residence is established to the south as well as to the north and west of Manor Road. Apartments have been built to the east fronting onto Manor Road. The area to the south of the site is vacant. The staff feels that the zoning as requested is appropriate as the tract will have access to two major arterial streets and is in an area where "GR" General Retail has already been established. It is recommended that the request be granted subject to the necessary right-of-way for East 51st Street; however, development of the tract and the final ordinance should be held until East 51st Street is constructed because of present limited access to the site.

TESTIMONY

WRITTEN COMMENT

Watt Schieffer: 1011 East 40th Street
Joseph W. Winkley, Jr.: 6601 Burnet Road

FOR
AGAINST

PERSONS APPEARING AT HEARING

Frank Barron (applicant)

SUMMARY OF TESTIMONY

Mr. Frank Barron advised the Committee that he is the owner of the subject tract and would be agreeable to having the zoning passed subject to the proposed 51st Street being put in. The reason "GR" General Retail zoning is being requested is that the tract will either be sold as one entity or developed as such. It is bounded by a creek and is not a tract that lends itself to subdividing any

C14-70-026 Frank Barron--contd.

further. Zoning is requested so that a major development can occur combining both commercial and apartments.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is appropriate and should be granted, subject to the necessary right-of-way for East 51st Street and with the condition that the final ordinance be held until East 51st Street is constructed.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank Barron for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 5109 Old Manor Road be GRANTED, subject to the necessary right-of-way for East 51st Street and with the condition that the final Ordinance be held until East 51st Street is constructed.

C14-70-027 Frank Barron: Int. A, Int. 1st and O, 1st to O, 1st
7101 Highway 290 East
7111-7119 Mira Loma Lane

STAFF REPORT: This application covers the rear 50 feet of a 200 foot lot. The front 150 feet is already zoned "O" Office, First Height and Area. This application is made to extend the zoning to the rear portion of the same lot. The area to the east is "BB" and "B" Residence with "GR" General Retail fronting onto U. S. Highway 290. Directly to the north of U. S. Highway 290 is "C" Commercial and Interim "A" Residence zoning. To the south is "A" Residence and west of Mira Loma at U. S. 290 is "C" Commercial zoning. The land use in the area consists of an office building on the front portion of the subject tract, single-family residential development to the south and a drive-in grocery across Mira Loma Lane. The staff recommends the extension of the "O" Office district to include the total tract subject to 5 feet of right-of-way for improvement of Mira Loma Lane.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

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C14-70-027 Frank Barron--contd.

SUMMARY OF TESTIMONY

Mr. Barron had nothing to add to the report by the staff.

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, subject to five feet of right-of-way for Mira Loma Lane.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank Barron for a change of zoning from Interim "A" Residence, Interim First Height and Area and "O" Office, First Height and Area to "O" Office, First Height and Area for property located at 7101 Highway 290 East and 7111-7119 Mira Loma Lane be GRANTED, subject to five feet of right-of-way for Mira Loma Lane.

C14-70-028 Murray P. Ramsey: A, 1st to B, 2nd
4601-4611 Avenue A
406-408 West 46th Street

STAFF REPORT: The property under consideration covers approximately one acre of land and is presently undeveloped. The stated purpose of the request is to permit apartment development. To the west along Guadalupe Street is "C" Commercial zoning and to the south between 45th and 46th Streets along Avenue A is "B" Residence zoning. Unzoned property exists to the north belonging to the University of Texas and presently used for intramural activities. It is the staff's understanding that the property to the west across Avenue A will also be under consideration for a change to "B" Residence, Second Height and Area next month. Although the staff has no objection to "B" Residence, Second Height and Area zoning, it is felt that consideration should be given to retaining First Height and Area zoning because of proximity of single-family development to the east. It is recommended that the request be granted subject to ten feet of right-of-way on 46th Street, five feet on Avenue A and necessary right-of-way for a cul-de-sac at the north end of Avenue A where it adjoins public land. Paving of 46th Street and Avenue A in this area is 40 feet with curb and gutter.

TESTIMONY

WRITTEN COMMENT

L. G. Sloan: 4601 Avenue B
John McKeon: 4525 Avenue B

FOR
FOR

C14-70-028 Murray P. Ramsey--contd.

PERSONS APPEARING AT HEARING

Ken Brooks (representing applicant)

SUMMARY OF TESTIMONY

Mr. Ken Brooks advised the Committee that in his opinion "B" Residence, Second Height and Area zoning is valid in view of the other development along Avenue A. Avenue A paving has been widened. There would be no objection to a cul-de-sac as it is a dead-end street and a cul-de-sac would probably help the development. The proposal is to build apartments not to exceed two floors in height. It is hoped that the parking can be arranged so as to benefit the neighborhood and the project.

Mr. Brooks further stated that with regard to the right-of-way he would have to confer with the owner. The right-of-way for the cul-de-sac is acceptable and will be put in place.

Mr. Lillie advised the Committee that the staff will make a similar request on the property across the street next month for the other portion of the cul-de-sac.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

This request was referred to the full Commission without action because of the lack of a quorum.

At the Commission meeting, Mr. Reeves explained that this application was referred because of the fact that only three members were present at the Zoning hearing and one abstained from voting. The staff recommended in favor of the change subject to ten feet of right-of-way on 46th Street and five feet on Avenue A and a cul-de-sac at the north end of Avenue A.

The Commission members agreed that the requested change is appropriate and is a logical extension of existing zoning and development. It was then unanimously

VOTED: To recommend that the request of Murray P. Ramsey for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4601-4611 Avenue A and 406-408 West 46th Street be GRANTED, subject to ten feet of right-of-way on 46th Street and five feet on Avenue A and a cul-de-sac at the north end of Avenue A.

ABSTAINED: Mr. Reeves

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C14-70-029 B. T. Webb; Doug Harrell; Thomas Barrett: Int. A, Int. 1st to GR, 1st
1401-1419 Reagan Hill Drive
7219-7239 Cameron Road

STAFF REPORT: The subject property fronts onto Cameron Road and Reagan Hill Drive and covers an area of 1.6 acres. No specific use is proposed. "B" Residence, Second Height and Area zoning exists to the east and "LR" Local Retail and "B" Residence zoning is located at the intersection of St. Johns Avenue and Cameron Road. "GR" General Retail is established to the west of the "LR" District across Cameron Road. "GR" General Retail zoning has also been granted to the north along Coronado Hills Drive. A request for "GR" General Retail zoning is pending on property directly to the north across Reagan Hill Drive. The development west of Cameron Road is predominantly two-family with some single-family residences scattered throughout the area. To the south is apartment development. The staff recommends that the requested zoning be granted as it conforms with similar zoning approved or pending in the area.

Mr. Lillie explained that when subdivisions along Coronado Hills Drive were submitted, the staff felt that the frontage should not be zoned commercially - that commercial use of land, especially in newly developing areas should be clustered. The "LR" Local Retail and "GR" General Retail zoning to the north and south was established over the objection of the staff. With this rezoning the request on the subject tract is logical.

TESTIMONY

WRITTEN COMMENT

William M. Barton: 1300 Fairbanks Apt. 1
Lois Peavy; Nancy Peavy: 1311 Radcliff

FOR
AGAINST

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, as it conforms to existing zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of B. T. Webb, Doug Harrell and Thomas Barrett for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at 1401-1419 Reagan Hill Drive and 7219-7239 Cameron Road be GRANTED.

C14-70-030 Kenneth E. Davis: C and A to C
5827-5925 North Interregional Highway
939-1001 Clayton Lane

STAFF REPORT: The subject property covers 1.6 acres of land fronting onto Clayton Lane. The site is part of a large tract fronting onto east I. H. 35 which is already zoned "C" Commercial and the request on the property is to extend the commercial zoning to the remaining portion of the same lot. Commercial zoning exists across Clayton Lane, I. H. 35 and to the south along I. H. 35. "A" Residence zoning abuts the site to the east. Land use to the north and east is undeveloped and to the south are various commercial businesses. It is anticipated the immediate area will develop with apartment and commercial use. In view of the fact that this application is a request to extend the existing zoning approximately 100 feet to the east, the staff recommends the request be granted.

Mr. Lillie pointed out that right-of-way needs for I. H. 35 improvement will require land from the subject tract. A building setback line has been established by subdivision plat.

