

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- April 14, 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 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
Shirley Ralston, Administrative Secretary

MINUTES

Minutes of the meetings of August 12, 1969, September 9, 1969, and October 14, 1969, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of April 6, and 7, 1970.

Present

Alan Taniguchi, Chairman
Jack Goodman
S. P. Kinser
*C. L. Reeves
**Fritz Becker
**Jack Crier

Also Present

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

*Present only on April 6, 1970
**Present only on April 7, 1970

184

PUBLIC HEARINGS

C14-70-039 Five Point Nine Two, Limited: C, 1st to C, 4th
 700-722 Huntland Drive
 6900-6930 North IH 35
 6901-6931 Martin Avenue

STAFF REPORT: The subject property covers an area of 2.8 acres of land having frontage onto Huntland Drive, I. H. 35 and Martin Avenue north of U. S. 290. The stated purpose of the request is for a 15 story office building. "C" Commercial, Second and Third Height and Area zoning has been established to the south which will be developed as a shopping center including Joske and Scarbrough stores. "C" Commercial zoning is also established across I. H. 35 and developed with an insurance office, Holiday Inn, restaurant and service station. To the north of the Holiday Inn fronting onto the east side of I. H. 35 is "DL" Light Industrial zoning which is developed with Central Freight Lines. There is a residential subdivision to the west of the site and a Junior High School is located immediately across Martin Avenue.

Building height is the critical issue in this application. The Airport Zoning and Height Regulations permit a maximum building height of 105 feet at this point on 720 feet of elevation.

Mr. Lillie explained that the proposed structure would be within the approach zone of the north-south runway at Municipal Airport. A letter has been received from the Building Inspector stating that the Airport Zoning Ordinance would permit a building of approximately 105 feet. A complete report has not been received from FAA and while they would not prohibit the location of the dwelling, if such building at this height were located it may change the operational requirements at Municipal Airport with respect to this runway. The staff recommends that the application be referred to the full Commission which will give time for the staffs of the Building Inspector, Aviation Department, Planning Department and FAA to meet and determine a recommendation on building height. The staff feels that the area is changing to more intensive uses and is in favor of the request subject to determination of the maximum building height.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Bob Dallas (applicant)

SUMMARY OF TESTIMONY

Mr. Bob Dallas appeared at the hearing and advised the Committee that he is one of the partners involved in this application. He said that there is no objection to referring the request to the full Commission pending the recommendation of height requirements.

C14-70-039 Five Point Nine Two, Limited--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending a recommendation on the height limitation by the Planning Department, FAA and the Airport officials.

At the Commission meeting, Mr. Osborne reported that the Airport Zoning would permit a building height to 825 feet above sea level. The base elevation of the subject site is 720 feet so a structure of approximately 105 feet would be permitted under the Airport zoning. He explained that an additional difficulty, which he has asked to be reviewed with the Federal Aviation Agency is that the property is effectively in a direct line with the north-south runway. This is not an instrument runway but has an instrument approach procedure which dictates that aircraft must be at least 250 feet above the highest structure whatever that may be and in turn, at a certain point aircraft have to be in sight of the runway or the airport or they do not land.

The Federal Aviation Agency's standards for instrument approach procedures is currently 1,040 feet. If a structure is built to an elevation of 825 feet this would increase the aircraft approach elevation by 40 feet which means that the current FAA standards for instrument approach procedure would be increased to 1,080 feet. In order not to increase it, FAA has requested that a building should not exceed 790 feet in elevation above sea level or a 70 foot building. In other words, the Airport zoning would technically permit a 105 foot building while FAA says if you go above the 70 foot building, the approach requirements would have to be increased.

There are several recommendations which can be made by the Commission. First, the Commission can recommend that "C" Commercial, Fourth Height and Area zoning be granted which would permit 200 plus feet building height, but the Airport Zoning Ordinance would limit the structure to 105 feet; second, the Commission can recommend that "C" Commercial, Third Height and Area be granted, which would permit a height of 120 feet or the Commission can recommend the granting of "C" Commercial, Third Height and Area and request the applicants to limit the structural height of the building to 70 feet.

Mr. Hanks was of the opinion that consideration should be given to the problem of aircraft operations and the ability to get in and out of the airport during bad weather. Mr. Osborne stated that this is the main issue and the alteration of the operations into the airport are a matter of public desirability, public safety and to a degree, public necessity. The Airport Zoning was intended to take care of the problems but there are differences in building height limitations.

Mr. Bob Dallas, one of the owners, explained that the only thing he brought up when the application was filed was that FAA should be allowed to set the height limitation as they will protect the airport rights and whatever they say is safe in that area is the interest. He stated that they agree with the 70

C14-70-039 Five Point Nine Two, Limited--contd.

limitation as such; however, if FAA recommends and says that 90 feet is safe, this should be acceptable. The FAA report has not been received at this time but if they say 70 feet then that would be acceptable.

Mr. Osborne advised the Commission that two letters from FAA have been received indicating that the maximum elevation within their current operation of procedures is 790 feet above sea level, or a building height of 70 feet.

The Commission members briefly discussed the Airport Zoning Regulations, height limitations, and the instrument approach procedure. They were of the opinion that the zoning as requested should be denied but that "C" Commercial, Third Height and Area zoning should be granted with the limitation of height from ground level to 70 feet of elevation not to exceed 790 feet above sea level. It was then unanimously

VOTED: To recommend that the request of Five Point Nine Two, Limited for a change of zoning from "C" Commercial, First Height and Area to "C" Commercial, Fourth Height and Area for property located at 700-722 Huntland Drive, 6900-6930 North IH 35, and 6901-6931 Martin Avenue be DENIED, but that "C" Commercial, Third Height and Area zoning be GRANTED, with the limitation of height from ground level to 70 feet of elevation not to exceed 790 feet above sea level.

C14-70-040 Austin Independent School District: A, 1st to B, 2nd
4600-4610 Avenue A
500-504 West 46th Street

STAFF REPORT: The property under consideration covers six lots containing an area of 45,726 square feet. The stated purpose of the request is for resale for apartment use. Adjacent to the north is a large area owned by the University of Texas. A request for "B" Residence, Second Height and Area zoning was recently recommended by the Commission on property directly to the east across Avenue A and is pending after City Council action to grant. To the south and west along West 46th Street is "B" Residence and "C" Commercial, Second Height and Area zoning, a portion of which is developed with apartments. The staff feels that the request on the site conforms to the previous application to the east and adjoining land use and recommends that it be granted subject to 10 feet of right-of-way from the north side of West 46th Street from Avenue A to Guadalupe Street, 5 feet of right-of-way for Avenue A and provision for a cul-de-sac at the north end of Avenue A. The streets have recently been paved to 40 feet with 50 feet of right-of-way and 60 feet of right-of-way is necessary to provide the 10 feet of curb base.

TESTIMONY

WRITTEN COMMENT

None

C14-70-040 Austin Independent School District--contd.

PERSONS APPEARING AT HEARING

Woodrow Sledge (representing applicant)

SUMMARY OF TESTIMONY

Mr. Woodrow Sledge, representing the School District, stated that the zoning requested on the site is appropriate for the area because of the existing zoning and development across West 46th Street to the south. There are no adjacent single-family homes across the street to the east and the owner of that property has also requested a change to "B" Residence, Second Height and Area which was recommended by the Commission. There is no objection to the cul-de-sac recommended by the staff on the dead-end portion of the street to the north against the University of Texas property. It has been indicated that this is for safety purposes and traffic turnaround which is acceptable. There is also no objection to the dedication of 5 feet of right-of-way along Avenue A; however, when property to the south was rezoned, 10 feet of right-of-way was not required and it should not now be required from the subject site. There would be no objection to dedication of 5 feet. The subject property was purchased originally so that an auxiliary to Baker School could be built which is no longer feasible.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the zoning as requested is a logical extension of existing zoning to the west and recommended that it be granted, subject to 10 feet of right-of-way for West 46th Street, 5 feet of right-of-way on Avenue A and a cul-de-sac at the north end of Avenue A.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austin Independent School District for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4600-4610 Avenue A and 500-504 West 46th Street be GRANTED subject to 10 feet of right-of-way for West 46th Street, 5 feet of right-of-way on Avenue A and a cul-de-sac at the north end of Avenue A.

ABSTAINED: Mr. Reeves

C14-70-041 O. N. Bruck
408-410 West 34th Street

STAFF REPORT: The property under consideration covers two lots with a total area of 14,499 square feet. The stated purpose of the request is for apartment development. The area is predominantly developed with single-family and two-family development. To the west along Guadalupe there is "C" Commercial zoning

C14-70-041 O. N. Bruck--contd.

developed with offices, motels, restaurants, etc. "BB" Residence zoning is established on property to the west across Fruth Street as well as to the east on West 34th Street and north along 35th Street. An area study by the Planning Commission for the area between Guadalupe and Speedway and 29th to 38th Streets previously resulted in recommendations for "BB" and "B" Residence zoning for the area where the streets are adequate. West 34th Street with 60 feet of right-of-way is adequate and the staff recommends that the request should be granted as it conforms to the recommendations and previous applications in this area.

TESTIMONY

WRITTEN COMMENT

Mr. and Mrs. O. N. Bruck (applicant)

PERSONS APPEARING AT HEARING

Mr. and Mrs. O. N. Bruck (applicant)

SUMMARY OF TESTIMONY

Mr. O. N. Bruck appeared at the hearing and stated that the Planning Commission and the City Council indicated "B" Residence, First Height and Area zoning on property located between Guadalupe Street and Speedway and West 29th Street to West 38th Street as a result of an area study. The subject property falls within an area study and conforms to the previous recommendations. The streets are adequate and there will be off-street parking for all vehicles.

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 as the area is changing from single-family to multi-family development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of O. N. Bruck for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 408-410 West 34th Street be GRANTED.

C14-70-042 Margaret Shoat: A to B
1805-1807 Willow Street

STAFF REPORT: The subject site consists of 14,325 square feet of land. The requested zoning is for a parking lot for the church located across the alley to the south. The site is located in a well-defined and well-developed single-family neighborhood. "A" Residence zoning surrounds the church and the adjacent property. The parking on the site is not required parking for the church but is excess parking. The Building Inspector has suggested that the applicant request the zoning change rather than a variance from the Board of Adjustment. The staff feels that the requested zoning should be denied as an intrusion into a single-family residential area. It should also be noted that the desirable zoning boundary between non-residential and residential land use in this area is the alley between Willow Street and East 1st Street. If zoned as requested, the property could be used for apartment development. The area is located in the Model Cities Area, one of the primary purposes of which is to rehabilitate and maintain residential neighborhoods. The area needs the protection that zoning can provide.

TESTIMONY

WRITTEN COMMENT

Standard Mortgage Co., Inc.: P. O. Box 1987

FOR

PERSONS APPEARING AT HEARING

W. A. Irvin: 1013 East 38½ Street
 H. A. Carter (Pastor of the Church)

FOR
 FOR

SUMMARY OF TESTIMONY

Mr. H. A. Carter appeared at the hearing and explained that he is the Pastor of the church located at the property to the south across the alley. He said that the church has purchased the two lots under consideration for the purpose of a parking lot. There has been a tremendous growth in the church and parking has become one of the primary problems in the nearby community. Canterbury Street does not extend through and there is a great deal of congestion in the area when the church facilities are being used. The two lots under consideration are the only two lots near the church within the church's means to purchase. Model Cities is supported in the area and the house existing on one of the lots under consideration will be improved so as to be a credit to the residential neighborhood. Only one of the lots under consideration will be used for parking at this time.

Mr. Bill Irvin, Superintendent of Missions for the Austin Baptist Association, appeared at the hearing in support of the request and stated that available parking has a great deal to do with the successful use and continued expansion of any church and to limit the parking would ultimately limit the church itself. The church has done and is doing valuable work for the community. There has been little or no opposition to the zoning change from the nearby homeowners but there has been support by the people who live nearby. On one of the lots

C14-70-042 Margaret Shoat--contd.

is an old house which has recently been brought up to standard and the church intends to make it a part of the community so that it will be as good as the rest of the houses in the neighborhood. The other lot will be cleared and used for parking on Sunday and at other times when needed. If the use is considered as an intrusion, it should be considered as an intrusion for the betterment of the community and is a wise use of the property. Model Cities has not been adopted by the City and is only in the planning stage. A change on the site will not effect the community adversely and in fact will contribute to Model Cities. The church will agree to a restriction limiting the use of the property to off street parking on any other use that could be made within the "A" Residential district.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information noting that the church needs additional parking. They felt that it is the Commission's duty to make every effort to relieve street congestion through consideration for additional off-street parking and recommended that the request be granted. They further recommended to the City Council that a voluntary restrictive covenant be accepted limiting the use of the property to a parking lot or any use permitted under the "A" Residence zoning district.

At the Commission meeting, Mr. Hanks stated that he is in favor of the proposal on the site but pointed out that if the zoning is granted, it will be the only "B" Residence lot in the single-family area and a precedent will be set. Further applications for apartment zoning could be favorable considered based on approval of this first one. After further discussion, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Margaret Shoat for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1805-1807 Willow Street be GRANTED, and recommended to the City Council that a voluntary restrictive covenant be accepted limiting the use of the property to a parking lot or any use permitted under the "A" Residence zoning classification.

