

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- May 12, 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  
Wayne Golden, Planning Coordinator  
Walter Foxworth, Supervising Planner  
Mike Wise, Associate Planner  
Shirley Ralston, Administrative Secretary

MINUTES

Minutes of the meetings of November 10, 1969, December 9, 1969, and January 13, 1970, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of May 4, and 5, 1970.

Present

\*Bill Milstead, Chairman  
\*\*Jack Goodman, Chairman  
\*\*S. P. Kinser  
Jack Crier  
Fritz Becker  
C. L. Reeves

Also Present

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

\*Present only on May 4, 1970.  
\*\*Present only on May 5, 1970.

C14-70-060      Donald K. Knight: O to LR  
6731-6737 U. S. Highway 290

STAFF REPORT: This is an application for a change in zoning to "LR" Local Retail, First Height and Area for a 24,500 square foot lot fronting onto U. S. Highway 290. The stated purpose of the request is for an off-set sign. The subject property was recently zoned "O" Office, First Height and Area. Adjoining the site to the east is "LR" Local Retail zoning granted in 1968, with "BB" Residence zoning established on several parcels of land to the south fronting onto Wheless Lane. To the north across U. S. Highway 290 is "GR" General Retail zoning. To the south of Wheless Lane is "A" Residence zoning developed with some single-family dwellings. The staff recommends that the zoning be granted as a logical extension of zoning existing to the west.

#### TESTIMONY

##### WRITTEN COMMENT

None

##### PERSONS APPEARING AT HEARING

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Donald K. Knight for a change of zoning from "O" Office, First Height and Area to "LR" Local Retail, First Height and Area for property located at 6731-6737 U. S. Highway 290 be GRANTED.

C14-70-061      Sam E. Dunnam: A to B  
1601 Pearl Street  
808-814 West 16th Street

STAFF REPORT: The subject property contains an area of 12,928 square feet of land located on the northeast corner at the intersection of West 16th Street and Pearl Street. The change is requested so that the property can be rented as student apartments. "A" Residence zoning, developed with single-family and two-family dwellings, surrounds the subject site on three sides. Abutting the subject property to the east is "O" Office zoning which was granted in 1969. "B" Residence, "O" Office and "C" Commercial zoning exists to the north and east across West 17th Street and West Avenue. Two recent applications for "O"

C14-70-061 Sam E. Dunnam--contd.

Office zoning on property at 17th Street and West Avenue were recommended by the staff and the Planning Commission; however, both requests were denied by the City Council. Rezoning is requested on one of the parcels at this time. The staff recognizes the need to protect the residentially zoned and developed area to the west of those lots on West Avenue and feels that "B" Residence zoning at this point would be an intrusion into a well-established and maintained neighborhood. It is recommended that the request be denied.

TESTIMONY

WRITTEN COMMENT

George H. Zapalac: 1604 Pearl Street	AGAINST
Denman Moody, Jr.: 803 West 17th Street	FOR
Max H. Bickler: 901 West 16th Street	AGAINST
Mrs. W. T. Caswell: 1502 West Avenue	AGAINST
Dr. R. Berezovytch: 1510 West Avenue	AGAINST

PERSONS APPEARING AT HEARING

Sam Dunnam, IV (representing applicant)	
E. Ahlgrimm: 804 West 17th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Sam Dunnam, IV, advised the Commission that he represents his father who is the applicant and requested that this application be withdrawn.

Arguments Presented AGAINST:

Three nearby property owners appeared in opposition to the request and stated that "B" Residence zoning in this location would be a violation of the existing residential uses. The use would be detrimental as there is no off-street parking and the streets are very narrow with cars parked along both sides. If the change is granted, a precedent would be set for more intensive changes to occur on the narrow streets.

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 and would be an intrusion into a well-established residential neighborhood.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Sam E. Dunnam for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1601 Pearl Street and 808-814 West 16th Street be DENIED.