TESTIMONY

WRITTEN COMMENT

Kenneth E. Davis (applicant)	
Mrs. G. R. Felter Estate: 1707 Colorado	FOR
Frank O. Glauninger: 2009 Oakleaf Circle	FOR
Nath A. Turner: Rt. 6, Box 15E	FOR
Bob Miller: 6111 U. S. 290	FOR
Nelson Puett: P. O. Box 9038	FOR

PERSONS APPEARING AT HEARING

Kenneth E. Davis (applicant)

SUMMARY OF TESTIMONY

Mr. Kenneth Davis explained that they propose two businesses on the property and the City requires an additional setback of 55 feet in order that the Highway Department can obtain the necessary right-of-way without compensating for construction. There is commercial zoning across the street and to the south and the request is logical.

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.

At the Commission meeting, Mr. Lillie explained that 55 feet of right-of-way is needed from the front of the subject property for future widening of the

C14-70-030 Kenneth E. Davis--contd.

Interregional Highway. There is a subdivision plat for this site which has been approved and recorded showing the building line on it and the Building Inspector has a copy of the subdivision so any permits issued are based on the right-of-way.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kenneth E. Davis for a change of zoning from "A" Residence and "C" Commercial, First Height and Area to "C" Commercial, First Height and Area for property located at 5827-5925 North Interregional Highway and 939-1001 Clayton Lane be GRANTED.

C14-70-031 L. C. Reese: B to O
 1517-1519 Enfield Road
 1516-1518 Palma Plaza

STAFF REPORT: The property under consideration contains an area of 8,265 square feet of land which is developed with an apartment house. The stated purpose of the request is to permit office use. "B" Residence zoning is established on several blocks completely surrounding the subject site. The land use in the area is predominantly single-family with some duplexes and apartments scattered throughout. The staff recommends that the zoning as requested be denied as an intrusion of non-residential zoning into a residential area. Present commercial and office uses are clustered to the south along West Lynn at 12th Street.

TESTIMONY

WRITTEN COMMENT

Mrs. C. T. McCormick: 1503 Enfield Road	AGAINST
Mrs. Emma H. Scott: 1507 Palma Plaza	AGAINST
Mrs. John C. Ross: 1501 Enfield Road	AGAINST
Mrs. Helen Miles: 1508 Enfield Road	FOR
Mr. & Mrs. E. F. Chastain: 1509 Palma Plaza	AGAINST
John F. Carter, Jr.: 601 West 15th Street	FOR

PERSONS APPEARING AT HEARING

Mr. & Mrs. Thos. Presley: 1504 Palma Plaza	AGAINST
James Stephen Carter: 1607 Enfield Road	AGAINST
Mrs. Ida Mae Morrey: 1505 Palma Plaza	AGAINST
Harley R. Clark, Sr.: 1503 Palma Plaza	AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of the request.

C14-70-031 L. C. Reese--contd.

Several nearby property owners spoke in opposition to the request and stated they would like the area to remain as it is for apartments and residential development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential neighborhood.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of L. C. Reese for a change of zoning from "B" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1517-1519 Enfield Road and 1516-1518 Palma Plaza be DENIED.

C14-70-032 Wellmer B. Smith: A to B
3506-3702 Griffith Street

STAFF REPORT: This is a request for "B" Residence, First Height and Area zoning on a lot containing 17,642 square feet of area. The stated purpose of the request is for apartments. There is mixed zoning in the area consisting of "BB" and "A" Residence zoning directly to the south and east and "B" Residence to the west along Speedway. "O" Office zoning is established directly west of the site and along East 37th Street. Land use in the area is predominantly single-family and apartment development. The staff recommends the request be granted as it is in conformance with the area study establishing "BB" and "B" Residence zoning on streets with adequate right-of-way for increased density. Right-of-way on Griffith Street ranges from 45 feet to 49 feet. It is recommended that the request be subject to the necessary right-of-way for widening of Griffith Street to a minimum of 50 feet. Lots on the east side of Griffith Street have double frontage with Grooms, thereby reducing the necessity of requiring 60 feet on Griffith Street.

TESTIMONY

WRITTEN COMMENT

Wellmer B. Smith (applicant)	
Clark C. Gill: 3606 Grooms	FOR
Drs. G. & C. Legett: 1707 Colorado	FOR
Truman H. Montandon: 2412 North Interregional Hwy.	FOR

PERSONS APPEARING AT HEARING

Mr. & Mrs. Wellmer B. Smith (applicant)
Harvey Lane, Jr. (representing applicant)

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C14-70-032 Wellmer B. Smith--contd.

SUMMARY OF TESTIMONY

Mr. Harvey Lane, Jr. pointed out that there are apartments in the immediate area on all sides of the property. He said he does not understand the need for right-of-way on Griffith Street but there is no objection.

Several nearby property owners appeared and stated that are in favor of a change on the site and feel that it should be established throughout the area; however, there is concern about Griffith Street in that some of the structures along the street are not set back far enough to allow for any widening. They explained that the property owners put in curbs and gutters along the street several years ago and do not want the City tearing it up for additional right-of-way.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning is appropriate and should be granted, subject to the necessary right-of-way for Griffith Street as determined by Public Works.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Wellmer B. Smith for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3506-3702 Griffith Street be GRANTED, subject to the necessary right-of-way for Griffith Street as determined by Public Works.

ABSTAINED: Mr. Hanks

C14-70-033 W. H. Bullard: C to C-2
2001 Airport Boulevard

STAFF REPORT: This application covers a small area within an existing commercial center, containing 606 square feet and fronting onto Airport Boulevard. The stated purpose of the request is for retail liquor sales. A previous request for "C-2" Commercial zoning was made and granted on property adjoining the site to the north for the same purpose. "C" Commercial, "C-2" Commercial, "LR" Local Retail and "GR" General Retail zoning is established along the east side of Airport Boulevard, and "A" Residence zoning and development exists to the west of Airport Boulevard. It is recommended that the request be granted as it conforms to similar zoning and commercial uses along the east side of Airport Boulevard.

TESTIMONY

WRITTEN COMMENT

None

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C14-70-033 W. H. Bullard--contd.

PERSONS APPEARING AT HEARING

Mr. W. Morris

AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of the request.

Arguments Presented AGAINST:

Mr. W. Morris appeared at the hearing and stated that across from the site is a growing residential neighborhood with a number of children. There are enough problems with children and teenagers without the influence of a liquor store close by.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as this is a well-defined and well-developed commercial area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of W. H. Bullard for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 2001 Airport Boulevard be GRANTED.

C14-70-034 Roy Valesquez: C to C-2
88 East Avenue

STAFF REPORT: The subject property consists of a 7,680 square foot lot. The stated purpose of the request is for a liquor store. The site is located in an area which is zoned "C" Commercial, First Height and Area fronting onto Interregional Highway. Land to the south with one exception is zoned "A" Residence and developed with single-family residences. The interior of the area along Rainey Street is also residential. Two non-residential uses are in operation near the subject tract, one is a refrigeration shop and the other is an air conditioning shop. The staff recommends that the zoning be granted as it would not intensify the use of land already permitted by the existing "C" Commercial zoning.

TESTIMONY

WRITTEN COMMENT

Operation Brotherhood, Austin Baptist Assoc.
Drs. C. & G. Legett: 1707 Colorado
Mrs. G. R. Felter Estate: 1707 Colorado

AGAINST
FOR
FOR

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C14-70-034 Roy Valesquez--contd.

PERSONS APPEARING AT HEARING

Tom Curtis (representing applicant)
William E. Heck: 715 East 1st Street
Bill Irvin: 715 East 1st Street

AGAINST
AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Tom Curtis, representing the applicant, pointed out that there is a great deal of commercial zoning around the site and the property fronts onto the Expressway. Liquor is available in many places in Austin and the proposal on the site would not infringe in an area where there are problems with "C-2" Commercial zoning.

Arguments Presented AGAINST:

Mr. William Heck, representing the Austin Baptist Association, advised the Committee that there are not very many businesses around the area. He said he is opposed to a liquor store in this location because Palm School exists two blocks north on First Street. This is a public school and the children have to use East Avenue and would go by the liquor store. The Baptist Association owns the property on the southwest corner of First Street. It is used as a "half-way" house for men who are alcoholics. The Association is vitally interested in this application because of possible effects on the rehabilitation center. It is also felt that the development of a liquor store will depreciate the value of other property. There is a taxicab service close by and if the proposal is permitted, the cab drivers will be a delivering service for the liquor store. The proposed use would not be a benefit to the citizens of Austin and would create many problems for the immediate community.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the subject site fronts onto Interstate 35 and is located in a well-defined "C" Commercial area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Roy Valesquez for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 88 East Avenue be GRANTED.