C14-70-043 Fox and Hearn, Inc.: CR, 1st to C, 1st (Tr. 1) & LR, 1st (Tr. 2)
 Tract 1: 1502-1614 Stassney Lane
 Tract 2: 1500-1616 Stassney Lane

STAFF REPORT: This application covers two tracts of land located along the north side of Stassney Lane. Tract 1 is the large tract containing 2.86 acres and Tract 2, a narrow strip containing one acre adjoins Tract 1 to the east, north and west. The stated purpose of the application is for uses consistent with the requested zoning. "BB" Residence zoning is established on property immediately to the north on which there is a current application pending for a rollback in zoning to "A" Residence. To the east of Vinson Road,

C14-70-043 Fox and Hearn, Inc.--contd.

fronting onto Stassney Lane is "B" Residence zoning for a distance of approximately 500 feet. To the east of the "B" Residence district is "GR" General Retail zoning. "A" Residence zoning exists in the area to the east, south across Stassney Lane and west across the railroad. Salem Walk Subdivision is proposed to the north and east. There is a one-family structure on the subject property as well as an existing Maufrais Brothers building storage yard. A single-family development exists 500 feet to the east of Gobi Drive and Stassney Lane. To the south across Stassney Lane is the new Brown School. The staff recommends that the zoning as requested be granted as discussed by the Director of Planning, Building official and the applicant. It is the staff's contention as it was in 1969, however, that the appropriate zoning for the area along Stassney Lane in this location is "B" Residence. The character of the area reflects residential subdivisions and public and private schools would seem to dictate compatible zoning. Strip commercial zoning should be discouraged.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

A. J. Carver, Pastor: 80 Chicon

Mrs. Ruth Tyson

FOR

NO OPINION

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, explained that the application as originally filed and heard by the Commission some two or three months ago was for a change in zoning to "GR" General Retail which was granted by the City Council at which time some 25 to 30 feet of right-of-way was dedicated. The Maufrais Brothers have for many years utilized the subject site for storage yards for their concrete trucks and other operations. There is existing on the site warehouse facilities which are complete buildings and utilized for a long time. Fox and Hearn, Mechanical contractors who have contracted to purchase the property want to construct an office building on the site. The uses existing were established prior to the time the property was brought into the City and under the non-conforming use provision in the Ordinance the existing operation can continue on the site. Under the "GR" General Retail district, the Building Inspector would grant a building permit to construct a new office facility and the established use of the existing building can continue; however, no structural changes can be made and no new faces can be put on the existing structures. Existing facilities can only be repaired and kept up but cannot be improved. After considerable discussion of this matter it was concluded that if the applicants can continue to use the building as they are for their operation it would be best if they were in a position where they could do some work on the buildings to improve them. Unfortunately, the only way this can be done is for a zoning change to "C" Commercial zoning. This was discussed before

C14-70-043 Fox and Hearn, Inc.---contd.

the City Council when a "GR" General Retail classification was granted. The applicants are willing to offer the restriction to utilize the property only for the purpose of a heating and air conditioning - mechanical contracting operation and would restrict that when they are through using the property for that purpose it will be rolled back to "GR" General Retail. The matter has been discussed with the Building Inspector and Director of Planning, and it is felt that a change to "C" Commercial zoning with a restriction is the best solution to a difficult problem.

Mrs. Ruth Tyson appeared at the hearing and asked questions about the small strip of proposed "LR" Local Retail zoning surrounding Tract 1 and the effect of "C" Commercial zoning on property along Vinson Drive.

Mr. Baker explained that the applicants agreed to a 25 foot strip of "LR" Local Retail zoning adjoining Tract 1 in an effort to keep the zoning within the boundaries and because this would offer a surrounding buffer. The applicant is only requesting a change so that improvements can be made to the existing structures.

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 and necessary zoning for the owner of the property to up-grade the existing non-conforming uses.

The Commission concurred with the Committee recommendations, and unanimously

VOTED: To recommend that the request of Fox and Hearn, Inc. for a change of zoning from "GR" General Retail, First Height and Area to "C" Commercial, First Height and Area (Tr. 1) and "LR" Local Retail, First Height and Area (Tr. 2) for property located at (Tr. 1) 1502-1614 Stassney Lane and (Tr. 2) 1500-1616 Stassney Lane be GRANTED.

C14-70-044

Bill Milburn: BB to LR

Tract 1: 2611-2633 Western Trails Boulevard
4600-4618 Sagebrush Trail

Tract 2: 4601-4619 Sagebrush Trail

STAFF REPORT: This application covers two tracts of land located south of Western Trails Boulevard. Tract 1 containing 1.47 acres is located at the southwest intersection of Sagebrush Trail and Western Trails Boulevard and Tract 2, containing 1.25 acres of land is located directly to the east fronting onto Sagebrush Trail. The stated purpose of the application is for uses consistent with the requested zoning. "C" Commercial zoning is established on the large vacant tract to the north across Western Trails Boulevard, which is presently under development. The subject site and the property to the east and west along Western Trails Boulevard is "BB" Residence, established by the developer as a buffer between the residential and commercial area. The

C14-70-044 Bill Milburn--contd.

property to the south is zoned "A" Residence and has one and two family homes. The staff recommends that the zoning on the two tracts be denied as commercial zoning should be limited to the area north of Western Trails Boulevard. The area south of Western Trails Boulevard was granted "BB" Residence zoning as a buffer between the "C" Commercial area to the north and "A" Residential area to the south and should be maintained as such. The intent of the developer was to provide this buffer and the dependence on the buffer by the subsequent homeowners should be upheld. If the request is granted, five feet of right-of-way would be necessary for both sides of Sagebrush Trail.

Mr. Lillie pointed out that the Commission recently considered the request for "C" Commercial zoning on a large area to the west of Westgate Boulevard. The north portion was recommended for a change to "C" Commercial zoning and is still pending; however, the request for the south portion was withdrawn and retained as "BB" Residence. "LR" Local Retail zoning was requested on property immediately adjoining Tract 1 to the west several months ago but that application was also withdrawn by the applicant after a recommendation to deny was submitted by the Planning Commission. On both previous applications to the west, the staff recommended denial as the existing zoning was established for a buffer which should be maintained. It should be pointed out that the stub portion of Apache Pass to the northwest of Tract 2 has been vacated.

TESTIMONY

WRITTEN COMMENT

Mr. and Mrs. David A. Young: 4612 Tejas Trail	AGAINST
Eugene J. McLaughlin: 4602 Tejas Trail	AGAINST
A. B. Hubbard: 4610 Tejas Trail	AGAINST
W. John Hyltin, Jr.: 303 E. Sunset Road, San Antonio	AGAINST
Jessie Helen Haag: 4519 Apache Pass	AGAINST
Westgate Square, Inc.: P. O. Box 1409	FOR
John Selman: 6107 Cherrylawn	FOR
Mr. & Mrs. Howard Pyle: 4508 Tejas Trail	AGAINST
Mrs. Ida Nolen: 4609 Tejas Trail	AGAINST
West & Associates: 517 West Oltorf	FOR
Dick Nichols:	FOR
James D. Reaves	FOR
Buford Stewart	FOR
M. H. Moore: P. O. Box 1825	AGAINST
Robert K. Meyer: 4603 Tejas Trail	AGAINST

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
Burton F. Raiford: 4510 Tejas Trail	AGAINST
Ruth Jordan: 4707-B Sagebrush Trail	AGAINST
Vickie New: 4700 A Sagebrush Trail	AGAINST
Joe A. Small, Jr.: 4701-B Sagebrush Trail	AGAINST
A. B. Hubbard: 4610 Tejas Trail	AGAINST

C14-70-044 Bill Milburn--contd.

Mrs. David A. Young: 4612 Tejas Trail	AGAINST
Eugene J. McLaughlin: 4602 Tejas Trail	AGAINST
Maxie H. Moore: 4600 Tejas Trail	AGAINST
Millard A. Walker: 4605 Tejas Trail	AGAINST
Robert Meyer: 4603 Tejas Trail	AGAINST
Mildred D. Lambert: 4604 Tejas Trail	AGAINST
Mr. and Mrs. W. John Hyltin, Jr.: 4606 Tejas Trail	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, explained that this is a request for "LR" Local Retail, First Height and Area zoning for the purpose of utilization of any authorized use within the requested district. The tract immediately to the north across Western Trails Boulevard is owned by one of the H. E. Butt organizations and there is presently under construction on the tract a 150,000 square foot shopping center. The applicant after reviewing the subject use of the property and the use of the property to the north has concluded that it is not well suited for the development of an apartment project inasmuch as it lies directly across the street from the large shopping center, and feels that the use of the property is much more suited for a local retail use than a residential use. A gradation in zoning from "C" Commercial to "LR" Local Retail and then residential would be consistent with many other zoning patterns heretofore established in the City. It is contemplated that in the near future the large shopping center to the north will be extended across Westgate Boulevard to a tract recently zoned "C" Commercial, First Height and Area. "LR" Local Retail zoning on the site would provide neighborhood uses for the main shopping center. It is felt that the property is not subject to suitable development for residential purposes because of the traffic that would be generated by the shopping center and the 90 foot Westgate Boulevard right-of-way and 70 foot right-of-way for Western Trails Boulevard. In connection with the requested zoning on Tract 2, the applicant would be willing to construct a six foot solid fence on the rear of the property and would also agree to provide for a buffer zone if it is the desire of the Commission. A great deal of traffic would be generated as a result of the large shopping center, which justifies the change that has been requested.

Mr. Kinser asked if there would be any objection to a 20 foot buffer of "A" or "B" Residence zoning along the rear portion of the property fronting along Tejas Trail. Mr. Baker explained that "B" Residence would allow the development of the drive and would be satisfactory. There is no objection to providing a rear setback so that there would be no permanent structures constructed in the setback area as long as the adjoining property is zoned "LR" Local Retail.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request as it would in their opinion be an intrusion into a residential area. Sagebrush Trail is a well-developed residential street and the zoning should not be

C14-70-044 Bill Milburn--contd.

extended into the residential area. There is no need for additional commercial facilities as there is to be a large shopping center to the north of Western Trails Boulevard. There are a number of children in the area and the proposed development would increase the traffic making it hazardous for children walking to and from school. A change in zoning would devalue the residential character of the area.

Arguments Presented IN REBUTTAL:

Mr. Baker explained that the "C" Commercial zoning north of Western Trails Boulevard and the "BB" Residence zoning on the subject property was originally granted in 1964. The property was subdivided in 1965. The present owners of the site are not the same owners who subdivided and developed the residential area. There should not be too much traffic generated on Sagebrush inasmuch as the street does not extend very far and does not serve as a collector street. It is felt that the primary use would be on Western Trails and Westgate Boulevard and it is because of the high traffic count on the two streets that the applicant feels that the property is not suited for residential development. With regard to Tract 2 with only a small amount of frontage on Western Trails Boulevard, the applicant would not object to reducing the application to "LR" Local Retail to the size the Committee feels would be satisfactory. "LR" Local Retail zoning is a logical use for Tract 1 because of the location and relation to the proposed shopping center.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as it is too intensive for the area of Western Trails Boulevard; however, they recommended that "B" Residence, First Height and Area zoning be granted on Tract 1 and that "BB" Residence be retained on Tract 2 as the proper gradation in zoning between the "C" Commercial area to the north and the "A" Residential area to the south.

At the Commission meeting, Mr. Reeves stated that in his opinion the Commission should reconsider this application and a different gradation. He explained that he was contacted by the applicant who asked for a postponement at which time he advised that he did not know if the application could be postponed. He said there is vacant property on the west side of the property which is being re-applied for and he would like to postpone the application or refer it back to the Zoning Committee so that all of the property can be considered at one time instead of piece-meal.

Mr. Osborne advised the members that the Commission is in a position where a recommendation has to be forwarded to the City Council in that the Zoning Committee has had a hearing and the application has been set for hearing by the City Council. Relief, if there is any, for the applicant is before the City Council under their policy with respect to withdrawal. Since there has been no error made in the application or notices, and the application has been heard, the Commission is obligated to continue the hearing. The vacant tract adjoining Tract 1 to the west was recently considered at which time the

196

C14-70-044 Bill Milburn--contd.

Commission recommended denial. Subsequent to the Planning Commission hearing, the application was withdrawn with the assurance that a new application would not be filed for six months.

Mr. Reeves said that in his opinion the Commission should do the best zoning job possible by considering not only the subject property but the existing and proposed development of adjoining property.

Mr. Kinser asked if the applicant would have any objection to withdrawing the application and resubmitting it at the same time as zoning is considered on the adjoining property. Mr. Robert Davis, attorney for the applicant, stated that the only thing discussed with the applicant was postponement in order to consider the area at one time. Withdrawal was not discussed.

Mr. Hanks stated that there is a major commercial development occurring in the "C" Commercial area north of Western Trails Boulevard and a very nice residential development exists on the south. He said that in his opinion "LR" Local Retail zoning would not be as desirable for a dividing line as "B" Residence.

Mr. Lillie pointed out that when "C" Commercial zoning was requested on property west of Westgate Boulevard, a portion of which is zoned "BB" Residence, the staff recommended that the "C" Commercial zoning be established for the north tract but that the existing "BB" Residence be retained on the south tract as the developer in the design of the subdivision set up an apartment buffer strip between the single-family, duplex area and the commercial area. The Zoning Committee and the Planning Commission felt that it was a proper gradation and recommended that the existing "BB" Residence area be denied and it was subsequently withdrawn. A request for "LR" Local Retail zoning was made on property adjoining Tract 1 to the west which was also recommended for denial for the same reasons as in the previous case. This application was also withdrawn. In both cases the character of existing and proposed land use and zoning in the entire area were considered in the staff recommendation. Now, there have been two more applications for a change of zoning and the Committee and Commission have gone on record as recommending denial as they did on two similar applications to the west. At the Zoning Committee hearing there were a number of property owners opposed to the change. The staff feels strongly that the application should proceed to the City Council with a recommendation on the zoning and the Council can act on the zoning change, postpone or refer it back to the Committee.

Mr. Reeves stated that he was on the Zoning Committee when the two previous applications were considered and in both instances he visited the area and noted that there was nothing there but Johnson grass. Now there is a very large commercial development going in north of Western Trails Boulevard and in his opinion all of the property under request should not be denied on the basis of traffic generation or gradation. Building apartment units on the corner of Westgate Boulevard and Western Trails Boulevard would be more hazardous than development of a local retail nature.

C14-70-044 Bill Milburn--contd.

After further discussion, the Commission members agreed that the requested "LR" Local Retail zoning should be denied; however, they recommended that "B" Residence, First Height and Area zoning be granted on Tract 1 and that the existing "BB" Residence, First Height and Area zoning be retained on Tract 2. The Commission members also felt that the City Council should be apprised of the fact that property immediately adjacent to the west is being requested for rezoning and recommended that the City Council consider referring this application back to the Zoning Committee so that all of the property can be considered at one time. It was then

VOTED: To recommend that the request of Bill Milburn for a change of zoning from "BB" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at (Tr. 1) 2611-2633 Western Trails Boulevard, 4600-4618 Sagebrush Trail and (Tr. 2) 4601-4619 Sagebrush Trail be DENIED, but that "B" Residence, First Height and Area zoning be granted on Tract 1 and the existing "BB" Residence, First Height and Area zoning be retained on Tract 2.