C14-70-035 H. E. Padgett, Trustee: O, 2nd to GR, 1st
 1700-1706 Patton Lane
 6601-6611 Berkman Drive

STAFF REPORT: The subject property contains 22,500 square feet of land and is located on the northeast corner of the intersection of Berkman Drive and Patton Lane. The stated purpose of the request is for an auto parts and accessories store. "LR" Local Retail, "O" Office and "C" Commercial zoning exists to the north between the site and U. S. Highway 290. Joining the site to the east is "B" Residence zoning. "B" Residence zoning has also been granted to the south of Patton Lane and west of Berkman Drive. Land use in the area is predominantly single-family with a church established across Berkman Drive to the west. "O" Office zoning was established rather than commercial zoning on the subject tract in 1969 because of the proximity to residential uses and the church. Commercial zoning should not extend into the residential area. Conditions have not changed during the year and the staff recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

W. L. Alff: 2319 West 8th Street	FOR
Watt Schieffer: 1011 East 40th Street	FOR
Mrs. Edna O. Blanchard: 6504 Hickman	FOR

PERSONS APPEARING AT HEARING

Richard Baker (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, advised the Committee that this application has been filed as the applicant has a firm contract for the sale and purchase of the subject property to the company and operators of Central Auto Parts which operates a number of auto parts and accessories stores within the City of Austin. They have contracted and desire to purchase this land for the sole purpose of building thereon improvements in which would be installed one of their Central Auto Parts locations. Under the Zoning Ordinances of the City of Austin, the Building Inspector has advised that the proposed use must come within the "GR" General Retail classification. Section 32 of the "GR" General Retail district in the Ordinance is so worded that the Building Inspector feels that the auto parts and accessories comes within that section. There is no desire to impose conditions within the area that would make it possible for adjoining land owners to propose an extension of the General Retail zoning down a residential street which would be classified as Patton Lane, although the right-of-way designated at the subject property is 60 feet and the right-of-way of Berkman Drive is 75 feet which takes them both out of the classification of residential streets.

C14-70-035 H. E. Padgett, Trustee--contd.

The adjoining tract to the northeast is zoned "LR" Local Retail and there is constructed thereon a dairy store. Part of the tract is zoned "O" Office and has been sold. Adjoining the "O" Office tract is "C" Commercial where there is located a service station. A number of zoning changes have also been requested in the immediate area to go from "A" to "B" Residence. In an effort to try to resolve some of the staff's objections, it is requested that the application be amended to delete a 25 foot strip of "O" Office zoning fronting onto Patton Lane, Berkman Drive and the adjoining "B" Residence tract to the east. This would be zoning only the interior of the lot extending to the north property line to "GR" General Retail which would be of sufficient size for the construction of improvements intended to be used for the auto parts store. As is required in the Ordinance, there will be no display or activities conducted outside of the building and the use would be compatible with the local retail uses authorized in 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 referred to the full Commission without a recommendation.

At the Commission meeting, Mr. Reeves stated that the applicant is requesting an amendment to the application to delete a 25 foot strip of the "O" Office zoning along the west, south and east boundary so that it would be evident that the "GR" General Retail zoning would not be extended any further. This would leave only the interior portion of the lot zoned for the purpose as indicated. He said that there is "LR" Local Retail zoning to the immediate north and in his opinion the request is appropriate and should be granted.

Mr. Crier explained that he is not in favor of the request as the nature of the area to the south is residential and "O" Office zoning was established to set a boundary for the commercial zoning coming into the area. A 25 foot strip of "O" Office zoning would not stop further encroachment if the existing 100 feet of "O" Office did not stop this request. In almost all of the zoning cases considered, the primary argument for granting is that a precedent has been set. If the request is granted, it will set a precedent and will be an intrusion.

One of the members asked what direction the auto parts store would face. Mr. Richard Baker, attorney for the applicant, explained that the building would front onto Berkman Drive. He further stated that the applicant would be willing to submit a restrictive covenant limiting the development to the auto parts and accessory store.

The Commission members discussed the surrounding area, the proposed use on the site in relation to the area and the need for a 25 foot strip of "O" Office zoning. A majority felt that the request is appropriate and should

C14-70-035 H. E. Padgett, Trustee--contd.

be granted without requiring the 25 foot strip of "O" Office zoning for the buffer. However, they recommended that the applicant submit a restrictive covenant limiting the use of the site to an auto parts and accessory store and in the event it is not used in such a manner, the zoning would revert to "O" Office. After further discussion, it was

VOTED: To recommend that the request of H. E. Padgett, Trustee for a change of zoning from "O" Office, Second Height and Area to "GR" General Retail, First Height and Area for property located at 1700-1706 Patton Lane and 6601-6611 Berkman Drive be GRANTED, subject to a restrictive covenant limiting the use of the site to an auto parts and accessory store and in the event it is not used in such a manner, the zoning would revert to "O" Office.

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

C14-70-036 Battle Bend Springs, Inc.: Int. A, Int. 1st to GR, 1st (Trs. 1 & 2)
Tract 1: 1004-1206 Battle Bend Boulevard and B, 1st (Tr. 3)
5200-5312 Interregional Highway
Tract 2: 1007-1207 Battle Bend Boulevard
5312-5350 Interregional Highway
Tract 3: 901-1005 Battle Bend Boulevard
904-1002 Battle Bend Boulevard
5300-5306 Battle Bend Court
5301-5305 Battle Bend Court

STAFF REPORT: This is an application for "GR" General Retail, First Height and Area zoning on Tract 1, containing 8.58 acres and Tract 2, containing 5.125 acres and "B" Residence, First Height and Area on Tract 3, containing 3.4 acres. The stated purpose of the request is for multi-family dwellings. The subject property falls in an undeveloped area along south Interregional Highway. This area is part of the Battle Bend Springs future residential subdivision on the west. Williamson Creek is located to the south. The staff recommends that "GR" General Retail, First Height and Area zoning as requested be granted on Tracts 1 and 2, but that the request for "B" Residence on Tract 3 be denied. The "GR" General Retail is in conformance with preliminary subdivision plans and is appropriate zoning on Battle Bend Boulevard, a neighborhood collector street, at its intersection with Interregional Highway. Tract 3 has been planned for single-family residential uses both in the preliminary plans and final plans submitted by the applicant. A final subdivision plat has twice been approved and recorded with a cul-de-sac street of 50 feet of right-of-way. The fiscal arrangements have also been made by the owner based on the recorded subdivision. The second approval resulted because of a shift in the location of the street because of underground gas lines. The boundary line between Tracts 1 and 2 and Tract 3 is

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C14-70-036 Battle Bend Springs, Inc.--contd.

a creek which forms an excellent buffer between the more intensive uses planned along Interregional Highway and the low density residential uses west of the creek. The application should be subject to the proper termination of Weidemar Lane located to the north of Tract 1.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Paul Jones (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. Paul Jones, attorney for the applicant, advised the Committee that the area is undeveloped and the applicant is trying to zone the property before building or reselling any lots. The staff report does not show the existence of two 12 inch high-pressure gas lines that are in Tract 3 which is what necessitated the original resubdividing and redoing of the plan in that the engineer did not discover them until it was surveyed on the ground. Tract 3 is cut off from the other tracts in the residential area and the gas line is a major problem. Battle Bend Boulevard has not been developed pending the request of the zoning. A portion of the plat will be vacated so that it can be properly developed as no lots have been sold. In the deed restrictions for the subdivision, these lots are specifically set aside for multi-family residential development. The deed restrictions are available so that anyone who purchases lots are aware of the restrictions. Even though the creek is there, it is not particularly wide. It is agreed that there is not likely to be any commercial development that would lead to the creek but it is felt that it is more appropriate development coming off of the Interregional Highway to have some reasonable medium density development before getting into the residential subdivision.

Mr. Reeves asked if there would be any objection to deleting one lot in the portion of Tract 3 south of Battle Bend Boulevard so it will line up with the tract on the north side of the street. This would also move the multi-family zoning away from the intersection and the ingress and egress would not be a hazard. Mr. Jones said they would no object to deleting Lot 9-A of the subdivision. With regard to the termination of Weidemar Lane, it should not be an insurmountable problem and an attempt will be made to work it out.

No one appeared in opposition to the request.

C14-70-036 Battle Bend Springs, Inc.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning is appropriate and should be granted, subject to the proper termination of Weidemar Lane and with the condition that the "B" Residence zoning on Tract 3 not extend to Lot 9-A and the extreme western portion of the lot adjoining Lot 9-A to the north in Battle Bend Subdivision. (This would line the southern portion of Tract 3, south of Battle Bend Boulevard, with the northern portion, north of Battle Bend Boulevard).

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Battle Bend Springs, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area (Trs. 1 & 2) and "B" Residence, First Height and Area (Tr. 3) for property located at (Tr. 1) 1004-1206 Battle Bend Boulevard and 5200-5312 Interregional Highway (Tr. 2) 1007-1207 Battle Bend Boulevard and 5312-5350 Interregional Highway and (Tr. 3) 901-1005 Battle Bend Boulevard, 904-1002 Battle Bend Boulevard, 5300-5306 Battle Bend Court and 5301-5305 Battle Bend Court be GRANTED, subject to the proper termination of Weidemar Lane and with the condition that the "B" Residence zoning on Tract 3 not extend to Lot 9-A and the extreme western portion of the lot adjoining Lot 9-A to the north in Battle Bend Subdivision.

C14-70-037 Walter Carrington: Int. A, Int. 1st to GR, 1st (Tr. 1), C, 1st
 Tract 1: 206-220 Proposed Ramble Lane (Trs. 2, 3, & 4)
 Tract 2: 100-204 Proposed Ramble Lane
 Tract 3: 4816-5102 South Congress Avenue
 Tract 4: 5218-5226 South Congress Avenue
 101-307 Proposed Ramble Lane

STAFF REPORT: The Chairman announced that Tract 5 of this application has been postponed and will not be considered at this time because of insufficient notice to property owners.

The staff reported that this is a request for "GR" General Retail, First Height and Area zoning on Tract 1, containing 2 acres and "C" Commercial, First Height and Area on Tracts 2, 3 and 4 totaling approximately 17 acres. The stated purpose of the request is for future commercial development. The property under consideration is located in an undeveloped area between South Congress Avenue and the well-developed single-family subdivision of Fairview to the west. Commercial uses exist along South Congress Avenue. The preliminary plan of the subdivision reflects land use proposals by the developer for some commercial and apartment development. The staff generally supports this plan with the exception of crossing the creek with "C" Commercial

C14-70-037 Walter Carrington--contd.

on Tract 3 and the extension of intensive zoning west on Tract 4 along Ramble Lane. This type of intensive zoning should be clustered near the intersection of Ramble Lane and South Congress Avenue. The staff makes the following recommendations: To deny "GR" General Retail on Tract 1, but grant "BB" Residence, First Height and Area; Grant "C" Commercial, First Height and Area on Tract 2; Grant "C" Commercial on Tract 3 back to the creek with "A" Residence, First Height and Area being retained west of the creek; Grant "C" Commercial, First Height and Area on Tract 4 east of the extension of Bluebird Lane to Ramble Lane, retaining "A" Residence, First Height and Area in the area west of Bluebird Lane. This application should be subject to a subdivision showing an extension and development of Ramble Lane and Bluebird Lane. The staff would prefer that "GR" General Retail zoning be granted on Tracts 2 and 4 rather than "C" Commercial because of the broad listing of permitted uses in "C" Commercial. This entry to the subdivision should not be open to these uses.

Mr. Lillie advised the Committee that on Tract 4, west of Bluebird Lane, there is a sign that says it is proposed as a church site which could be developed in "A" Residence District and is the basis for the staff's recommendation on Tract 4.

TESTIMONY

WRITTEN COMMENT

John E. Matysek: 5002 Creekline

AGAINST

PERSONS APPEARING AT HEARING

Paul Jones (attorney for the applicant)

Terry May: 5210 Creekline Drive

AGAINST

James A. Crist: 4900 Creekline Drive

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Jones, attorney for the applicant, explained that the subdivision existing now ends west of the subject tracts. From that point to South Congress Avenue the property is not presently subdivided. The tract adjoining Tract 4 to the west is a church site which is permitted under "A" Residence zoning. With regard to the creek and its exact location on the ground, the field notes may not indicate the center line. The applicant would support and would have no objection to stopping the "C" Commercial zoning at the creek on Tract 3 as there is no intent to cross the creek. It should be pointed out that the property between the subject site and South Congress Avenue is already zoned "C" Commercial, Sixth Height and Area and to the north there is one tract with "C-2" Commercial zoning.

C14-70-037 Walter Carrington--contd.

This is why the applicant found it was logical to continue with "C" Commercial zoning and then have "GR" General Retail which would limit the development from extending any further. There is nothing in the area now and the bridge is being widened.

Mr. Reeves asked why the staff is recommending "BB" Residence zoning on Tract 1. Mr. Lillie explained that one of the reasons is the church tract and the other was the proposed street coming in from the north where residential lots will be developed. This "BB" Residence zoning should provide for residential apartment buffering between the commercial center and low density residential uses.

Mr. Jones stated that in his opinion there would be some serious problems if the "C" Commercial or "GR" General Retail zoning is stopped at Bluebird Lane with "A" Residential zoning between Bluebird Lane and the church tract. The tract would likely be too deep to put any single-family residences on. Duplexes could be built. There would not be any serious objection to "B" Residence zoning on Tract 4 on the portion of the tract west of proposed Bluebird Lane, and there would be no objection to "GR" General Retail in some of the areas. There are restrictions on the use of property that is platted but there are not any restrictions on the unsubdivided ground and there is no plat of record on the property now under consideration. Mr. Jones further pointed out that Ramble Lane is a street with 60 feet of right-of-way.

Arguments Presented AGAINST:

A number of residents in the Community of Fairview residential subdivision located to the west of the site appeared in opposition to the request for the following reasons: 1) The property owners were not sufficiently notified; 2) the requested change would set a precedent for other changes in the area; 3) the traffic to the residential area would be increased; 4) the streets are too narrow to handle increased traffic; 5) there is not a need for this type of development in close proximity to the residential area; 6) this is a residential area and the change would be an intrusion and would be detrimental to the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee noted that Tract 5 of this application has been postponed because of insufficient notice to the effected property owners. They reviewed the information on the remaining portion of the application and concluded that the request should be denied; however, they recommended that "BB" Residence, First Height and Area zoning be granted on Tract 1, extending to the creek; "C" Commercial, First Height and Area be granted on Tract 2, extending to the creek; "C" Commercial, First Height and Area be granted on Tract 3, extending to the creek with the remaining portion of Tract 3, west of the creek remaining as "A" Residence; and "C" Commercial, First Height and Area on Tract 4 be granted to the extension of Bluebird Lane and "BB" Residence, First Height and Area on the remaining portion of Tract 4 extending to the church tract. They further recommended that the application be subject to Bluebird Lane and Ramble Lane being extended and developed.

C14-70-037 Walter Carrington--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Walter Carrington 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 "C" Commercial, First Height and Area (Trs. 2, 3 & 4) for property located at (Tr. 1) 206-220 proposed Ramble Lane, (Tr. 2) 100-204 proposed Ramble Lane, (Tr. 3) 4816-5102 South Congress Avenue and (Tr. 4) 5218-5226 South Congress Avenue and 101-307 Proposed Ramble Lane be DENIED; however, they recommended that "BB" Residence, First Height and Area zoning be GRANTED on Tract 1, extending to the creek; "C" Commercial, First Height and Area be GRANTED on Tract 2, extending to the creek; "C" Commercial, First Height and Area be GRANTED on Tract 3, extending to the creek with the remaining portion of Tract 3 west of the creek remaining as "A" Residence, First Height and Area; and "C" Commercial, First Height and Area be GRANTED on Tract 4 to the extension of Bluebird Lane and "BB" Residence, First Height and Area on the remaining portion of Tract 4 extending to the church tract, subject to Bluebird Lane and Ramble Lane being extended and developed.

C14-70-038 Mrs. John F. Friday: A to O
5421 Montview Street

STAFF REPORT: The subject property contains an area of 10,450 square feet of land fronting onto Montview Street. The stated purpose of the request is for resale for office use. To the north along Shoalmont Avenue is "O" Office and "LR" Local Retail zoning with "C" Commercial zoning established to the east in strip fashion along Burnet Road. Burnet Road is developed with numerous commercial businesses. To the south of the site and west of Montview Street is single-family residential development. South of Lawnmont Avenue is an area zoned "B" Residence and "LR" Local Retail. The staff recommends that the zoning as requested be denied as an intrusion of non-residential zoning into a residential neighborhood with inadequate streets for high density development. If this application is granted, it would encourage further non-residential and apartment applications in the area.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

CP14-70-038 Mrs. John F. Friday--contd.

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 presented and concluded that this request should be denied as an intrusion into a residential neighborhood.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. John F. Friday for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 5421 Montview Street be DENIED.