They requested that the City Council be apprised of the fact that there is other property immediately adjacent to the site coming in for consideration of rezoning and recommended that this application be referred back to the Zoning Committee so that all of the area can be considered at one time.

C14-70-045 Sommerset West Development Company: B to LR
1318-1334 Stassney Lane
5507-5531 County Road

STAFF REPORT: This is a request for a change in zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area on a tract of land containing 1.3 acres. The stated purpose of the application is for uses consistent with the requested zoning. "BB" Residence zoning is established on property immediately to the north of the site on which there is a current application for a roll back in zoning to "A" Residence based on subdivision plans. "B" Residence zoning is established east of Vinson Road, fronting onto Stassney Lane for a distance of 500 feet. "GR" General Retail zoning is established to the east as well as to the west adjacent to the railroad track. "A" Residence zoning exists to the south across Stassney Lane and west of Vinson Road. A single-family development is proposed to the north and exists to the south across Stassney Lane. The new Brown School is located across Stassney Lane to the west. The staff recommends that the zoning as requested be denied and that the existing "B" Residence zoning be retained. There was a case involving this same property in 1969, at which time "B" Residence zoning was established as appropriate zoning. The staff's recommendation at that time and now is that strip commercial development should be discouraged any further west along Stassney Lane in this area. Right-of-way on Stassney Lane is adequate but 30 feet of right-of-way will be required for Vinson Road if the zoning is granted. All right-of-way for Vinson Road at its intersection with Stassney Lane is to come from the east side through an agreement between the applicant and the property owner to the west.

198

C14-70-045 Somerset West Development Company--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, stated that two or three months ago an application was heard on the property across the street fronting onto Stassney Lane and a corner tract owned by Mrs. Ruth Tyson. At that point the Planning Commission recommended that these two tracts be zoned to "LR" Local Retail. Mrs. Tyson subsequently withdrew her application. Right-of-way has been worked out for Vinson Road which is also known as Radam Lane. Right-of-way for the widening of Vinson Road is to be taken off the property on which the zoning application is requested and the street as developed will have 60 feet of right-of-way. It is the feeling of the developers that the requested zoning would allow a logical development as it will be located on a corner with frontage onto a 100 foot and a 60 foot street. It should also be pointed out that "GR" General Retail zoning is established to the east and west. The developer has dedicated all of the right-of-way necessary for Stassney Lane and the relocation and widening of Vinson Road at the corner of the intersection.

Mrs. Ruth Tyson appeared at the hearing and stated that she is 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 concluded that this request should be granted, subject to 30 feet of right-of-way for Vinson Road, as a logical zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Somerset West Development Co. for a change of zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1318-1334 Stassney Lane and 5507-5531 County Road be GRANTED, subject to 30 feet of right-of-way for Vinson Road.

C14-70-046 Fred L. Foster and Raymond W. Foster: Int. A, Int. 1st to B, 1st
 Tract 1: 412-504 Wonsley Drive
 501-507 East Powell Lane
 Tract 2: 601-603 East Powell Lane
 Tract 3: 606-700 Wonsley Drive
 609-707 East Powell Lane

STAFF REPORT: This is a request for "B" Residence, First Height and Area zoning on three tracts fronting onto East Powell Lane and Wonsley Drive. Tracts 1 and 3 both contain 2.5 acres of land and Tract 2 contains an area of .62 acres. The stated purpose of the request is for apartment development. To the north of East Powell Lane land is zoned "C" Commercial. An electrical company, offices and a service station are located in this area. "C" Commercial zoning is also established to the east along I. H. 35. To the south across Wonsley Drive "B" Residence zoning is established and developed with apartments. A church is also located south of Wonsley Drive. Adjacent to the property on the west is a pending application for "B" Residence zoning. Single-family dwellings are established to the west and south across some of the property in question. The staff recommends that the requested zoning be granted, subject to five feet of right-of-way on East Powell Lane and five feet of right-of-way on East Wonsley Drive, as a logical extension of existing "B" Residence zoning to the north, south and east.

TESTIMONY

WRITTEN COMMENT

Fred L. Foster (applicant)	
Nelson Puett: P. O. Box 9038	FOR
Harry E. Montandon: 2412 North Interregional	FOR
Marion Shirk: 504 Wonsley Drive	FOR

PERSONS APPEARING AT HEARING

E. C. Thomas (representing applicants)

SUMMARY OF TESTIMONY

Mr. E. C. Thomas, representing the applicants, explained that the Commission recently granted "B" Residence zoning on a small tract of land adjoining the site to the west and they now wish to extend the same zoning on the property under consideration. The owners of property located between the three tracts under consideration were contacted with regard to joining in the zoning application but they did not wish to at this time. Five feet of right-of-way will be dedicated for East Wonsley Drive and East Powell Lane as requested by the staff.

No one appeared in opposition to the request.

C14-70-046 Fred L. Foster and Raymond W. Foster--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to five feet of right-of-way for East Powell Lane and East Wonsley Drive, as the area is in transition and the requested zoning is appropriate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Fred L. Foster and Raymond W. Foster for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at (Tr. 1) 412-504 Wonsley Drive, 501-507 East Powell Lane; (Tr. 2) 601-603 East Powell Lane and (Tr. 3) 606-700 Wonsley Drive and 609-707 East Powell Lane be GRANTED, subject to 5 feet of right-of-way for East Powell Lane and five feet of right-of-way for Wonsley Drive.

C14-70-047 Walter Carrington: Int. A, Int. 1st to LR, 1st
4917-5219 South First Street

STAFF REPORT: This is an application for "LR" Local Retail, First Height and Area zoning on a large tract of land containing 8.7 acres. The stated purpose of the request is for uses consistent with the requested zoning. "LR" Local Retail zoning is established to the north at the intersection of Heartwood Drive and South First Street. One lot was denied to discourage further strip commercial zoning south along South First Street. Fairview Subdivision, a well-developed single-family residential neighborhood, zoned Interim "A" Residence, is located to the east. "BB" Residence and "LR" Local Retail zoning exists across South First Street to the west. A high bluff and creek lie to the east and south of the site and prohibits access from the Fairview Subdivision. The staff recommends that the zoning as requested be denied but that "BB" Residence zoning be established between the creek crossings with "A" Residence being retained south of the southerly creek crossing. "LR" Local Retail zoning has been provided at the intersection across South First Street and strip commercial zoning should be discouraged. The tract would be difficult to develop for single-family use because of its shape, the drainage easement and frontage along a major arterial street. It should be pointed out that after the drainage easement area has been deleted from the tract, only about one-half of the land is left for development.

TESTIMONY

WRITTEN COMMENT

Petition with 68 signatures
 Mr. & Mrs. Henry R. Hobbs: 501 Ramble Lane
 Mr. & Mrs. Dan M. Roberts: 4904 Creekline Drive
 John E. Matysek: 5002 Creekline
 Oran L. Hendricks: 5003 Creekline
 Harvey Ford: 5201 Harvest Circle

AGAINST
 AGAINST
 AGAINST
 AGAINST
 AGAINST
 FOR

C14-70-047 Walter Garrington--contd.

PERSONS APPEARING AT HEARING

Paul Jones (representing applicant)	
Alex Porter: 5005 Creekline Drive	AGAINST
Frank Hamilton: 5107 Creekline Drive	AGAINST
Mr. & Mrs. Hayden W. Denham: 5212 Creekline Drive	AGAINST
Mrs. Mary McElhiney: 514 Ramble Lane	AGAINST
Terry C. May: 5210 Creekline Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Jones, attorney for the applicant, stated that there is no objection to the staff recommendation on the portion of the property between Williamson Creek and the south property line as the particular area is not accessible from the remaining portion of the site, and does not tie in with the balance of the tract for development purposes. There is a drainage easement that takes up a substantial portion of the property under consideration. There is a bluff between 25 to 40 feet in height for the entire distance of the tract which drops from the western portion of the property down to the creek. The creek, being approximately 20 feet wide and the bluff line serves as substantial barriers around the property. To the south is a low water crossing and to the north is an older bridge.

Mr. Jones pointed out that directly across South First Street to the west is "LR" Local Retail and "BB" Residence zoning. "LR" Local Retail zoning is also established to the north at the intersection of Heartwood Drive and South First Street. As pointed out by the staff, the subject property is not developable as "A" Residential property. The greatest objection from the nearby property owners is the fact that in the past when the subdivision was proposed originally, there was a layout of the subdivision on display showing the subject property as a proposed recreation area. What was considered at that time was a club for the subdivision on the order of the University Hills Club. He said that it is his understanding that there has not been any substantial amount of interest by the residential homeowners as it would cost money and was not to be provided free of charge as apparently some people were led to believe. There has not been enough interest to warrant the capital expenditure necessary to put in club facilities on the site. Consideration should be given to the fact that there will not be very much of a tract left for development after the drainage easement is required. It is felt that "LR" Local Retail zoning is appropriate; however, there would be no objection to having "BB" or "A" Residence on a portion to the south. There is no way the development will encroach into the subdivision behind from this tract as it would be economically unfeasible because of the high bluff.

Mr. Jones again stated that in his opinion a misunderstanding arose out of the original subdivision with regard to a park area. The property was not developed in a park and now consideration should be given to what is proper for the tract in view of the surrounding development. Approximately one-half of the

C14-70-047 Walter Carrington--cont'd.

area will be left after deleting the portion of the drainage easement area. The tract is isolated by terrain from everything to the north, east and south. The only direct connection is the "LR" Local Retail and "BB" Residence zoning to the west.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and offered the following information:

The primary argument against the change is that many residents of Fairview residential subdivision were led to believe that the subject property would be developed as a park. This was indicated by the applicants, salesmen and also by a model display by the developer showing the subject property to be developed as a park. Purchasers of property in the subdivision were also told that there would be a playground for children on the site. There are no sidewalks in the original subdivision and the subject site was to be used as an area where the children could play. It has not been kept in such a manner. The site has been filled with garbage of all kinds, although it was recently cleaned up to an extent because of a complaint filed with the Health Department. When the homeowners purchased their property, there was no mention of the fact that the type of development originally proposed would be on the order of the University Hills but that it would be a recreation area or park. It is realized that the bluff to the east is definitely a barrier of sorts but not for noise. In fact noise is amplified in the area. "BB" Residence and "LR" Local Retail zoning was recently granted on property to the west of South First Street, which means that the homeowners are in close access to commercial property in almost any direction. There is presently not a need for any further commercialization of property.

Mr. Alexander W. Porter, resident of Fairview Subdivision, presented a petition with 68 signatures opposing the change. He stated that when the homeowners purchased their property it was represented that the subject area would be used for a park and recreation area; however, this type of development has not occurred. There are people who use the property as a jogging area. If the requested change is denied in this instance, the residential character of the neighborhood would be preserved and the area would support the existing and developing land uses in the immediate area. The area to the west of South First Street and to the east of the site is a developing residential area with single-family homes. A change in zoning on the site would not serve health, safety, welfare or moral good. The safety of the children should be considered inasmuch as development of the site under the requested zoning would increase the traffic on Creekline Drive making it a secondary arterial street. When zoning was considered in this area several months ago, two of the Council members visited the area and indicated favorable reports for single-family development. The people of Fairview are of humble means and in many instances both parties are working. This area was chosen to live in because it is a very well established residential area and the people were promised a park on the site.

C14-70-047 Walter Carrington--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as it is too intensive for the property due to flooding and the site was proposed in the subdivision as a recreation area.

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 "LR" Local Retail, First Height and Area for property located at 4917-5219 South First Street be DENIED.

C14-70-048 Baker-Jones-Crow Company: B and C to O
8311-8327 Lazy Lane

STAFF REPORT: The subject property is an irregular shaped lot containing an area of 23,600 square feet of land. The stated purpose of the request is for an office building. The area east of the site fronting onto Research Boulevard is zoned "C" Commercial and is developed with a service station, grocery and office. "B" Residence zoning, developed with apartments, adjoins the subject site to the south. Directly to the north across Lazy Lane is Interim "A" Residence zoning, a portion of which is developed with an office building fronting onto Research Boulevard. The building was constructed when the land was outside the City limits. To the west is a well-developed single-family residential area. The staff recommends that the zoning as requested be granted as a logical extension of existing development and as a termination of intensive land use in zoning.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Steve Price (representing applicant)

SUMMARY OF TESTIMONY

Mr. Steve Price, representing the applicant, presented and explained three plats and pointed out the location of three types of proposed office buildings and a parking area.

No one appeared in opposition to the request.

204

C14-70-048 Baker-Jones-Crow Company--contd.

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 development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Baker-Jones-Crow Company for a change of zoning from "B" Residence and "C" Commercial, First Height and Area to "O" Office, First Height and Area for property located at 8311-8327 Lazy Lane be GRANTED.

C14-70-049 John Felter: Int. A, Int. 1st to GR, 1st
Rear of 7327-7411 East Riverside Drive
7411-7423 East Riverside Drive

STAFF REPORT: This application consists of 5.61 acres of land which is presently undeveloped, southeast of the City near Riverside Drive and Ben White Boulevard. The stated purpose of the request is for a mobile home park. The entire area was recently annexed to the City and zoned Interim "A" Residence. The site has 165 feet of frontage on East Riverside Drive. Ben White Boulevard is located to the south. A private driveway is planned down the center of the site with access to Riverside Drive. To the north is single-family residential development. The mobile home ordinance is still pending, therefore, "LR" Local Retail or "GR" General Retail zoning is necessary for the proposed use. The staff recommends that the request be granted, subject to approval of a special permit for a mobile home park. The site is located between a major arterial street and an expressway and is acceptable for the use proposed. Future right-of-way requirements on Riverside Drive will come from the north side.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

William McGuire (representing applicant)

SUMMARY OF TESTIMONY

Mr. William McGuire, representing the applicant, explained that the special permit application will be considered by the Zoning Committee on Tuesday night. It is felt that the development will upgrade the area and will be in compliance with Model Cities. The proposal is for approximately 53 mobile home sites. He explained that they have gone beyond the recommendations made by the various City departments.

C14-70-049 John Felter--contd.

Mr. Taniguchi asked if there would be any objection to granting "LR" Local Retail zoning rather than "GR" General Retail which will also allow the proposed development. Mr. McGuire indicated that there would be no objection as they are only interested in developing a mobile home park.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as it is too intensive for the area; however, they recommended that "LR" Local Retail zoning be granted which would permit the proposed mobile home park, subject to special permit approval of the proposed use.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John Felter 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 the rear of 7327-7411 East Riverside Drive and 7411-7423 East Riverside Drive be DENIED, but that "LR" Local Retail, First Height and Area be GRANTED, subject to special permit approval of the proposed use.

C14-70-050 Victor Powell: A and C to C
201-219 South Lamar Boulevard
200-218 Barton Drive
1301-1319 Riverside Drive

STAFF REPORT: This application covers 1.78 acres of land having frontage onto South Lamar Boulevard, Riverside Drive and Lee Barton Drive. One portion of the block is zoned "A" Residential. The stated purpose of the request is for the construction of an office building. "C" Commercial zoning is established on all sides of the site and the area is heavily developed with offices, mobile home sales, restaurants and similar type development. To the north of Riverside Drive is Town Lake. The staff recommends that the zoning as requested be granted as a completion of existing zoning and development.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

206

C14-70-050 Victor Powell--contd.

SUMMARY OF TESTIMONY

Mr. Lillie advised the Committee that Mr. Fleming, representing the applicant, telephoned the staff and indicated that he would be unable to attend the hearing.

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 and development.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Victor Powell 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 201-219 South Lamar Boulevard, 200-218 Barton Drive and 1301-1319 Riverside Drive be GRANTED.

C14-70-051 Udo Haufler: GR, 1st to GR, 5th
4313 Russell Drive
1700-1716 Ben White Boulevard

STAFF REPORT: The subject property contains 7,640 square feet of land. The stated purpose of the request is for the erection of a 50 foot sign. The zoning in the area is mixed, consisting of "C" Commercial to the west of Russell Drive; "O" Office, "LR" Local Retail, and "GR" General Retail to the north along Fortview Road and to the south of Ben White Boulevard. The area is developed with a variety of commercial uses consisting of shopping centers, restaurants and service stations. To the north is single-family residential development. Fifth Height and Area zoning would require a 25 foot setback from Ben White Boulevard and permit a height of 60 feet as opposed to a 35 foot height limitation under First Height and Area. The staff recommends that the zoning as requested be granted.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Dal Wilkinson (representing applicant)

C14-70-051 Udo Haufler--contd.

SUMMARY OF TESTIMONY

Mr. Dan Wilkinson, representing the applicant, explained that the lot is located at the corner of Russell Drive and Ben White Boulevard. The proposed "Brako" sign is so large that if it is erected under First Height and Area zoning it would block the sign on adjoining property. The sign is 12 feet high and 35 feet long. There is other Fifth Height and Area zoning along Ben White Boulevard near MoPac Railroad and Gillis Street to the east of this area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Udo Haufler for a change of zoning from "GR" General Retail, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 4313 Russell Drive and 1700-1716 Ben White Boulevard be GRANTED.

C14-70-052 Dr. U. J. Harrill: A to O
4500 Avenue D
200-202 West 45th Street

STAFF REPORT: The subject property contains 6,708 square feet of land and is located at the northwest intersection of West 45th Street and Avenue D. The stated purpose of the request is for a doctor's office. The immediate area surrounding the property is predominantly "A" Residential developed with single-family homes; however, several parcels of land have been rezoned to "B" Residence. "O" Office zoning, developed with a church office, is established at Avenue B and 45th Street several blocks to the west. The staff feels that "O" Office zoning on the site would be an intrusion of non-residential zoning into an established residential neighborhood; however, there would be no objection to "B" Residence as this district would allow a doctor's office if the structure was also the doctor's home. The granting of a change should be subject to five feet of right-of-way for Avenue D.

TESTIMONY

WRITTEN COMMENT

Sophia S. Carlson: 4404 Avenue D
Mrs. Dorthey Jane Stacy: 4509 Avenue D
Wilma Mae Florida: 4502 Avenue D
LaVon Mitchell: 4401 Avenue D

NO OPINION
FOR
AGAINST
AGAINST

C14-70-052 Dr. U. J. Harrill--contd.

PERSONS APPEARING AT HEARING

Robert Sneed (attorney for the applicant)
 Patsy Monahan: 4503 Avenue D
 Wilma Florida: 4802 Avenue D

AGAINST
 AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, representing the applicant, explained that he has not had an opportunity to talk to the applicant but it is his understanding that the doctor is at this time engaged in remodeling the property. He will occupy the property as his home and also carry on his profession at this location. He said that in his opinion there will not be any objection to the five feet of right-of-way for widening of Avenue D but he would like to discuss it with the applicant to be sure he is aware of it. He will then submit a written amendment.

Mr. Kinser asked if "B" Residence zoning would be suitable for the use proposed by the doctor. Mr. Sneed stated that it is his understanding from the staff's interpretation of the Ordinance that if the property is occupied by the doctor as a residence and he has an office, he can do this under a "B" Residence classification.

Arguments Presented AGAINST:

Mrs. Wilma Florida appeared at the hearing and advised the Committee that she has two rental efficiency apartments near the site. She said that she was informed by the applicant that he does not intend to live on the property but intends to rent the garage apartment to his daughter and son-in-law. The doctor has a home in another area and the entire house is to be used for an office. Mrs. Florida further explained that Dr. Harrill discussed the parking and in her opinion that being provided is not sufficient. Cars are parking in front of the rental apartments and the tenants have indicated they would move unless they have a place to park. The requested zoning should not be permitted on the site.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, Mr. Lillie explained that this is an application for "O" Office zoning to permit a doctors office. The staff recommended that "O" Office zoning be denied as an intrusion but that "B" Residence zoning be granted which would permit the proposed use of the property as an office if the applicant also uses it as a residence. The applicant has submitted a written statement indicating that he will live in the house and use a portion as his office.

C14-70-052 Dr. U. J. Harrill--contd.

The Commission agreed that "O" Office zoning should be denied as an intrusion into an existing residential area and recommended that "B" Residence, First Height and Area zoning be granted as it is in keeping with other zoning in the area and would allow for the proposed use of the site, subject to five feet of right-of-way on Avenue D. It was then unanimously

VOTED: To recommend that the request of Dr. U. J. Harrill for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4500 Avenue D and 200-202 West 45th Street be DENIED, but that "B" Residence, First Height and Area be GRANTED, subject to five feet of right-of-way for Avenue D.

C14-70-053 Snowden & Meyer: A to O
4701 Harmon Avenue

STAFF REPORT: This site consists of 6,786 square feet of land fronting onto Harmon Avenue. The stated purpose of the request is for office use. "C" Commercial zoning and development is established to the west of Harmon Avenue fronting onto Airport Boulevard, to the north along Harmon Avenue and to the east fronting onto Interregional Highway 35. Property immediately adjoining the site to the north, east and west is "A" Residence, developed with single-family homes. A beauty shop was established on property to the north and mobile home sales exists on property west of Harmon Avenue. The staff feels that the zoning as requested should be granted as a logical extension of existing intensive zoning in the area. Harmon Avenue has only 50 feet of right-of-way which is inadequate for intensive land use but when most of the zoning in the area was established many years ago, right-of-way was not required, therefore, additional right-of-way is not required for this application.

TESTIMONY

WRITTEN COMMENT

Clyde McCollum: 4705 Harmon Avenue

FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

C14-70-053 Snowden & Meyer--contd.**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 and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Snowden & Meyer for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4701 Harmon Avenue be GRANTED.

C14-70-054 Thomas W. Malone: A to LR
5623-5625 Woodrow Avenue

STAFF REPORT: The property under consideration covers an area of 15,654 square feet. The stated purpose of the request is for apartment use. To the north and west of Woodrow Avenue is "A" Residential zoning developed with single-family homes. "C" Commercial zoning, developed with a bowling alley, exists to the north fronting onto Grover Avenue. Immediately adjoining the site to the east is "LR" Local Retail with "B" Residence zoning east of Roosevelt Avenue. The "LR" Local Retail zoning was granted over the objections of the staff and the Planning Commission. The eight lots south of the subject site were zoned "B" Residence in 1967 and 1968. The staff recommends that further extension of commercial and high density residential zoning to the north and west be discouraged because of the existing residential development and the inadequate streets and recommends that the request be denied as an intrusion; however, it is suggested that "BB" Residence zoning be granted on the site. If the change in zoning is granted, 15 feet of right-of-way is needed from the east side of Woodrow Avenue.

TESTIMONY**WRITTEN COMMENT**

Charles Wendlandt: P. O. Box 404

AGAINST

PERSONS APPEARING AT HEARING

Ronald Chitsey (representing applicant)

SUMMARY OF TESTIMONY

Mr. Ronald Chitsey, representing the applicant, stated they have changed the plans since the filing of the application. He requested that the application be amended to "B" Residence, First Height and Area zoning and said that there would be no objection to dedicating 15 feet of right-of-way for Woodrow Avenue. He said that it is his understanding that the street right-of-way to the north should be the termination of the "B" Residence zoning rather than at the subject site. "B" Residence zoning is established on

C14-70-054 Thomas W. Malone--contd.

property adjoining to the south and the request on the site will be a logical continuation of existing zoning and development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as an intrusion into an "A" and "B" Residential area; however, they recommended that "B" Residence, First Height and Area zoning be granted, subject to 15 feet of right-of-way for Woodrow Avenue, as a logical extension of zoning existing to the south. They were of the opinion that Theckla Terrace would serve as a dividing line between the "A" Residence property to the north and the "B" Residence property to the south.

At the Commission meeting, the staff reported a letter from the applicant requesting that this application be amended to "B" Residence, First Height and Area and offering to dedicate 15 feet of right-of-way for the future widening of Woodrow Avenue.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Thomas W. Malone for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 5623-5625 Woodrow Avenue be DENIED but that "B" Residence, First Height and Area be GRANTED, subject to 15 feet of right-of-way for Woodrow Avenue.

C14-70-055 H. G. Linscomb and Bertha Linscomb: A to B
 Tract 1: 3404-3410 Lyons Road
 Tract 2: 3500 Lyons Road
 Tract 3: 3502 Lyons Road

STAFF REPORT: This application covers three tracts of land with a total area of five acres. The stated purpose of the request is for uses as permitted under the requested zoning district. This is an area of "A" Residential zoning in the Govalle area which in the immediate area, is well-developed with some very new single-family residences. "D" Industrial zoning, developed with warehouses, was established many years ago to the east along Gunter and Lyons Streets. Preliminary and final subdivision plans for single-family development have been filed on the subject site and those lots along Lyons and Gunter Streets. The preliminary plan on the subject site is still in force. The subject property has been determined by the City to be subject to flooding by Boggy Creek. The finished floor elevation of any new structure or building is required to have a minimum elevation of 460 feet. The topography on the property under consideration ranges from 455 feet to 458 feet. Any new structure would have to be set 2 to 5 feet above existing ground level. If rezoning is recommended, the three tracts should be required to be developed

C14-70-055 H. G. Lincomb and Bortha Lincomb--contd.

as one site and floor elevations of inhabitable structures at 460 feet.

TESTIMONY

WRITTEN COMMENT

H. G. and Bortha Lincomb (applicants)
Standard Mortgage Company

FOR

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicants, stated that the proposed usage of the subject property is for multi-family housing with development of the property in a single tract of land. The area has a unique mixture of industrial and residential zoning and development. Lyons Street is classified as an industrial street and is carried as such in the Planning Department records. Normally, residential uses would be separated from the industrial type of development but since this is one of the older portions of Austin and has long been occupied by the influence of the railroad; there has been an intermixing of residential and industrial uses. There is "B" Residence zoning on Lyons Road to the east of the railroad. This is an area which is included within the Boggy Creek development and the property is in the flood plain. The highest and best development for the site for anything other than industrial would be one of the types of development which would raise the elevation of the foundation so that the property could be developed clearly above the flood plain. Development of the property as proposed would be the highest and best use of the site avoiding the difficulties with single-family dwellings and the high cost where each one of the single-family dwellings must be raised increasing the cost of development. There is an acute need for housing in the area and it is requested that the change be granted.

Mr. Lillie explained the staff's concern for the area as it has developed is that in a portion of the subdivision homes have been built. These homes are on Gunter Street across from an industrial area. It is felt that apartments should not be introduced at the rear lot line of the single tier of lots. If the apartments had been proposed along Gunter Street adjacent to the industrial uses in the subdivision and then the lower density residential on the subject tracts to the west it would have been an acceptable pattern of development.

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 as the site is located in an area of mixed zoning, there is a

C14-70-055 H. G. Linscomb and Bertha Linscomb--contd.

need for housing in the area and the site is most suitable for multi-family development. They concluded that the request should be granted, subject to the development of the three tracts as one site and with a finished floor elevation of all habitable structures of 460 feet.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of H. G. Linscomb and Bertha Linscomb for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at (Tr. 1) 3404-3410 Lyons Road (Tr. 2) 3500 Lyons Road and (Tr. 3) 3502 Lyons Road be GRANTED, subject to the development of the three tracts as one site and with a finished floor elevation of all habitable structures of 460 feet.

ABSTAINED: Mr. Anderson

C14-70-056 Ronald Tynes and Douglas Duwe: Int. A, Int. 1st to GR, 5th
933-1041 East Rundberg Lane
8611-9127 North Interregional Highway 35

STAFF REPORT: The property under consideration consists of 110.206 acres of undeveloped land. The stated purpose of the request is for the establishment of an office complex. To the north along I. H. 35 north of Rundberg Lane is "C" Commercial zoning developed with various commercial uses. Directly to the north of Rundberg Lane east of I. H. 35 is Interim "A" Residence zoning developed with a single-family residential subdivision and a church. Undeveloped land with "A" Residence zoning predominates the area on either side of the subject tract except at the intersection of Rundberg Lane with I. H. 35. There is an existing 100 foot drainage easement to the south along with Little Walnut Creek adjacent to the Heritage Hills Subdivision. The staff recommends that "GR" General Retail, Fifth Height and Area zoning be granted subject to approval of a subdivision having provision for an adequate collector street system within the tract with access from I. H. 35 and Rundberg Lane.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. George W. Karp, Jr.: 8511 Grayledge Drive	AGAINST
Sgt. Larry R. Davis: 914 Hermitage Drive	AGAINST
Joe Gilbreth	FOR
Bill W. Davidson: 3402 Perry Lane	FOR
Truman Montandon: 2412 North Interregional Hwy.	FOR
George W. Hancock: 9014 Interregional Hwy.	FOR
Joe Crow	FOR
J. E. Motheral: P. O. Box 3275	FOR
Jack L. Bierce, Jr.: 1000 Hermitage Drive	AGAINST

C14-70-056 Ronald Tyhes and Douglas Duwe--contd.