SPECIAL PERMITS

CP14-70-002 Calhoun-Smith Distributing Company, Inc.: Service Station
5401-5411 Manchaca Road

STAFF REPORT: This application has been filed as required under Section 5-A 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 service station. The subject property fronting onto Manchaca Road is zoned "GR" General Retail and "O" Office and the use proposed is permitted under this classification under special permit procedures. Adjacent land use is residential in character. The "O" Office zoning existing on a portion of the site and extending to the east was established to provide a zoning buffer between the "GR" General Retail zoning and the "A" Residential area. The development of a service station violates the intent of this buffer. The site plan has been circulated to the various City Departments, and comments are as follows:

Advanced Planning

- (1) Final Approval of Crockett Commercial Area. Section 2 Subdivision required. Planting helps create a visual screen and is desirable in addition to a fence.
- (2) For further buffering of the area adjacent to residential zone, building plan could be "flipped" as shown on alternate sketch, to locate garage area on the opposite side.
- (3) Subject to subdivision.

CP14-70-002 Calhoun-Smith Distributing Company, Inc.--contd.

- | | | |
|--------------------|---|--|
| Storm Sewer | - | Plat complies. Storm sewer available for connecting sand and grease trap. |
| Traffic Engineer | - | Site plan is in order. |
| Fire Prevention | - | Follow fire code regulations. |
| Fire Protection | - | Existing fire protection facilities are believed to be adequate. |
| Electric | - | Electric Department O.K. |
| Health | - | No objections. Waste water system to be available. |
| Building Inspector | - | <ol style="list-style-type: none"> (1) Unless this is leased property, a shortform subdivision is required. (2) A 4 ft. high solid fence is required along the common boundary between any parking area and property developed for a residential use. (North property line in this case.) (3) This sign shown on site plan is in the "GR" zoned portion of the property. However, there is an 8' yard light in the portion zoned "O". "O" zoning requires that all signs be placed flatwise against the building and no sign of a flashing or intermittently lighted type shall be erected. It is felt that the intent of the Ordinance would also apply to the 8' yard light. If any other light or sign is to be erected in the "O" zoned portion now or in the future it must be noted on the site plan and be approved as a part of the special permit. (4) Does not include Building Code approval or resolution to be secured from Building Inspection Department. |
| Office Engineer | - | Request for Commercial driveways must be made to the Department of Public Works and approval made by the Director of said department before Building Permit is issued. |
| Water and Sewer | - | Water and Sanitary Sewer service available from the existing mains in Manchaca Road. No additional fire protection will be required. |
| Public Works | - | Request for an approval of driveway before construction begins. |

CP14-70-002 Calhoun-Smith Distributing Company, Inc.--contd.

The staff could recommend approval of the special permit only if the proposed building were reoriented toward the "GR" General Retail zoning which is anticipated would be future commercial uses. Approval should also be subject to compliance with departmental requirements and authorizing the staff to give administrative approval when the requirements have been met.

TESTIMONY

WRITTEN COMMENT

None

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 referred to the full Commission so that the applicant can be notified of the departmental requirements.

At the Commission meeting, Mr. Lillie explained that the staff had advised the Committee that the special permit on the property could be supported if the full plan was reoriented. The service station as proposed shows driveways, lights, signs and parking next to the residential area. The applicants did work with the staff during the past week and have submitted a revised plan.

The staff recommends that the application be granted subject to compliance with departmental reports.

The Commission was cognizant of the revised plan and felt that the request should be approved subject to compliance with departmental requirements. It was then unanimously

VOTED: To APPROVE the request of Calhoun-Smith Distributing Company for a Special Permit to erect a service station on property located at 5401-5411 Manchaca Road, subject to compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

ABSTAINED: Mr. Becker

CP14-70-002 Calhoun-Smith Distributing Co., Inc.--contd.

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.

CP14-70-003 Dr. A. Kleiman and Della Griffin: Eleemosynary Institution
1515 Enfield Road

STAFF REPORT: This application has been filed as required under Section 45.19 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 an eleemosynary institution. The proposed use is for a vocational or "pre-vocational" training facility where the adult retarded can learn the basic custodian and housekeeping chores. The students do not live on the premises but are transported (from the Austin State School) to the center each day. They spend from five to six hours per day at the center. It is understood that two to three staff people are normally present. About 30 students are brought in each day. The site has been circulated to the various City Departments and comments are as follows:

- | | | |
|------------------|---|--|
| Storm Sewer | - | Plat complies. |
| Traffic Engineer | - | Proposed parking area is of insufficient width for a driveway and parking. Other parking arrangements must be made. On-street parking will not be permitted on Enfield Road. |
| Tax Assessor | - | 1-1001-0402 Taxes are due for 1967, 1968, 1969. Prior years are paid.
1-1001-0411 Taxes are due for 1969. Prior years are paid. |
| Electric | - | Electric easements to be retained. |
| Fire Prevention | - | Install required fire extinguishers when work is completed. |
| Health | - | No objections. Waste Water System to be available. |
| Fire Protection | - | Existing fire protection facilities are believed to be adequate. |
| Office Engineer | - | Require request for commercial driveway on Palma Plaza. |
| Water and Sewer | - | Water and Sanitary Sewer are available from the existing mains in the adjacent streets. No additional fire protection will be required. |
| Public Works | - | Need five feet off Enfield Road side for widening. Request for approval of driveway on Palma Plaza before construction begins. |

CP14-70-003 Dr. A. Kleiman and Della Griffin--contd.

- | | | |
|---------------------|---|---|
| Advanced Planning | - | <ul style="list-style-type: none"> (1) Five feet ROW needed along Enfield Road. (2) Lot in question requires a short form subdivision, (including) the strip 20' by 79' on the south side. If this strip is to be made part of the remainder of the tract, a short form subdivision will be required. (3) How does applicant propose to provide adequate off-street parking? (4) As indicated, two story brick structure has no required sideyard and encroaches upon Lot 52 of Enfield "B". (5) Privacy screen needed along east and west boundary lines. |
| Building Inspection | - | <ul style="list-style-type: none"> (1) Subject property is zoned "B" Residential, requiring special permit for proposed uses. (2) Proposed parking area shown on site plan does not appear to be platted as a part of the subject property. Resubdivision of the property would be required to include this area if it is to be used. As parking schedule does not specifically provide for the proposed use, the Planning Commission should establish adequate off-street paved parking. (3) The two story brick structure at the rear appears to encroach on another lot and also over an easement. The use of this building is not indicated as required. (4) Does not include Building Code approval. |

The area in which the subject property is located is developed with various forms of residential structures, ranging from single-family homes to duplexes to small apartments and a few large apartment complexes. The character of the neighborhood is, nevertheless, residential. The general area was zoned "B" Residence many years ago.

Structures are well-maintained, with many in the immediate area having medium and high values. Nearest non-residential uses are located south along West Lynn Street from 10th to 13th Streets. There are two streets, West Lynn and Enfield Road, which serve as collectors or arterials. In 1968 over 12,000 cars a day were using Enfield Road. The remaining streets are minor residential in character for the primary purpose of providing access to individual property.

CP14-70-003 Dr. A. Kleiman and Della Griffin--contd.

The departmental requirements do not include items would could not be worked out by the applicant; however, the staff cannot recommend favorably on this application. It is the feeling that the use would have a negative effect on the immediate neighborhood because of its non-residential character. The lot is small and there is minimum building separation from adjoining apartment units. Finally, approval of the permit does not restrict the number of individuals being trained at this location.

TESTIMONY

WRITTEN COMMENT

Mrs. E. F. Chastain: 1509 Palma Plaza	AGAINST
Mrs. Helen Miles: 1508 Enfield Road	AGAINST
Mrs. Emma H. Scott: 1507 Palma Plaza	AGAINST
Mrs. R. T. McCormick: 1503 Enfield Road	AGAINST

PERSONS APPEARING AT HEARING

Della M. Griffin (applicant)	
H. E. Mullens (representing applicants)	
Dan Henderson (representing Job-Preparation Center)	
Harley R. Clark: 1503 Palma Plaza	AGAINST
Mrs. Ida Mae Morrey: 1505 Palma Plaza	AGAINST
Mrs. Ann Carter: 1515 Enfield Road	FOR
A. T. Mullins: 213 West 14th Street	FOR
Teddy Henderson: 513 Scarborough Building	FOR
Mrs. Anne T. Kohler: 3902 Idlewood	FOR
Vincent M. Cox, M.D.: 1820 West 38th Street	FOR
Mrs. Otilie Woyter: 1603 Enfield Road	AGAINST
Mr. & Mrs. Lewis M. McCavern: 1508 Palma Plaza	AGAINST
L. C. Reese: Rt. 1, Box 151 - Del Valle, Texas	AGAINST
James P. Nash: 1503 Marshall Lane	AGAINST
Mrs. John C. Ross: 1501 Enfield Road	AGAINST
A. L. Moyer: 1405 Rio Grande	AGAINST
Ann Carr	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. H. E. Mullens appeared at the hearing and advised the Committee that he represents Mr. and Mrs. Griffin who are the owners of the subject property as well as property immediately to the east and south. They are requesting a special permit so that they will be in a position to execute a lease to a non-profit organization interested in continuing a pre-vocational school for people who might otherwise never have an opportunity to learn the simplest of chores. This is a fine program and is one that serves a useful purpose.