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)
 Jack Alridge (representing State Farm Insurance)
 Karl B. Wagner: 1000 Rutherford Lane
 Maurice Rhine:
 Don Benkins: Heritage Hills

FOR
 NO OPINION
 NO OPINION

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicants, advised the Committee that the applicants have contracted to sell 29.7 or 30 acres of the site under consideration to State Farm Mutual Insurance Company which is the first or second largest writer of property and casualty insurance in the State of Texas. The company also has various other types of insurance. He pointed out that the roadways mentioned by the staff have to a great extent been proposed in a staff study in the general area.

Mr. Sneed indicated that the zoning application does not extend to the south property line but is moved back 50 feet leaving that area as a buffer of "A" Residential zoning. There will also be a 100 foot buffer zone of "A" zoning along the property line abutting the residential property in Heritage Hills. The site fronts primarily on I. H. 35 and on the north along Rundberg Lane.

Mr. Sneed referred to the Expressway and Major Arterial plan recommended by the Planning Commission and adopted by the City Council for the period 1962-1982 and pointed out that Rundberg Lane is identified as a major arterial street with a proposed right-of-way of 90 feet. It is at the present time being developed west of North Lamar Boulevard. Rundberg Lane at the subject site has 60-75 feet of right-of-way and the applicants offer to dedicate to the City 15 feet for future widening. In addition, 20 feet of right-of-way will be dedicated for the future widening of the County Road along the east boundary. The undeveloped tract adjoining to the east is owned by Mr. Eddie Joseph. To the east of the tract, outside of the City limits, is property being developed with a mobile home park. The area to the west along I. H. 35 at Rundberg Lane is to a great extent developed or zoned and classified by the City as either "GR" General Retail or "C" Commercial. Fifth Height and Area which requires a building setback from I. H. 35 of 25 feet, preserving the beauty of the right-of-way. Property adjoining the site to the west and north, at the intersection of Rundberg Lane and I. H. 35 is zoned "D" Industrial with "C" Commercial zoning and development immediately across the street from the "D" Industrial area. There is a residential subdivision to the north which is separated from the site by Rundberg Lane.

Mr. Sneed presented a schematic street plan explaining that the streets as proposed conform with recommendations by the Planning Department. Mr. Wagner, nearby property owner has indicated concern for development within this area of an adequate street system. The Planning Department has studied the area and developed a schematic plan showing a collector street system into the area from I. H. 35. An important part of the application is that the streets

C14-70-056 Ronald Tynes and Douglas Duwe--contd.

extending into the tract from Rundberg Lane and I. H. 35 would relieve the surrounding residential area from through traffic. The tract of land that State Farm Insurance is buying fronts onto I. H. 35. The building will set-back same distance and there will be ample parking to the rear. The ingress and egress will be from I. H. 35. He presented photographs of other State Farm Buildings showing the different styles they are contemplating. The building will be a one story self-contained structure with private parking in the rear, visitor parking in the front and the entire site to be occupied by State Farm as a regional office in the city of Austin. The use on the site is entirely in keeping with development occurring in the area.

Mr. Jack Aldridge, representing State Farm Insurance, pointed out the proposed architectural style of the building in a photograph stating that the building in Austin will be similar. Austin was chosen because it is a vibrant growing community where the employees would like to raise their families. The site would be developed with complete control over all landscaping areas put in the hands of qualified landscape architects.

Several nearby property owners appeared and asked questions about the buffer zone and the drainage easement through the area. Mr. Sneed explained that there are two 50 foot drainage easements that give the Highway Department the right to put water from the right-of-way into the drainage area. The reason a buffer was not provided at the north end of the property is because Rundberg Lane is a 90 foot major arterial street. There is a total separation of this development and property to the south because of the creek and the fact the application was not filed on the entire area extending to the property line.

Mr. Carl Wagner explained that he owns the property south of the subject site east of Heritage Hills and he is in favor of the zoning as requested. He said that he has talked about a lack of adequate streets and traffic circulation in the City area for many years and the street plan presented by Mr. Sneed has removed a lot of doubts. He said that in his opinion as property comes to use, it should carry its part of traffic circulation which is inadequate as of now.

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 subdivision having provision for an adequate internal collector street system with access from I. H. 35 and Rundberg Lane.

At the Commission meeting, Mr. Lillie reported that several members of the Zoning Committee requested additional information on the surrounding area circulation plans. A schematic plan was presented showing the subject tract, proposed street pattern, existing development and proposed school site locations. Mr. Lillie noted that the subject tract should have a minimum of two collector streets. The developer plans to submit a subdivision showing both an east-west and a north-south collector street for internal circulation. The

216

C14-70-056 Ronald Tynes and Douglas Duwe--contd.

applicants' street plans for the tract conform with the staff study for future circulation within the area.

The Commission members briefly discussed the application and the recommendation by the Zoning Committee. They agreed that the request should be granted; however, they recommended that it be subject to submission of a preliminary plan having provision for an adequate internal collector street system with access from I. H. 35 and Rundberg Lane. It was then

VOTED: To recommend that the request of Ronald Tynes and Douglas Duwe for a change of zoning from Interim "A" Residence, Interim First Height and Area and "D" Industrial, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 933-1041 East Rundberg Lane and 8611-9127 North Interregional 35 be **GRANTED**, subject to submission of a preliminary plan having provision for an adequate internal collector street system with access from I. H. 35 and Rundberg Lane.

ABSTAINED: Mr. Reeves

C14-70-057 Somerset West Development Company: BB to A
Rear of 918-1426 Stassney Lane
Rear of 5301-5503 Vinson Road
5304-5412 Vinson Road

STAFF REPORT: This is a request for a rollback in zoning to "A" Residence, First Height and Area on 32.8 acres of undeveloped land. The stated purpose of the request is for construction of single-family dwellings. The zoning in the area is mixed consisting of "B" Residence and "GR" General Retail to the south along Stassney Lane; "A" Residence to the immediate east and north with "BB" Residence established to the west and on one parcel to the north. The land in the area is predominantly undeveloped. To the east is the proposed residential subdivision of Salem Walk. The application on the subject site is in conformance with previous requirements agreed upon by the subdividers of Salem Walk and the proposed subdivision on the site and the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

C14-70-057 Somerset-West Development Company--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 noting that the request for a rollback in zoning is in conformance with the approved subdivision. They concluded that the request should be granted as appropriate zoning for the well-defined residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Somerset-West Development Company for a change of zoning from "BB" Residence, First Height and Area to "A" Residence, First Height and Area for property located at the rear of 918-1426 Stassney Lane, rear of 5301-5303 Vinson Road and 5304-5412 Vinson Road be GRANTED.

C14-70-058 John McPhaul: Int. A, Int. 1st to BB, 1st
Rear of 9701-9915 Middle Fiskville Road

STAFF REPORT: This is a request for "BB" Residence, First Height and Area zoning on 4.47 acres of land which is presently undeveloped. The stated purpose of the request is for fourplex apartments. The area is zoned Interim "A" Residence with some commercial uses located outside the City limits along Middle Fiskville Road and I. H. 35. The subject property is part of Northcape Subdivision which was planned and is being developed with single-family use. Streets are planned only for 50 feet of right-of-way and 30 feet of paving. In the planning of the subdivision there were no proposals for multi-family use. The approved preliminary plan does not include apartment uses. In subsequent discussions the developer indicated a desire to build some apartments but would not agree to design the subdivision so that traffic created by the apartment use would have use of streets with access to Middle Fiskville Road only and not be required to use minor residential streets. The staff recommends that the zoning as requested be denied, as an intrusion into a developing single-family subdivision on inadequate streets for higher density of land use.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Brian Schuller (representing applicant)

C14-70-058 John McPhaul--contd.

SUMMARY OF TESTIMONY

Mr. Brian Schuller, representing the applicant, pointed out that the area between the I. H. 35 and subject tract is more or less industrial. There is a creamery, City power substation and a trucking company established in the area. There is proposed in the preliminary plan which has not been filed with the Planning Department as yet, a 60 foot continuation of North Cape Drive to tie in with Middle Fiskville Road. This will carry the traffic generated by the area. It is felt that the people coming or going toward town will not go through the subdivision itself but will go to the 60 foot street out to Middle Fiskville Road which is now a 60 foot street. Ten feet of right-of-way has been dedicated now making Middle Fiskville Road a 70 foot street going down to Rundberg Lane which will be a 90 foot street. There are a total of 20 lots and the applicant plans to develop 10 fourplexes and a street with 50 feet of right-of-way should be adequate to serve the lots. The area adjoining to the west has been designated as a commercial area and a proper buffer between the commercial and residential area to the east would be the medium density use. Hansford Road and North Cape Drive are both planned 60 foot streets and are more than adequate to carry the minimum amount of traffic. It is felt that the medium density development should not be isolated completely from the residential area and there should be some limited access to the residential area. The applicant intended to graduate the zoning going from heavier use to fourplexes and then possible duplexes and single-family.

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 the plan as presented is not acceptable. They concluded that the request should be denied as an intrusion into a planned single-family area with an inadequate street pattern.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John McPhaul 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 the rear of 9701-9915 Middle Fiskville Road be **DENIED**.

C14-70-059 Luther E. Smith: Int. A, Int. 1st to D, 1st
9325-9517 F. M. Road 1325

STAFF REPORT: This application covers three acres of undeveloped land fronting onto the east side of F. M. 1325 north of U. S. 183. The stated purpose of the application is for uses permitted under the requested zoning. Industrial zoning exists to the north and west. The City limit line borders the subject site on the east. To the south is "A" Residence and "DL" Light Industrial zoning. Development in the area includes a service station to the north, a Highway Department maintenance shop to the southwest across F.M. 1325

CP14-70-059 Luther E. Smith--contd.

and a bottling company to the west. The area is designated as Manufacturing and Industrial in the Master Plan and the staff recommends that the request be granted as it conforms to the Master Plan designation and is consistent with recent zoning requests on F. M. 1325.

TESTIMONY

WRITTEN COMMENT

Watt Schieffer: 1011 East 40th Street

FOR

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, adopted the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented noting that the Master Plan designation for the area is "Industrial". They concluded that the requested zoning is appropriate and should be granted as it conforms to the Master Plan designation and the existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Luther E. Smith for a change of zoning from Interim "A" Residence, Interim First Height and Area to "D" Industrial, First Height and Area for property located at 9325-9517 F. M. 1325 be GRANTED.

SPECIAL PERMITS

CP14-70-005 Jesse H. Cummings Estate: Veterinary Clinic
5531-5601 Burnet Road

STAFF REPORT: This application has been filed as required under Section 6, Paragraph 75, Sub-Paragraph B and according to the procedure as specified in Section 10-B of the Zoning Ordinance. Proposed is a veterinary clinic for medical care and treatment of companion, pet animals which would include overnight operations. Burnet Road is strip zoned "C" Commercial and developed with various commercial businesses. Residential zoning is one lot removed to the north and east on Adams Avenue. The subject building consists of 2 separate spaces. The veterinary clinic is proposed to occupy one of the units which

CP14-70-005 Jesse H. Cummings Estate--contd.

is at present vacant and the other unit is occupied by a home appliance service outlet. The staff recommends approval of the site plan provided a satisfactory parking layout can be worked out showing three parallel off-street parking spaces on Burnet Road and a minimum of 7 in the rear. The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|-----------------------|--|
| 1. Tax Assessor | - 22903-0208 Taxes are paid through 1969 |
| 2. Storm Sewer | - Plat Complies |
| 3. Building Inspector | - (1) the building is existing and although the number of parking spaces existing does not comply with requirements of the Ordinance, (nonconforming or built prior to present day parking requirements) the building could be used for any similar use as it has in the past without providing additional parking spaces. (Present day requirements would call for 1 paved space for each 300 square feet of gross floor area in this case 10 spaces.) (2) Does not include building code approval. |
| 4. Office Engineer | - Recommend against head-in, back-out driveways on Burnet Road. |
| 5. Electric | - Easements to be acquired at a later date. |
| 6. Health | - No objections. Waste water system to be available. |
| 7. Traffic Engineer | - Recommend disapproval based on parking layout. Head-in parking cannot be permitted along an arterial street such as Burnet Road due to the hazard involved with backing into a heavily travelled street. |
| 8. Fire Protection | - Existing fire protection facilities are believed to be adequate. |
| 9. Water and Sewer | - Water and sanitary sewer service is available from the existing mains in Burnet Road. No additional fire protection will be required. |
| 10. Public Works | - Recommend against head-in and back-out parking on Burnet Road. Will need request for and approval of driveway for parking in the rear of the office. |
| 11. Advanced Planning | - (1) 10 feet ROW needed along Burnet Road. (2) recommend elimination of head-in parking along Burnet Road. Suggest an arrangement similar to attached sketch. |

221

CP14-70-005 Jesse H. Cummings Estate--contd.

Mr. Kinser asked if the Zoning Ordinance requires sound proofing or air conditioning where animals are treated. Mr. Lillie explained that the Zoning Ordinance does not but it may be a requirement of the Building Code and the Planning Commission may require this as part of the special permit.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Dr. John R. Brown (representing applicant)

W. C. Champion: 5614 Adams Avenue

Paul A. Oman: 5615 Adams Avenue

AGAINST

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Dr. John Brown appeared at the hearing and advised the Committee that he proposes to use the structure and will comply with the Building Code if the special permit is approved. The proposed use is for medical facilities primarily for treatment and care of companion and pet animals. There will be animals kept over night if necessary. The structure is a concrete block building and noise should not be a factor.

Mr. Goodman said that he has reservations about the establishment of a veterinary clinic at this location because of the traffic problem and the ingress and egress is bad into the site. He asked Dr. Brown if he has reviewed the suggested modifications by the staff and if he agrees to the plan. Dr. Brown had no objection to the plan but explained that he does not own the property and does not know if the owners would approve or if the other occupant of the structure would have any objection. The use will be completely enclosed and will be centrally heated and air-conditioned. No pens or runs are proposed outside of the building.

Arguments Presented AGAINST:

Several nearby property owners appeared at the hearing and stated they are opposed to the type of use on the site because of the noise and odor associated with a veterinary clinic. There is residential property to the east along Adams Avenue and the use would be detrimental. There is a very narrow alley that goes through the area that is just wide enough for a car and not sufficient for ingress and egress to a parking lot.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the proposed parking is inadequate and the arrangement is poor.

CP14-70-005 Jesse H. Cummings Estate--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jesse H. Cummings Estate for a special permit to allow a verterinary clinic on property located at 5531-5601 Burnet Road be DENIED.

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.

CP14-70-006 J. V. Felter: Mobile Home Park
 Rear of 7327-7411 East Riverside Drive
 7411-7423 East Riverside Drive

STAFF REPORT: This application has been filed as required under Section 5-C, Subsection 39, Paragraph E and according to the procedures as specified in Section 10-B of the Zoning Ordinance, City of Austin, Texas. Proposed is a mobile home park on 5.61 acres. The site is in the Montopolis Area near the intersection of Riverside Drive and Ben White Boulevard. The entire area was recently annexed and is zoned Interim "A" Residence. The subject property has 165 feet of frontage on East Riverside Drive. A 60 foot private drive is planned down the center of the property for access. Single-family development is located 100 to 150 feet to the north and west. The tract is in the Model Cities area. The site plan has been circulated to the various City Departments and the comments are as follows:

- | | |
|-----------------------|---|
| 1. Tax Assessor | - Not in the City Limits for 1969. No taxes assessed. |
| 2. Building Inspector | - (1) Service aisles for access to paved parking spaces must be paved. (2) Any accessory building requires a separate building permit. (3) All trailers must be a minimum of 5 feet from any property line of this tract. (4) Does not include Building Code approval. (5) Present zoning is "A" Interim. Must have at least "LR" Zoning (otherwise recommend disapproval). (6) Request Planning Department to determine if replatting of land is necessary. (7) What is the status of the front portion of the property fronting on Riverside Drive? If it is vacant and a future use is proposed it should be made a part of the special permit; or removed otherwise the applicant would have to come back for a revision to this application at a later date. |
| 3. Electric | - Easements needed as shown in red on plat. |
| 4. Office Engineer | - Require request for commercial driveway. |
| 5. Storm Sewer | - Inlets and pipes required at Riverside Drive. See plat. |

CP14-70-006 J. V. Felter--contd.

6. Health
 7. Traffic Engineer
 8. Fire Protection
 9. Water and Sewer
 10. Public Works
 11. Advanced Planning
- No objections. Waste water system to be available.
 - Recommend a 36' driveway to Riverside Drive.
 - We believe that the indicated fire hydrant will be adequate for the number of site indicated if it is connected to a 6" or larger water main. We recommend that this hydrant be placed with the 4" opening facing the drive and that from the center of the 4" opening to the finished grade to approximately 18".
 - Sanitary Sewer service is available from the main in East Riverside Drive that is presently under construction. Water service is available from the existing main in East Riverside Drive. The location of the proposed fire hydrant shown on Lot 21 will be okay. It will be required to run a 6" main, with valve, from the existing 24" main in East Riverside Drive to the proposed location. A fire demand meter will be required if the main will be used as a combination fire line and domestic line.
 - Property owner needs to install driveway pipe and make request for and get approval of driveway plans before construction begins.
 - (1) Private roadway paving should be a minimum of 30' wide from Riverside Drive to Lot #1 and should be placed 10' south of the adjoining property line. 24' of interior paving width shown on plan is acceptable. (2) Privacy screening needed along north, west and south property lines. (3) Recommend lots to be angled for easier mobile home placement onto lots. (4) We suggest shifting children's play area to a more central location. (5) Play-pool area should be shifted southwesterly to provide a greater turning radius adjacent to adjoining property. (6) corners of interior streets should be rounded off. (7) See attached plan revision sketch.

CP14-70-006 J. V. Felter--contd.

The property is located between a major expressway and an arterial street and the staff recommends that the request be granted, subject to compliance with departmental requirements.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

William McGuire (representing applicant)

SUMMARY OF TESTIMONY

Mr. William McGuire representing the applicant, explained that they have contacted and will stay closely with the Planning Department and various other City departments on the proposed project. He said they will abide by the suggestions of the various departments. It is realized that in the past mobile homes were not accepted very well; however, they are now a way of life and people have to live with them. The development on the site will be something the City will be proud of and the adjoining property owners will not object to as this will be a clean-up project, and will be something that people can look at as a good example of how development can occur.

Mr. Kinser asked Mr. McGuire if he has any objection to the revisions by the staff. Mr. McGuire said that he agrees with the plan. Ample play area has been included and there will be recreation facilities. The development will be less of a burden on the City as the units will be confined on a smaller area than would normally be developed in a single-family residential area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to the revised plan submitted to the Zoning Committee and compliance with departmental reports.

At the Commission meeting, Mr. Lillie reported that Mr. McGuire, representing the applicant, discussed this application with the staff following the zoning hearing and commented that the topography of the land is terraced from Riverside Drive to the rear of the property. He felt after reviewing the revision the staff had prepared for the Zoning Hearing that it would be better for him to put the lots 90 degrees as opposed to angle and requested that this be considered by the Commission. The staff has no objection to the change. The lots have adequate depth so that there will be room to maneuver the mobile homes in and out of the lots. Mr. Felter also indicated that there would be no objection to placing the play area in the center of the development, but feels that

CP14-70-006 J. V. Felter--contd.

that the location with fencing would prohibit the movement in the street areas and he would prefer to have it on the side of the property. The staff feels that the initial plan as submitted is adequate and recommends that it be approved, subject to compliance with departmental reports.

The Commission members agreed that the initial plan should be accepted, not requiring the play area in the center or the lots to angle and recommended that the request be approved, subject to compliance with departmental reports. It was then unanimously

VOTED: To APPROVE the request of J. V. Felter for a special permit to allow a mobile home park on property located at the rear of 7327-7411 East Riverside Drive and 7411-7423 East Riverside Drive subject to compliance with departmental reports 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.

CP14-70-007 Arthur R. Morrisette: Day Care Center
2100 Goodrich Avenue

STAFF REPORT: This application has been filed as required under Section 4, Subsection 8, Paragraph B and in accordance with Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care center allowing a maximum of 57 children. The zoning surrounding the site is predominantly "A" Residence, developed with single-family homes. "B" Residence zoning is established on property adjoining the site to the south. Two-family dwellings have been built to the south along Blue Crest Drive and Holland Drive. "C" Commercial zoning exists to the south and is partially developed with a construction company, offices, wholesale establishment and apartments. Five feet of right-of-way is needed on Goodrich Avenue and 15 to 25 feet is needed for the extension of Allwood Drive on the rear of the lot. The 25 feet within the area zoned "B" has already been deeded to the City. The cul-de-sac is proposed to give access to the rear portion of the 300 foot deep lots fronting onto Bluebonnet and Goodrich Streets so these lots can be better utilized. The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|-----------------------|--|
| 1. Tax Assessor | - 1-0006-0124 Taxes are paid through 1969. |
| 2. Office Engineer | - O.K. Require concrete driveway. |
| 3. Building Inspector | - (1) The number of children to be kept is not specified, however, the requirements of the Zoning Ordinance would permit a total of 57. (2) The facility and site shall be approved by the Texas State Department of Public Welfare. |

CP14-70-007 Arthur R. Morrisette--contd.

3. Building Inspector--contd.- (3) The structure is a two story residence; only the first floor should be used for the nursery. The rear exit is through a bathroom and the rear room's windows do not open. Toilets on the first floor do not have a wainscot as required by the building code for a public toilet. (4) No sign is shown on the site plan, however if provided cannot exceed 6 square feet and must be located behind the required 25 foot setback line.
4. Storm Sewer - Plat complies.
5. Electric - Easements to be acquired at a later date.
6. Health - No objections. Waste water system to be available.
7. Fire Protection - We believe that existing fire protection facilities are adequate.
8. Traffic Engineer - Okay.
9. Water and Sewer - Water and Sanitary Sewer service is available from the existing mains in Goodrich Avenue. No additional fire protection will be required.
10. Public Works - No objection
11. Advanced Planning - (1) Five feet ROW needed along Goodrich Avenue. (2) ROW needed at the rear of the lot, varying from 15 feet at the south boundary line to 25 feet at the north boundary line (see site plan). (3) Children's play area should be indicated on the site plan and fencing should be shown. Driveway and parking area are to be excluded from fenced play area. (4) Revised net lot size will permit up to 52 children.

The staff recommends approval of the request subject to compliance with departmental reports and the necessary rights-of-way.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

CP14-70-007 Arthur R. Morrisette--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 and concluded that this request should be granted, subject to compliance with departmental reports.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Arthur R. Morrisette for a special permit to allow a day care center on property located at 2100 Goodrich Avenue subject to compliance with departmental reports 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.

CP14-70-008 Mr. and Mrs. Larry K. Franke: Day Care Center
4504 Depew Avenue

STAFF REPORT: This application has been filed as required under Section 4, Subsection 8, Paragraph B and according to the procedures as specified in Section 10-B of the Zoning Ordinance, City of Austin, Texas. Proposed is a day care center allowing a maximum of 12 children. The subject property contains 7,800 square feet and is located in a well-developed single-family "A" Residential area. Two duplexes are established on property directly to the north. "LR" Local Retail zoning exists across 45th Street and is developed with a church and a nursing home. The site plan has been circulated to the various City departments and comments are as follows:

- | | |
|-----------------------|--|
| 1. Tax Assessor | - 2-2010-1417 Taxes are paid through 1969. |
| 2. Office Engineer | - Okay. Require concrete driveway. |
| 3. Building Inspector | - (1) The Zoning Ordinance would permit the keeping of 12 children on the property. (2) The facility and site shall be approved by the Texas State Department of Welfare. (3) Complies with Building Code requirements except bathroom would be required to have 4 foot high wainscot with smooth hard non-absorbent material used on floor and wall in compliance with rules for a public toilet. |

CP14-70-008 Mr. and Mrs. Larry K. Franke--contd.

3. Building Inspector-contd. - (4) No sign is shown on site plan, however, if a sign is desired it cannot exceed 6 square feet in area and must be located behind the required building line. (25 feet)
4. Storm Sewer - Plat complies.
5. Electric - Easements to be acquired at a later date.
6. Traffic Engineer - Okay.
7. Fire Protection - We believe that existing fire protection facilities are adequate.
8. Health - No objections. Waste water system to be available.
9. Water and Sewer - Water and Sanitary Sewer service is available from the existing mains in Depew Avenue. No additional fire protection will be required.
10. Public Works - No objection.
11. Advanced Planning - If cars are to be allowed inside the driveway gate, the play area must be separated from the drive by fencing. If not, the plan is acceptable.

The staff recommends approval subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

F. M. DuBose: 1804 Travis Heights Boulevard

AGAINST

PERSONS APPEARING AT HEARING

Mrs. Larry K. Franke: (applicant)
 G. E. Mathews: 4616 Chiappero Trail
 Jesse Mitchell: 4512 Depew

AGAINST

?

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mrs. Larry Franke appeared on behalf of this request and explained that she has 3 children of her own and feels that an additional 9 children will not make very much difference. She explained that she keeps several children during the day but only for a half a day. The entire backyard is fenced and there are several shade trees. There should not be very much traffic with only 9 children. She explained that they plan to live on the site as the day care center is there and in the summer will hire one helper. During the summer months there will only be 12 children and in the fall there will be fewer children because of the day school.

CP14-70-008 Mr. and Mrs. Larry K. Franke--contd.

Arguments Presented AGAINST:

Mr. G. E. Mathews, nearby property owner, appeared at the hearing and read the following letter:

"About two years ago, I purchased two and one-half lots located at 4508-10 Depew in Austin, together with an old house thereon which had been condemned by the City. Shortly afterwards I built two modern duplexes on these lots at a total cost of almost \$60,000.00. I feel, together with some of the adjoining property owners that these improvements have added to the prestige and valuation of that neighborhood.

Most of my life earnings are invested in this property. Most of the livelihood of myself and my wife is derived from this property. I pay almost \$1,000.00 in taxes to the City and County, together with the mortgage payments. This leaves me with limited income, which if jeopardized in any manner, would create a financial hardship on my living expenses.

In petitioning for a day nursery by Mr. & Mrs. Larry Franke, it is my deep conviction that being located adjacent to my duplexes, my property would be degraded in valuation and would jeopardize the tenant occupancy and loss of income. In addition, it is my intention to move into the rear apartment next July. This adjoins the proposed nursery with only five feet between the properties and nothing but a cyclone fence for privacy. Being an elderly couple, and retired from active work, we feel that our privacy and well being would be jeopardized.

I made a personal appeal to Mr. and Mrs. Franke to either reduce the number of proposed children or to erect a six foot solid privacy fence around the proposed nursery. They refused to even consider my proposals. In addition, they have informed me that they do not propose to live on the property, which in my opinion, makes it strictly a business operation in a residential area.

Gentlemen, because of these circumstances, I earnestly appeal to you to disapprove the requested permit for a day nursery on this location. I love children and I am a firm believer in private enterprise, but I firmly believe that this nursery will degrade the property in this neighborhood, especially mine and that on the opposite side--who incidentally is suffering from heart trouble.

I do not wish to seem unreasonable or uncompromising but under the proposed manner of operation of the nursery, I have no other alternative but to oppose this activity. And as proposed, and if approved, I shall seek every legal means at my disposal to stop the planned enterprise. I appeal to you as sound business men to reject this proposition."

230

CP14-70-008 Mr. and Mrs. Larry K. Franke--contd.

Mr. Jesse Mitchell advised the Committee that he opposes the use as it would be transferable to anyone living on the site and the next person may have more than 12 children.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to compliance with departmental reports and with the condition that if the owner and applicants move or cease to use the property as permitted under the special permit that the use will become null and void.

At the Commission meeting, Mr. Kinser asked if a letter has been received from the applicants stating that if they move or cease to use the property as permitted under the special permit that the use will become void. Mr. Wise advised the members that a letter has not been received but the applicants will be made aware of the requirement.

The Commission members agreed with the Committee that the request should be approved; however, they recommended that approval be subject to compliance with departmental reports and receipt of a letter from the applicants stating that if they move or cease to use the property as permitted under the special permit that the use will become null and void. It was then unanimously

VOTED: To APPROVE the request of Mr. and Mrs. Larry K. Franke for a special permit to allow a day care center on property located at 4505 Depew Avenue, subject to compliance with departmental reports and receipt of a letter from the applicants, Mr. and Mrs. Larry K. Franke, 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.