CP14-70-003 Dr. A. Kleiman and Della Griffin--contd.

Mr. Dan Henderson, representing Job-Preparation Center, Inc. explained that the use is non-profit and funds basically come from the State Mental Health and Mental Rehabilitation. Pre-vocational is basically the teaching of fundamental activities most people take for granted, such as housekeeping and cooking chores. It should be pointed out that the students in the school are not dangerous. It is estimated that four parking spaces are all that is needed. The area to the rear is 22 feet wide with some trees on it and should be sufficient area for more parking if needed in the future. There is also an existing drive-in carport area that could accommodate a few more parking spaces.

The proposal will not increase the traffic as there are only three workers and a bus brings the students to and from the school. There is no objection to a privacy fence. The people in the school are transported to and from school by a bus supplied by the Austin Public Schools. The school operates an average of five hours a day.

Dr. Vincent Cox, a psychiatrist; Mrs. Ann Carter, registered nurse; and Ann Carr, explained to the Committee the type of facilities and training that are conducted on the premises for the school. They also pointed out the need for schools of this type and indicated that in their opinion this type of facility needs to be in a residential area. They also pointed out what type of students are involved and where they come from.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request because of the location of the use in the residential area. They felt that the use would be an intrusion and would lower the residential property values. It was also pointed out that traffic is heavy on Enfield Road which could create a dangerous situation for the type of students that would be in the school. They further stated that in their opinion the school renders a worthwhile service to the City but felt that there are better areas in which the school could locate.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission and requested that the applicants and the staff work out the requirements by the various City departments.

At the Commission meeting, Mr. Lillie reported that the applicants have not contacted the staff during the week to work out the departmental requirements.

Mr. Goodman stated that the Zoning Committee requested the applicants to contact the Planning Department during the week to work out the differences and bring it back to the Commission for further consideration. Inasmuch as the applicant was at the hearing and was advised of the departmental requirements,

CP14-70-003 Dr. A. Kleiman and Della Griffin--contd.

it was not the place for the Planning Department to contact them. He further stated that in his opinion the special permit should be denied based on the fact that the applicant has not made an attempt to resolve the problems raised and because of the fact the user of the property is there without legal authority from the Building Inspector and the owner apparently permitted this without clearing it.

Mr. Lillie advised the Commission that he was just handed a revised site plan showing the following:

1. Additional parking spaces between the main building and Enfield Road.
2. A driveway to be used for loading and unloading of students and for deliveries.
3. A six foot board fence to be built on both sides of the lot.

In addition, the site plan indicates all driveways and parking areas will be paved. There will be four full-time employees and two part-time employees. This is the first time the staff has seen the revised site plan and has not had an opportunity to review it.

Mr. Henderson, representing the applicants, explained that the original site plan was picked up last week in the Planning Department and taken to the Building Inspector's office so that all the problems could be worked out. As a result of a discussion with the Building Inspector's Office, the plan was revised to meet the approval of that department and was suppose to have been sent back to the Planning Department by Isom Hale and Associates.

The Director of Rehabilitation for Goodwill Industries appeared at the hearing and explained the relationship of the pre-vocational school to Goodwill. He explained the training program and the type of employment students are trained for. He stated that there must be a bus line close to the school so that students can get to the agency and future jobs. Part of the job training is how to use buses. The students are docile, harmless people who are capable of being trained as workers.

Mr. Goodman stated that he is in sympathy with the work, idea and concept of the training program to put people back into society as useful citizens. He said he is dismayed that the owners of the property knew that it was in violation of the Zoning Ordinance to have this type of operation. He asked if the individuals are from the State Hospital as out-patients or are they committed into a hospital in a legal sense.

Ann Koehler explained that some of the individuals are in the State Hospital voluntarily and others are committed; however, they are recommended by the doctor as ready to work.

CP14-70-003 Dr. A. Kleiman and Della Griffin--contd.

Della Griffin advised the Commission that she owns the subject property, the property next door and the property immediately behind the site and tells people who lease her property what type of facility exists on the subject site and there has never been any objection. She explained that she did not understand the zoning when the property was leased as there has never been a school of this type in Austin. The house was up for rent and the Center rented it. It has not hurt any of the adjoining area.

Mrs. Arlene Taylor, nearby property owner, stated that she recently had a contract to sell her house for over \$52,000 but it did not go through as the people did not feel the use on the subject property was right. She stated that she did not originally mind the school but did not know that the students would be taken from the house by a public bus to a place of work. It is felt that the proposed use of the property in this neighborhood will depreciate the value of other property in the area. The Commission recommended tonight that "O" Office zoning be denied on property adjoining the site to the west and there should be some consistency to the recommendations and the request on the subject site should also be denied. No one would object to a zoning change that would hold or enhance the property values.

Mr. L. C. Reese, owner of the adjoining property, stated that he applied for "O" Office zoning on his property because of the use existing on the subject site. The neighbors are not in favor of the application and feel that it would ruin their property. The use has been going on since the middle of November. Mr. A. L. Moyer, representing himself and four widows objected to the use on the site and read a list of addresses where in his opinion the use would be more appropriate and offered his assistance in locating another site for the proposed use.

Mr. H. Mullens, representing the applicants, pointed out that the students stay inside the house all of the time so they would not be a bother to the area. It is realized that there are some fine homes on Enfield Road but there are some homes south of the site that are not so fine. The property values will not be hurt as the owner of the property has had no trouble keeping her property rented. It is realized that the use is in violation of the Ordinance which is the reason the special permit has been requested. The program is a pilot project which is paid for by the State. It is operated by a non-profit organization designed to help people. Mrs. Carter did try to find another suitable location large enough for the Center but the house on the site was the only one she could find.

Mr. Goodman stated that he is not specifically concerned about whether the property values are increased or decreased but is concerned about whether or not the special permit meets all of the requirements to be considered by the Planning Commission in recommending an approval or denial. He said that he could not find fault with the idea in concept but feels that the location is wrong. He further stated that he is concerned about the fact that the people who own the property permitted the use without some clearance about what could be done.

CP14-70-003 Dr. A. Kleiman and Della Griffin--contd.

Mr. Milstead and Mr. Reeves were of the opinion that the use would be detrimental to the property values and would be an intrusion into a residential area.

After further discussion, a motion to deny the special permit failed to carry by the following vote:

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

Mr. Goodman stated that he voted against the motion because he feels the Commission should not deny or grant special permits based on both types of concepts.

Mr. Hanks stated that in his opinion the entire area is changing and the request should be granted.

Mr. Goodman advised the Commission that in his opinion the decision of the Commission should be based on the factors listed in the Ordinance which are to be considered and reviewed the following:

- a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- b. Safety from fire hazard, and measures for fire control.
- c. Protection of adjacent property from flood or water damage.
- d. Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.
- e. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- f. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.
- g. Adequacy of parking, as determined by requirements of this Ordinance for off-street parking facilities in the USE DISTRICT in which the site is located; location of ingress and egress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust.
- h. Such other measures as will secure and protect public health, safety, morals and general welfare.

Mr. Goodman stated that the Commission is charged with the responsibility of protecting the rights of those citizens who are in favor of a change as well as those who are opposing. The general welfare of the neighborhood is a compatible subject for determining whether a special permit should be granted

CP14-70-003 Dr. A. Kleiman and Della Griffin--contd.

and recommended that the request be denied on the basis that it would not be beneficial to the general welfare of the neighborhood and that it is an encroachment into a neighborhood without proper notification. It was then

VOTED: To DENY the request of Dr. A. Kleiman and Della Griffin for a Special Permit to allow an eleemosynary institution on property located at 1515 Enfield Road.

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

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.

CP14-70-004 C. B. Francis: Montessori Day Care School
2205-2213 Pompton Drive

STAFF REPORT: This application has been filed as required under Section 4 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 the Montessori Day School providing for 140 children. The site plan has been circulated to the various City Departments and the comments are as follows:

Fire Prevention	-	Install required fire extinguishers when building is completed.
Tax Assessor	-	2-3906-0609 Taxes are due for 1969. Prior taxes are paid.
Electric	-	Existing easements - as shown
Traffic Engineer	-	Recommend that head-in parking not be permitted on Brockman as shown on plans. Rather off-street parking with a driveway to Brockman is preferred.
Fire Protection	-	Existing fire protection facilities are believed to be adequate.
Health	-	No Objections. Waste Water System to be available.
Storm Sewer	-	Plat complies.
Office Engineer	-	Brockman Street to Exmoor Drive not dedicated. Cannot approve driveways.
Public Works	-	Street connecting Brockman and Exmoor Drive should be dedicated and paved. Also, do not approve head-in - back-out parking as shown.

CP14-70-004 C. B. Francis--contd.

Advanced Planning

- (1) Long form subdivision required - to include; (a) entire C. B. Travis tract; (b) Lot #9, Block E, Alandale North, Section 7; (c) and the extension of Brockman Street as a dedicated street.
- (2) The permissible number of children and required number of parking spaces is derived by the net area of the lot. Plan lacks adequate information for such calculations.
- (3) Proposed use is too intensive for this site.
- (4) Head-in parking arrangement is not acceptable. Spaces should be located within the lot with driveway access.
- (5) Outside play area should be identified and fenced.
- (6) Privacy screen should be provided along south and east property lines.

Water and Sewer

- Water and Sanitary Sewer service are available from the existing mains in the adjacent streets. It will be required to extend the existing 6" water main in Brockman northerly to the existing 6" main in Exmoor Drive. No additional fire protection will be required.

Building Inspector

- (1) It is not clear if the strip of land between Exmoor Drive and Brockman Street is dedicated as a public street or right-of-way. The metes and bounds indicate it is as a part of the subject property.
- (2) The property including area for street contains approximately 29,318 square feet which would permit the keeping of 84 children under the requirements of the Zoning Ordinance.
- (3) The facility and site shall be approved by the Texas State Department of Public Welfare.
- (4) Does not include Building Code Approval.
- (5) Replatting of the property is necessary for this site.
- (6) The parking schedule does not specifically provide for this area. The Commission should determine if the amount proposed is adequate.

CP14-70-004 C. B. Francis--contd.

The area of the subject site would allow only 63 children. The staff cannot recommend this special permit in this area because of inadequate streets for estimated traffic generated and the use would be an intrusion of a non-residential use into a residential neighborhood. Exmoor Drive, while open, is not dedicated and has not been accepted by the City. If the request is granted, it should be subject to dedication of extension of Brockman Street to connect with Exmoor Drive by subdivision and subject to completion and compliance with departmental requirements.

Mr. Lillie pointed out the area along Pompton Drive, Falmouth Drive and Exmoor Drive has been developed with a number of duplexes. All of the lots, with the exception of two along Pompton Drive are developed with new structures. The Central Texas Nursing Home extends from Burnet Road back to Exmoor Drive to the west and there are some off-street parking spaces on the east portion of the tract.

TESTIMONY

WRITTEN COMMENT

Walter M. Fredrickson: 8102 Falmouth Drive AGAINST

PERSONS APPEARING AT HEARING

Randall Hood (rep. applicant)	
Mr. & Mrs. I. G. Calloway: 4502 Balcones	FOR
Mrs. Martha Piza: 603 W. 18th Street	FOR
Opal E. Gohle: 2200 B Pompton	AGAINST
Mrs. Erwin Goerner: 2202 Pompton	AGAINST
Lou Sweet: 7505 Greenhaven Drive	AGAINST

SUMMARY OF TESTIMONY

Mr. Randall Hood, representing the applicant, stated that it is true that the street is not dedicated to the City but there has been discussion in the past with City officials on this problem. He asked if there is any way a special permit can be granted with the understanding that the street would be dedicated and that an application could be made to the Board of Adjustment for a larger number of children than permitted on the site.

Mr. Calloway advised the Committee that he and his wife are the prospective operators of the school. He explained that the vehicular traffic will be spread out in time so that there would not be congested traffic. The day school would start at 8:30 and be over at 1:30. Arriving traffic will be between the hours of 6:45 a.m. and 4:30 p.m. Many of the children are brought by neighborhood groups. The application has been structured in terms of number of enrollment because absenteeism is high in this age group of children. At least twenty per cent will be out for some reason or another. It is felt that the subject property is located in a transitional area and that

CP14-70-004 C. B. Francis--contd.

it lies directly between a commercial establishment and multi-family dwellings. There is a need for this type of facility in Austin. Mrs. Calloway also spoke on behalf of this request explained the type of program in a Montessori Day School and the personnel that would be involved.

Martha Piza, Social Worker, appeared and stated that the applicants propose a very high quality program for children which is needed in the City of Austin.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that this is a very nice duplex area and the proposed use would be an intrusion and would create serious traffic congestion for the surrounding area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied as the plan is inadequate and the proposed use would not be proper for a residential area.

At the Commission meeting, Mr. Reeves pointed out that one of the concerns of the Committee was that the streets are inadequate to handle the traffic. Mr. Kinser reported a revised site plan had been submitted by Mr. H. Randall, representing the applicant, requesting that the application be amended in accordance with the recommendations of the staff and the Zoning Committee. The City has requested that the street between Brockman and Exmoor be dedicated to the City by a long form subdivision plat which will be complied with. The City has also recommended that on site parking be arranged and a privacy fence be put in, in order to enclose the playground. This will be complied with.

Mr. Lillie reviewed the revised site plan as related to the departmental requirements and explained that the original plan was for 140 children and did not include dedication of the street. The Traffic Engineer recommended that head-in parking not be permitted on Brockman as shown on the original plan. They do have parking bays in that location. The revised site plan should be reviewed to see whether the Traffic Engineer would have any comment on the existing driveway close to the corner. There was no objection by the Fire Protection and Health Department. The applicant cannot request a variance by the Board of Adjustment to permit a greater number of children. The Ordinance requires so much space per child. Any appeal on the site plan is to the City Council.

The staff still cannot recommend the application. The Special Permit as revised, however, could be approved subject to compliance with departmental requirements.

CP14-70-004 C. B. Francis--contd.

Mr. Reeves commended the applicant for opening the street and changing the plan. After further discussion, the Commission unanimously

VOTED: To APPROVE the request of C. B. Francis for a Special Permit for a montessori day care school on property located at 2205-2213 Pompton Drive, subject to compliance with departmental requirements, and authorized the Chairman to sign the necessary resolution upon completion.

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.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported the action taken on the subdivisions at the meeting of February 24, 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 no subdivisions were referred to the Commission. It was then

VOTED: To ACCEPT the attached report and spread the action of the Subdivision Committee meeting of February 24, 1970, on the minutes of this meeting.

SUBDIVISION PLATS - FILED AND CONSIDERED

The staff reported that the following final plats have previously been before the Commission, were accepted for filing and disapproved pending technical items which were requirements of the Ordinance and have now been given approval under the amended rules and regulations adopted by the Planning Commission. The Commission then

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

<u>C8-69-20</u>	<u>Kassuba Beach, Phase 3</u>
	South Lakeshore Boulevard
<u>C8-69-47</u>	<u>Greenleaf Estates, Section 2</u>
	Dittmar Road and Forest Wood Road
<u>C8-69-71</u>	<u>Lakeway, Section 13</u>
	Lakeway and Tallstar
<u>C8-68-114</u>	<u>North Gate Terrace, Section 1</u>
	Research Boulevard and North Gate Drive
<u>C8-69-103</u>	<u>Apache Shores, Section 3</u>
	Geronimo Drive and Broken Bow Drive

SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

C8-69-24 St. Edwards Heights, Section 4
 Parker Lane
C8-69-23 North Park Estates, Section 3
 North Bend and Circle Bend
C8-70-7 Quail Creek, Section 5
 Little Walnut Parkway

C8-68-111 Lakeside of University Hills
 Carol Ann Drive and Lakeside 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 the required fiscal arrangements, additional easements, fiscal arrangements for sidewalks and compliance with departmental requirements. The Commission unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of LAKESIDE of UNIVERSITY HILLS, pending the requirements as indicated.

C8-69-104 South First Addition
 South First Street and Dittmar Lane

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 the required fiscal arrangements, additional easements, compliance with departmental requirements and modification of intersections. (See T. & T. report). The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of SOUTH FIRST ADDITION, pending the requirements as indicated.