CP14-70-009 Hunter Schieffer: 232 Unit Apartment Dwelling Group
Rear of 3221-3607 Clawson Road

STAFF REPORT: This application has been filed as required under Section 4-A, Subsection A, Paragraph 6 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 232 unit apartment dwelling group. "A" Residence zoning exists to the north, east and west. The I. & G. N. Railroad abuts the property on the east. "BB" Residence zoning exists immediately to the south on property which is at the present time undeveloped. The area is in the Southwood Subdivision; north of Ben White Boulevard and west of Mo-Pac Railroad along Clawson Road. The staff cannot recommend favorably on this request as presented because vehicular access for over 350 parking spaces is limited to only one driveway entrance. In any subdivision situation, a

CP14-70-009 Hunter Schieffer--contd.

cul-de-sac may only be 400 feet long and may have from 10-25 lots. This plan has in effect one 800 foot cul-de-sac and its extension to 1200 feet. A total of 300 units must use one driveway. The staff feels that the proposed internal circulation from public streets is not acceptable. The site plan has circulated to the various City departments and the comments are as follows:

1. Traffic Engineer
 - Because of the volume of traffic which the parking lots will generate on the roadway along the south boundary line, it is recommended that the aisle be at least 36' wide and the driveway 40' wide at Southridge Drive. See attached plat.
2. Fire Prevention
 - Install fire extinguishers as required when buildings are completed.
3. Electric
 - Public utility easements to be acquired at a later date.
4. Office Engineer
 - Require request for commercial driveway.
5. Tax Assessor
 - 4-0508-0101, 0102, 0103 Taxes paid through 1969. 4-0707-0101, 4-0609-0214 Taxes paid through 1969.
6. Water and Sewer
 - Sanitary Sewer service is available from the existing main adjacent to the Southeast corner of the said tract. Water service is available from the proposed mains in Southridge Drive. Four additional fire hydrants will be required. One will be located on the corner adjacent to buildings 4 and 5. The second will be located on the corner northeast of building 12. The third will be located on the corner southeast of building 12. The fourth fire hydrant will be located on the corner southwest of building 10. It will be required to run a six (6) inch main, with valves, from the proposed stub in Southridge Drive through the area between buildings 1 and 2 and buildings 6 and 7, continuing to the east through the proposed drive and between buildings 13 and 15 to the proposed drive on the easterly side of said tract and continuing southerly and then westerly through the proposed drive back to the proposed stub in Southridge Drive. The valves should be

CP14-70-009 Hunter Schieffer--contd.

6. Water and Sewer-contd. - placed as shown on the plat. Fire demand meters will be required if a combination fire and domestic system is used.
7. Public Works - General location of driveways ok. Will need request for and approval of them before construction begins.
8. Fire Protection - The recommended fire hydrants are indicated in red. We recommend that these fire hydrants be installed and be in service, if possible before frame work on the apartments is started so that we may be able to provide better fire protection. We recommend that the fire hydrants be placed with the 4" opening facing a drive, and that the 4" opening be approximately 18" from center of the opening to the finished grade. We are of the opinion that the length of the drives will at times slow emergency operations in getting our apparatus into position.
9. Health - No objections. Waste water system to be available.
10. Building Inspector - (1) Property would be required to be subdivided. (2) Southridge Drive does not show to be a dedicated street adjacent to this property as shown on site plan. (3) Since property is not subdivided cannot tell if any easements transverse the lot or lots. (4) Does not include Building Code approval. (5) Four foot high solid fence is required where any parking area is adjacent to property developed or to be developed for residential use.
11. Advanced Planning - (1) Approval and recording of Southridge, Section 3 Subdivision required. (2) Privacy screen needed along north and south property lines. (3) Present vehicular circulation pattern is undesirable (360 cars having one exit driveway). Suggest modification of site plan to provide a second driveway connection. See attached plan for revision suggestions.

CP14-70-009 Hunter Schieffer--contd.

12. Storm Sewer

- (1) Drainage facilities required (open channel along south property line is proposed in Southridge, Section III). (2) Drainage flow from paved areas needs to be carried to channel. (3) Paved areas project too far into drainage easement/co-ordinate with channel plans.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Hunter Schieffer (applicant)
Vernon Smith (representing applicant)
Brian Becker (architect for applicant)

SUMMARY OF TESTIMONY

Mr. Vernon Smith, Jr., appeared at the hearing and stated that he represents the prospective purchasers who intend to develop the property with an apartment project. He explained that they have been trying to work with the Planning Department and other departments to come up with a final proposal on this particular tract. They are in a time bind for development of the tract as they have arranged permanent financing with the FHA upon issuance of the building permit. He submitted a complete set of working drawings, approved by FHA and reviewed on a departmental level with the Building Inspector and stated that they do not have time to comply with the comments by the Advanced Planning staff in changing the site plan and as it would require them to scrap the site plan, throw away and start over again, on a new building design. If this was required, the permanent financing would be lost. When the site plan was initially submitted, it was slightly different and the development was based on earlier discussions with the Planning Department staff regarding what should be done in this particular situation. Originally the tract was planned with a loop street serving fourplex lots with a total of 234 units. This plat was removed and a new preliminary plan was requested for approval showing no interior streets. The Planning Department staff indicated concern with the single-family residential property to the north and requested that consideration be given to keeping traffic and automobile lights as far away from the property line as possible. A 60 foot building setback line from the property line was requested. The topography identified a problem resulting in a site plan revision moving one of the buildings 30 feet closer to the property line which encroached upon the original 60 feet.

CP14-70-009 Hunter Schieffer--contd.

The parking proposed within this development has been used in other developments. The proposed housing will be for moderate income families. Preference is given to people with children and in doing so an attempt was made to provide playgrounds and green areas to the largest extent possible without cutting the green areas if it could be avoided. The plan by the staff divides a portion of the property and the children will have to cross the street. People do not drive slow and watch for children so it is felt that it is best if the children can go from one portion of the development to another without ever crossing a street or parking area. In planning the project, the children have been the primary concern and it is requested that the plan be approved as submitted rather than with the suggested changes recommended by the Planning Department.

The site plan has been discussed with the fire department and the traffic department and there are no further requirements. There are comments on desirable elements but these comments are not requirements. It is felt that this is a good proposal that satisfies the majority of the needs of the people who rent apartments. It will be a definite asset to the neighborhood.

With regard to the access, in every situation something must be compromised, and an attempt has been made to provide what the developers feel is most important for the people who live there. It is found that the system of placing a car in a concentrated area with apartments surrounding gets the car away from the people as much as possible. Mr. Goodman stated that in his opinion the penetration to the interior of a building complex is not good and he is concerned about the fact that there is only one access for 300 cars plus parking spaces on 14 acres.

Mr. Taniguchi said that a large majority of apartment dwellers will probably be working people and unfortunately a working day starts at about the same time and ends about the same time which means that some 300 cars will be moving at the same time through the narrow access plus there will be cars taking children to school which also occurs about the same time in the morning. In view of the amount of traffic that will be generated, consideration should be given to a street for circulation. Mr. Smith explained that there are several problems involved. First their initial criteria was to stay away from the north property line with the cars so an attempt was made to do this. The development of the parking as proposed has been done in similar projects and there has been no problem created. There is a grade problem on the north part of the site. Another problem is that the approach was taken of having FHA approval prior to City approval because in nearly every instance FHA is more critical than a city. He explained that they have never encountered the degree of interest and activity shown by the Austin Planning Department in other cities. If it had been known that the Planning staff would go to the trouble to not only criticize but also to suggest items the developers and architects would have proceeded in a different manner. The site plan presented for review is the one which has been criticized and approved by FHA. If another access is required, parking will be lost and there is no place on the site to get any more.

CP14-70-009 Hunter Schieffer--contd.

Mr. Smith further stated that the initial comments set forth by a member of the Planning staff was for parking on the south side. The zoning was changed on the site in the summer and work on the plan has been done off and on with the staff since that time on a site plan. The difference occurred in the area to the north. The initial layout was shown on a preliminary conference layout to the Planning staff sometime ago.

Mr. Lillie explained that when the staff was reviewing the special permit after the deadline the problem of excessive depth of the tract was considered and the number of cars that would be forced into using one entry. The applicants were contacted and requested to meet with the staff two weeks ago at which time concern was indicated on the special permit. The applicants felt that it was too late to make any changes so none were made.

Mr. Hunter Schieffer, owner of the site, stated that the people involved in the application worked on the plan for some time and were advised by a member of the Planning staff that there were no problems involved and now the staff seems to be raising questions.

The Committee members discussed with Mr. Smith the problem of time, parking, site layout and ingress and egress to the property. They were of the opinion that the site plan can be approved and the problems can be worked out with 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 referred to the full Commission so that the applicants and the staff can work out some of the problems which exist.

At the Commission meeting, Mr. Lillie reported that this application for a special permit is for a total of 232 apartment dwelling units. All of the comments and requirements by the various City Departments had been met with the exception of the Planning Department. The Planning Department was concerned over the fact that there were over 300 cars being forced to come out one driveway entrance and there was an 800 foot cul-de-sac and a 1200 foot cul-de-sac. Because of the internal circulation problems, the staff could not recommend favorably on the special permit.

Mr. Lillie presented a revised site plan and explained that the applicants worked with the staff during the week on the items of concern and the proposal now is to have a loop street from the first cul-de-sac which connects back to Southridge and in effect answers the concerns of the staff. It is now recommended that the site plan with the modifications be approved, subject to compliance with departmental reports.

CP14-70-009 Hunter Schieffer--contd.

Mr. Vernon Smith, Jr., representing the applicant, advised the Commission that the site plan is acceptable to them.

The Commission felt that the revised plan showing a loop street from the first cul-de-sac connecting back to Southridge is more desirable than the original plan and recommended that the request be approved, subject to compliance with departmental reports. It was then

VOTED: To APPROVE the request of Hunter Schieffer for a special permit for the erection of a 232 unit apartment dwelling group on property located at the rear of 3221-3607 Clawson Road, subject to compliance with departmental reports, 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.

SUBDIVISIONS

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of March 23, 1970, and requested that this activity be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that 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 March 23, 1970, on the minutes of this meeting.

PRELIMINARY PLANS

C8-69-108 Barton Terrace, Section 6
Spring Creek and Barton Hills Drive

The staff reported a request to revise the preliminary plan of Barton Terrace, Section 7, which is owned by Jack Andrewartha. A letter has been received from the applicant pointing out that a change in the street layout has been made on the proposed final plat from the preliminary plan. Originally the plan was to be a looped street connecting Trailside and Spring Creek Drive. It has now been altered to reflect two properly designed cul-de-sacs at the end of each street. He further pointed out that the change resulted from the concern expressed by the City about the steep grade on Trailside Drive and the proposed change has been approved by Mr. Graves, City Engineer.

Mr. Foxworth presented the preliminary plan as approved with Barton Creek at the back of the property. In the approved preliminary plan, Trailside Drive

C8-69-108 Barton Terrace, Section 6--contd.

and Spring Creek Drive connected in the form of a loop. The final plat as submitted terminated both streets with a cul-de-sac. The applicant is not platting the part at the end of Trailside Drive and is making this a final plat; however, he is terminating with a 60 foot radius cul-de-sac. The drainage department as stated on the preliminary plan has expressed concern over grades of Trailside Drive where it would go down the bluff and as a result the applicant has amended and is requesting a revision to the plan to that extent. The staff recommends in favor of the revision. The Commission then unanimously

VOTED: To APPROVE the request to revise the preliminary plan of BARTON TERRACE, Section 7, as indicated.

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 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:

C8-69-95 Rosewood Village, Section 4
 Pleasant Valley Road and New York
C8-69-88 Slaughter Creek Acres
 Slaughter Creek Drive
C8-69-81 Balcones Village, Section 5, Phase A
 Cedar Crest and 14 Tee Drive

C8-69-29 Cherry Meadows Revised
 Matthews Lane and Cherry Meadows

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 tax certificates, additional easements, fiscal arrangements and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CHERRY MEADOWS, Revised pending the items as indicated.

C8-69-52 Crockett Commercial Area, Section 2, Revised
 Manchaca Road and Stassney 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 additional easements, fiscal arrangements and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CROCKETT COMMERCIAL AREA, Section 2, Revised.

C8-70-29 Flournoy's Sweetbriar, Section 6
Bramble & Woodbine

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 completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of FLOURNOY'S SWEETBRIAR, Section 6, pending completion of departmental reports.

C8-70-27 Salem Walk Street Dedication
Emerald Forest and Stassney 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 completion of departmental reports. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of SALEM WALK STREET DEDICATION, pending completion of departmental reports.

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

The staff reported that this request to vacate the plat was before the Commission last month at which time all of the items required by the department had not been received and the staff requested a postponement of 30 days which was granted. The items are still lacking at this point and the staff is unable to make a recommendation and again requests that it be postponed until the requirements are fulfilled. The Commission then

VOTED: To POSTPONE this request to vacate PALOMINO PARK, Section 5, for 30 days.

C8-70-11 Brushyridge
Cooper Lane and Austin Highlands Boulevard

The staff reported a request to change the name of this entire plat to Austin Highlands Addition. There is no objection to the name change but there are several departmental reports still lacking and the staff recommends that the plat be accepted for filing and disapproved pending the required additional easements, completion of departmental reports and annexation. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BRUSHYRIDGE pending additional easements, fiscal arrangements, completion of departmental reports and annexation and granting a name change from Brushyridge to Austin Highlands.

C8-69-109 Barton Terrace, Section 7
Spring Creek Drive and Barton Hills 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

C8-69-109 Barton Terrace, Section 7--contd.

pending the required fiscal arrangements, completion of departmental reports, annexation and flood easement on plat as shown by the Drainage division. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BARTON TERRACE, Section 7, pending the items as indicated.

C8-70-30 Missouri Pacific Industrial Park, Section 2
Burleson Road and Nagle 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 additional easements, fiscal arrangements and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of MISSOURI PACIFIC INDUSTRIAL PARK, Section 2 pending the requirements as indicated.

C8-70-15 Northwest Hills, Cat Mountain Section
Cat Mountain 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 additional easements, fiscal arrangements, completion of departmental reports, plat corrections and annexation. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of NORTHWEST HILLS CAT MOUNTAIN SECTION, pending the requirements as indicated.