C8-68-27 Palomino Park, Section 5
 Brodie Lane and Dobbin Circle

The staff reported that the applicants have requested that this entire plat be vacated. Several reports are still lacking from the various departments with their comments regarding the proposed vacation and the staff requires two items in order to be able to recommend in favor. It is recommended that the request be postponed until the next regular meeting of the Planning Commission until all of the requirements are satisfied. One requirement of the staff involves some widening on Brodie Lane. The staff feels that the right-of-way should be retained as it will be a thoroughfare and the other item is a letter of agreement pertaining to the future development of this property after it is put back into one tract. After further discussion, the Commission unanimously

VOTED: To POSTPONE action on the request for vacation of the plat of PALOMINO PARK, Section 5 until the next regular meeting of the Planning Commission.

C8-69-121 Missouri-Pacific Industrial Park
Burleson Road and Drosset 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 the required fiscal arrangements, additional easements, and compliance with departmental requirements. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of MISSOURI-PACIFIC INDUSTRIAL PARK, pending the requirements as indicated.

C8-70-4 North Creek East
North Creek Drive and Falcon 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 the required fiscal arrangements, additional easements, compliance with departmental reports, fiscal arrangements for sidewalks and letter of agreement on portion of tract not included in plat. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of NORTH CREEK EAST, pending the requirements as noted.

C8-70-23 Cardinal Hills, Unit 7
Gebron Drive and Farris 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 the required fiscal arrangements, additional easements and compliance with departmental requirements. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CARDINAL HILLS, Unit 7, pending the requirements as noted.

C8-70-24 Cardinal Hills, Unit 5
Dave Drive and Dorothy 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 the fiscal arrangements, additional easements and compliance with departmental requirements. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CARDINAL HILLS, Unit 5, pending the requirements as indicated.

C8-70-25 Rosewood Village, Section 6
Rosewood Avenue and Pleasant Valley Road

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of ROSEWOOD VILLAGE, Section 6, pending the requirements as noted.

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-70-34 Town Lake Plaza, Resub. Lots 1-4, Block C
Riverside Drive and Tinnin Ford Road

The staff reported that this short form plat has complied with all departmental requirements and met all requirements of the Ordinance and recommended approval. The Commission then

VOTED: To APPROVE the short form plat of TOWN LAKE PLAZA, Resub. Lots 1-4, Block C.

C8s-69-199 First Federal Addition
Taos Boulevard and Frontier Drive

The staff reported that this short form plat has complied with all departmental requirements and met all requirements of the Ordinance; however, there is a variance required on the signature of the adjoining owner. This has been before the Commission previously but there was not a letter requesting a variance. The letter has now been received which states that the adjoining owner does not wish to participate. In view of this, the staff recommends that the variance be granted and the short form plat be approved. The Commission then

VOTED: To APPROVE the short form plat of FIRST FEDERAL ADDITION, granting a variance on the signature requirements of the adjoining owner.

C8s-70-11 Andrews Addition
Manor Road

The staff reported a letter from Mr. John Selman, representing the owner, requesting that this short form plat be withdrawn from further consideration. The staff recommends the request be accepted. The Commission then

VOTED: To ACCEPT the request to withdraw this short form plat.

C8s-70-39 Ostrov Addition, Resub. Lot 2
Island Way

The staff reported that this is the first appearance of this short form plat before the Commission and recommended it be accepted for filing and disapproved pending compliance with departmental requirements and compliance with Ordinance requirements on width for Lot 3. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of OSTROV ADDITION, Resub. Lot 2, pending the requirements as indicated.

C8s-70-42 Woodward Industrial District No. 2, Resub.
Ben White Boulevard

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

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of WOODWARD INDUSTRIAL DISTRICT NO. 2, Resub., pending compliance with departmental requirements.

C8s-70-44 Parkwood In University Hills, Section 4
Loyola Lane

The staff reported that this is the first appearance of this short form plat before the Commission and all departmental reports are not complete. There is a variance involved to exclude the balance of the tract. The variance is recommended by the staff due to the fact that there is a preliminary plan which has been accepted by the Commission on the balance of the tract which was to be excluded. It is further recommended that the short form plat be accepted for filing and disapproved pending compliance with departmental requirements. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of PARKWOOD in University Hills, Section 4, pending compliance with departmental requirements and granting a variance to exclude the balance of the tract.

C8s-70-43 Aaron P. Gardner Subdivision
Old Bee Caves Road

The staff reported that this is the first appearance of this short form plat before the Commission and recommended that it be accepted for filing and disapproved pending compliance with departmental requirements. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of AARON P. GARDNER SUBDIVISION, pending compliance with departmental requirements.

C8s-70-45 A. H. Neighbors Addition, Section 2
Maxwell Lane

The staff reported that this short form plat involves a variance which the staff does not have a letter for to determine whether or not the adjoining owners are willing to participate in the subdivision. It is recommended that the plat be disapproved pending the signature of the adjoining owners or a letter stating they will not join as previously required by the Commission. There is also the subject of sanitary sewer being required for this size lots as the lots are shy of the required area for septic tanks. The Commission then

VOTED: To DISAPPROVE the short form plat of A. H. NEIGHBORS ADDITION, Section 2, pending the requirements as indicated.

C8s-70-49 Scenic View West, Section 2
The High Road and Wild Basin

The staff reported that this short form plat involves a variance on the signature requirements of the adjoining owners. A letter requesting the variance has not been received and the staff recommends the plat be disapproved pending the signature of the adjoining owners, or a letter in lieu thereof, and compliance with departmental requirements. The Commission then

VOTED: To DISAPPROVE the short form plat of SCENIC VIEW WEST, Section 2, pending the requirements as indicated.

ADMINISTRATIVE APPROVAL

The staff reported that eleven 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-69-136</u>	<u>Hardy Resubdivision</u>
	Mesa Drive
<u>C8s-70-9</u>	<u>J. B. Ford, Resub. Ford Oaks Annex</u>
	Gail Road
<u>C8s-70-2</u>	<u>Lillie Schwartz Subdivision</u>
	Redd Street and Jinx Avenue
<u>C8s-70-15</u>	<u>Jackson Heights</u>
	Medical Parkway and West 40th Streets
<u>C8s-70-24</u>	<u>Pahlke Resub.</u>
	Holly Bluff Street and Penell Circle
<u>C8s-69-207</u>	<u>Alice T. King</u>
	East 12th Street and San Bernard Street

ADMINISTRATIVE APPROVAL--contd.

C8s-70-5 North Acres, Section 1, Resub.
 Applegate Drive and Newport Avenue
C8s-70-193 Coronado Hills, Section 3, 1st Resub.
 Brookhollow and Pebblebrook
C8s-70-38 University Hills, Section 4, Phase 5, Resub.
 Bluestein Boulevard and Charlton Drive
C8s-70-40 Vintage Hills, Section 2, Resub.
 Meadowood Drive
C8s-70-41 Cherry Creek V, Resub.
 Lewood Drive at Lewood Circle

OTHER BUSINESS

C10-70-1(b) STREET VACATION (Revised)

The north 11 feet of West 25th Street from
Guadalupe Street to Whitis Avenue

Mr. Osborne reported that this is an amended request by the University of Texas for the vacation of the north eleven feet of West 25th Street from Guadalupe Street to Whitis Avenue. The original request was for vacation of only five feet. The University owns all of the property or is in the process of acquiring all of the property on the north side of West 25th Street and on the south side, the University Methodist Church owns all but one-half of the block. The eleven feet results from a requirement on the part of the City and the State Highway Department with respect to 26th Street to the north and provision for necessary storage area and for the placement of the new communications building between 25th and 26th Streets. After further discussion, the Commission unanimously

VOTED: To recommend that the north eleven feet of West 25th Street from Guadalupe Street to Whitis Avenue be VACATED.

C10-70-1(f) STREET VACATION

Evans Avenue from 40 feet south
of 56th Street to H. & T. C. Railroad

The staff reported that this is a request to vacate a portion of Evans Avenue from a point 40 feet south of 56th Street to H. & T. C. Railroad. Originally, there was an attempt to work out a cul-de-sac at the railroad track on 56th Street. The alignment was such that it would involve a dedication of property on both sides of 56th Street to put a true cul-de-sac in. Property to the north was developed by Armstrong Johnson and no right-of-way was provided for a cul-de-sac. This is an alternate solution to a cul-de-sac in that it leaves a "T" intersection type turnaround in lieu of

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C10-70-1(f) STREET VACATION--contd.

the cul-de-sac. The owners have agreed to pave 56th Street and the north 40 feet of Evans Avenue when the request is granted. The staff recommendation is in favor of the request subject to the retention of the necessary storm sewer easement. The Commission unanimously

VOTED: To recommend that Evans Avenue from 40 feet south of 56th Street to H. & T. C. Railroad be VACATED, subject to the retention of the necessary easements.

ADJOURNMENT: The meeting was adjourned at 11:05 p.m.

Hoyle M. Osborne
Executive Secretary