C8-70-19 Pan-Texas East
East 16th Street and Adrainne 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 tax certificates and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PAN-TEXAS EAST, pending the requirements as indicated.

C8-70-21 Canyon View Estates
Trail of the Madrones

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 completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CANYON VIEW ESTATES, pending completion of departmental reports.

C8-69-51 Westwood, Section 5
Blueridge Trail and Grey Fox Trail

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 additional easements and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of WESTWOOD, Section 5, pending the requirements as indicated.

C8-70-18 Capitol View Estates, Res. Lot 26
Capitol View 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 completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CAPITOL VIEW ESTATES, Resub. Lot 26, pending compliance with departmental reports.

C8-69-46 South Ridge, Section 3
South Ridge 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 additional easements, fiscal arrangements and completion of departmental reports. The Commission then

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

C8-69-118 Perkins Park, Section 1, Rev.
Bluff Springs and Cheryl Lynn Drive

Mr. Foxworth advised the Commission that this final plat involves a problem. The plat to be considered is a revision of the final as originally submitted to the Commission and several reports of additional easements are still lacking. As indicated on the agenda, the staff recommendation is to accept for filing and disapprove pending the required tax certificates, completion of departmental reports and consideration of the intersection of Cheryl Lynn Drive and Bluff Springs Road. The original preliminary plan has been submitted with Cheryl Lynn, the street going through the subdivision, intersecting with Old Lockhart Highway or Bluff Springs Road at an angle. On the preliminary plan, Bradshaw Lane has not been identified. The staff and the Traffic and Transportation Department requested that Cheryl Lynn be curved into Bluff Springs Road at a 90 degree angle. This was done by the engineer in compliance with the departmental requirements; however, the final plat when submitted showed Bradshaw Lane and Cheryl Lynn in a direct off set in the street intersection. The final plat was distributed and Traffic and Transportation submitted their report to the Planning Department recommending that the 90 degree intersection be waived and asked for the street to be lined up with Bradshaw Lane. This

241

C8-69-118 Perkins Park, Section 1, Rev.--contd.

would be the preference of the Planning Department; however, Mr. Garza, the engineer for the applicant and Mr. Perkins, the developer had gone sufficiently far that the water lines, gas lines and storm sewers have been installed before the mistake was discovered.

Mr. Garza explained that the water line is on a consignment, 14 feet off the property line and the property line pins have already been set. Storm sewer has been laid and the contractor has been paid to fit the plan as shown. The staff was asked to present the problem to the Commission to see if there is any possibility that the plat can be approved as it is now since the water and storm sewer is in the ground. Approximately \$2500 would have to be spent in order to accommodate the plat as originally approved.

Mr. Foxworth explained that the staff discovered the mistake several weeks ago and contacted Mr. Garza's office. Mr. Garza and Mr. Perkins discussed the problem with the staff at which time they were advised that it would be put on the agenda for consideration by the Commission. To connect the two streets would mean putting a water line on private property which the Water Department generally will not recommend under any circumstances.

Mr. Reeves asked if the request could be postponed until the applicant can check with the Water and Storm Sewer Departments to see what they will recommend in light of the problem and what remedial action can be suggested.

Mr. Foxworth explained that last week in the meeting with Mr. Garza and Mr. Perkins, he agreed to do nothing but present the problem to the Commission. From the staff's standpoint the request could be delayed but it is not known if the applicant would want to request postponement as it would mean 30 days before it could be reconsidered.

Mr. Reeves stated that in his opinion the applicant should work with the staff to see if the problem can be worked out in some method and a recommendation can be suggested to the Commission. The Commission members agreed with Mr. Reeves and unanimously

VOTED: To POSTPONE the final plat of PERKINS PARK, Section 1, Rev., for 30 days pending further study by the staff and the applicant so that the recommendation can be made to the Commission.

C8-69-107 Vista West, No. 1
Greystone Drive and Deepwoods

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 additional easements, fiscal arrangements, completion of departmental reports, annexation and a 300 foot radius on curbs 21 and 22. It is also recommended that Lots 12, Block E and 12 and 13, Block C be served by public sewer or be deleted from the plat. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of VISTA WEST, No. 1, showing the requirements as indicated.

C8-69-86 Colonial Park, Rev.
Weideman Lane and Colonial Park

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 tax certificates, additional easements, fiscal arrangements, completion of departmental requirements and annexation. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of COLONIAL PARK, Rev. pending the requirements as indicated.

C8-68-74 South Creek, Section 1, Rev.
Bluff Springs Road and North Bluff

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 tax certificates, fiscal arrangements, completion of departmental reports and the removal of drainage easements on the plat. The Commission then

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

C8-70-20 Craigwood, Section 2
Craigwood Drive and Hill

The staff reported that this is the first appearance of the final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and annexation. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CRAIGWOOD, Section 2, pending the requirements as indicated.

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-70-57 Burnet Road Terrace, Resub. No. 3
Burnet Road and Penny Lane

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 tax certificates and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of BURNET ROAD TERRACE, Resub. No. 3 pending the requirements as indicated.

C8s-70-58 Posner Addition
Exposition Boulevard and Bridle Path

The staff reported that this is the first appearance of this short form plat before the Commission and several departmental reports are still lacking. There is also a variance involving the signature requirements of the adjoining owners. A letter has been received stating that an attempt was made to get the

C8s-70-58 Posner Addition--contd.

adjoining owner to participate but he refused. In view of this, the staff recommends that the short form plat be accepted for filing and disapproved, pending completion of departmental reports, and granting a variance on the signature requirement of the adjoining owners. The Commission then

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

C8s-70-59 Mira Loma Lane Addition
Mira Loma Lane

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

VOTED: To ACCEPT for filing and APPROVE the short form plat of MIRA LOMA LANE ADDITION.

C8s-70-60 Greenleaf Estates, Resub. Lot 8, B
Wynne & Darvone Circle

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 tax certificates and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of GREENLEAF ESTATES, Resub. Lot 8, B, pending the requirements as indicated.

C8s-70-61 Balcones West, Section 3
Spicewood Springs 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 tax certificates and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of BALCONES WEST, Section 3, pending the requirements as indicated.

C8s-70-62 Strickler Addition
U. S. Highway 183 North

The staff reported that this short form plat involves a variance from the signature requirements from the adjoining owner. The applicant is getting a letter from the adjoining owner but at this point it has not been received, and the applicant has requested that the short form plat be delayed until the Subdivision Committee meeting. The staff recommends disapproval until the letter is received or the other owner signs the plat.

C8s-70-62 Strickler Addition--contd.

The Commission then

VOTED: To DISAPPROVE the short form plat of STRICKLER ADDITION, pending receipt of a letter from the applicant indicating that the adjoining owner does not wish to participate or the adjoining owner's signature on the plat.

C8s-70-63 Violet Crown Heights, Section 1 Resub.
Grover Avenue and Karen Avenue

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 completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of VIOLET CROWN HEIGHTS, Section 1, Resub. pending completion of departmental reports.

C8s-70-64 Mueller's North Lamar Subdivision
North Lamar and North Loop Boulevards

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 completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of MUELLER'S NORTH LAMAR SUBDIVISION pending completion of departmental reports.

C8s-70-65 Adams Addition
Bluff Springs Road

The staff reported that this is the first appearance of this short form plat before the Committee but all requirements of the Ordinance have been met. There is a variance involved on the signature requirements of the adjoining property owners. A letter has been received from the applicant stating that an attempt was made to get the adjoining owner to participate but he refused. In view of this, the staff recommends that the short form plat be accepted for filing and approved granting a variance on the signature requirements of the adjoining owner. The Commission then

VOTED: To ACCEPT for filing and APPROVE the short form plat of ADAMS ADDITION, granting a variance on the signature requirements of the adjoining owner.

ADMINISTRATIVE APPROVAL

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

ADMINISTRATIVE APPROVAL--contd.

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:

C8s-70-51 Ann Dayton Annex
Clearfield Drive and Beech Drive
C8s-70-49 Westlake Highlands, Lots C, D, & E
Ridgecrest Drive and The High Road
C8s-70-45 A. H. Neighbors Addition
Maxwell Lane
C8s-70-56 Resub. of Kenneth E. Davis
I. H. 35 and Clayton Lane
C8s-70-53 Hyde Park Addition #2, Resub.
West 39th Street
C8s-69-174 Hughes and Zidell Resub.
Manor Road and Stafford Street
C8s-70-42 Resub. Lt. 1, Woodward Ind. Dist. #2
Ben White Boulevard

OTHER BUSINESS

C10-70-1(g) STREET VACATION

The east 2 feet of Lewis Lane from West 40th Street northerly 193.65 feet

The staff reported that this is a request to vacate the east two feet of Lewis Lane from West 40th Street northerly 193.65 feet. There was recently a short form subdivision and zoning request on the adjoining property. The zoning was granted subject to certain right-of-way being provided on Medical Parkway and Lewis Lane. The right-of-way was accomplished by the recording of the subdivision plat. It is the staff's understanding that a two foot shortage has been found in the property between Medical Parkway and Lewis Lane and this request is to vacate two feet of the 10 feet which was originally dedicated by the plat. This vacation will reduce the right-of-way on Lewis Lane at this point from 50 feet to 48 feet. Lewis Lane is paved with 27 feet of paving and has, with the 10 foot dedication, a 13 foot curb basis on the east side. All of the City departments, with the exception of the Traffic and Transportation Department recommend in favor of the vacation. If it is vacated, it will create a two foot right of way off set.

Mr. Osborne explained that the paving from curb to curb on Lewis Lane is 27 feet and to the best of his knowledge, the two foot off set in right-of-way would not affect the curb or the street. Originally it was recommended that Lewis Lane be brought up to a minimum 50 foot standard as the area is undergoing some changes. The likelihood is that the City will need all the streets possible as the area to the east develops with apartments and offices. He said that he personally does not feel that the two feet is critical.

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

Mr. Hanks said that the vacating of the existing right-of-way could be very dangerous as every property owner in the City of Austin could say they have not gotten their full amount of land. A precedent could be started that may present problems. Mr. Osborne stated that if the surveyor had been aware of the two foot shortage when the subdivision was presented to the Commission, a variance could possibly have been requested when the ten feet was dedicated in the subdivision plat.

Mr. Reeves stated that if the property is a few feet shy, a variance should be requested from the Board of Adjustment rather than submitting a plan to the Commission.

Mr. Billy Priest advised the Commission that when this area was originally subdivided the City established the center line of the street but did not allow enough width between Lewis Lane and Medical Parkway by two feet. They did allow the regular distance between Lewis Lane and Burnet Road to the west.

Mr. Don Jackson explained that he has made a loan commitment on the property and has found he has less property than he originally thought. Five feet of right-of-way was given for Medical Parkway, five feet on 40th Street and 10 feet on Lewis Lane. When the street is staked out there is a 2 foot shortage. He explained that he has talked to several departments about it and somebody needs to suffer the loss. The subdivision layout does not agree with the street layout. The loan was based on the subdivision. The proposed development will not go onto the site with the required parking because of the shortage.

The Commission members briefly discussed the request and a majority concluded that the two feet as requested should be vacated. It was then

VOTED: To recommend that the east 2 feet of Lewis Lane from West 40th Street north 193.65 feet be VACATED.

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

NAY: Mr. Reeves

ABSENT: None

C10-70-11(a) SIDEWALK EASEMENT VACATION

Sidewalk easement along East side of Medical Parkway and along the east property line of Lot 1 Jackson Heights Subdivision

Mr. Osborne advised the Commission that this request for a release of a sidewalk easement along Medical Parkway is also involved with a request to vacate two feet of right-of-way along Lewis Lane. The request was received by the Planning Department, Friday afternoon and the Arterial Committee has not met since that time and has not made a recommendation. Advanced Planning staff of the Planning Department have stated that the sidewalk easement, which was recorded as part of the short form plat is important but because the right-of-way flairs out at this intersection, the easement at the southern end may not

C10-70-11(a) SIDEWALK EASEMENT VACATION--contd.

be needed. In view of this, the staff recommends approval. It should be pointed out to the applicant; however, that the Arterial Committee may make another recommendation as a result of their hearing.

Mr. Jackson explained that he gave a letter to the City saying that he would give 5 feet on Medical Parkway at which time the sidewalk easement was discussed. About six months has lapsed but the sidewalk easement is still required on the subdivision plat.

Mr. Goodman asked if a sidewalk is planned at this location. Mr. Osborne stated that the staff has limited information at this time as the request has to go before the Commission to proceed to the City Council. The staff does recommend the vacation, recognizing that other departments of the City have not reviewed the request and may recommend against it to the City Council.

Mr. Reeves asked about the policy of the Commission in regard to proper information in the matters to be considered.

Mr. Goodman said that the other City departments have not reviewed the request nor made a recommendation as they did in the request for the vacation of two feet of right-of-way. The Commission acted on the vacation of the two feet only after the other departments made their recommendation and now the Commission is being asked to recommend on the sidewalk easement vacation without recommendations from other City departments. He said he is personally not in favor of vacating the sidewalk easement if it is needed.

Mr. Jackson explained that this would help the flow of traffic around 40th Street and Medical Parkway. Several driveways are proposed on the site and cars will be parked parallel to the street. A letter offering to dedicate five feet of right-of-way was given to the City when the zoning was discussed by the City Council. The sidewalk easement was also discussed and at that time a sidewalk was not required.

Mr. Foxworth explained that the zoning application was submitted prior to the adoption of the Expressway and Major Arterial Plan which calls for the sidewalk easement on Medical Parkway. Subsequently the Council did adopt the Major Arterial Plan and later a subdivision was submitted, approved and recorded with the sidewalk easement.

The Commission members discussed the request and were of the opinion that the information available is not sufficient as all of the City departments have not had an opportunity to check the request and to recommend on it. It is felt that the Planning Department staff should ascertain various City departments decisions on their vacations and advised the Commission members of the recommendation by telephone poll at which time a recommendation can be made to the City Council.

248

Planning Commission -- Austin, Texas

Reg. Mtg. 4-14-70 66

C10-70-11(a) SIDEWALK EASEMENT VACATION--contd.

After further discussion, it was then unanimously

VOTED: To POSTPONE action on this request pending review and recommendation on the matter by all the City departments at which time the Commission can be called by telephone and a recommendation can be made.

Hoyle M. Osborne
Executive Secretary