C14-70-062      Sam Dunnam: A to O  
                  1606 West Avenue  
                  801-805 West 17th Street

STAFF REPORT: The subject property, containing 8,625 square feet of land is located at the southwest corner of the intersection of West 17th Street and West Avenue. The stated purpose of the request is for the construction of a small office building. "O" Office, "C" Commercial and "B" Residence zoning exists to the north across West 17th Street and to the east of West Avenue. To the south at the intersection of West Avenue and West 16th Street is "O" Office zoning. The area is developed with single-family and two-family dwellings to the west and south. An application for "B" Residence zoning is pending on property to the south at the corner of Pearl and West 16th Streets. Applications by the applicant involving the subject property and the adjacent property were recently recommended by both the staff and the Planning Commission; however, the Council denied the requests. The streets in the area are adequate and the staff feels that the requested zoning is a logical extension of existing zoning and recommends that the request be granted.

#### TESTIMONY

##### WRITTEN COMMENT

George H. Zapalac: 1604 Pearl	AGAINST
Denman Moody, Jr.: 803 West 17th Street	FOR
Gerald Langford: 1711 Pearl Street	AGAINST
Dr. R. Berezovytch: 1510 West Avenue	AGAINST
Mr. & Mrs. John M. Paver: 107 Red Bud Trail	FOR

##### PERSONS APPEARING AT HEARING

Sam Dunnam, IV (representing applicant)	
E. Ahlgrimm: 804 West 17th Street	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Sam Dunnam, IV, representing the applicant, requested that the application be amended to request "B" Residence, First Height and Area zoning. He explained to the Committee that he is very familiar with the neighborhood as he lived on West Avenue for four years and appeared at several zoning hearings to block zoning changes within the area. One of the applications he opposed was for "B" Residence, Second Height and Area zoning on Mr. Billy Zidell for a high density development on property to the north along West Avenue. The Planning Department's recommendation was for "B" Residence, First Height and Area zoning rather than Second Height and Area. There was a variance granted to Mr. Zidell to permit one unit for approximately every 1,000 square feet. At that time, the Planning Commission more or less declared its intent to recognize Pearl Street as the boundary of the low-density residential enclave that lies between Lamar Boulevard and Pearl Street. There are fine homes in that area and it is a residential enclave that should be preserved; however, West

C14-70-062 Sam Dunnam--contd.

Avenue is no longer an "A" Residential area. The traffic intensity on West Avenue is very high particularly with 15th Street now open. The opening of 15th Street, the increased traffic on 19th Street and the fact that West Avenue is the last major street to the west before Lamar Boulevard that goes all the way from 19th Street to downtown makes this simply non-residential.

Mr. Dunnam stated that he was not at the Council hearing when the two applications were denied previously on the basis that there were no concrete plans. He said that it was never customary to require someone to invest in a whole set of plans before zoning was granted. There are long range plans for the property and respectful of the Council's wishes, they will be developed before the application proceeds to the Council. In the meantime, there is a problem with the current use of the property. The development on the site is quite old and was built before 1920. It is rundown to the extent that extensive investment will not be made to restore it to the current use. He indicated that they were under the impression when the property was purchased that the use was non-conforming as it has been a rooming house for a long period of time. A notice has recently been received from the Building Inspector's office that the zoning is still technically "A" Residence and the use is not permitted. The minimum zoning necessary for the current use of the property is "B" Residence, First Height and Area which is the reason for the request to amend the application to that designation. As previously stated, "B" Residence, First Height and Area zoning would conform to the recommended zoning by the Planning Department as the result of an area study some four years ago. There are students occupying the property now and the change is needed to continue the use.

#### Arguments Presented AGAINST:

Three nearby property owners appeared in opposition to the request and stated that this neighborhood is a small residential development within close proximity to downtown. Any change in zoning and land use would have a blighting influence on the area and would be an encroachment into the residential character. There have been changes on West Avenue between 19th Street and 17th Street which have not helped the character of the area or the value of the property. Office space exists in the area far in excess of the demand. This is one of the oldest areas in the City in close proximity to town that is still being developed with new homes. A change in zoning would be a detriment to the existing and new residential development.

#### 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 Sam Dunnam for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1606 West Avenue and 801-805 West 17th Street be GRANTED.

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C14-70-063      Elbert Madison: C to C-2  
 1814-1818 East 12th Street  
 1200-1206 Chicon Street

STAFF REPORT: This request for "C-2" Commercial zoning covers a small lot containing 4,799 square feet of land. The stated purpose of the request is for a beer tavern. "C" Commercial zoning is established along both sides of East 12th Street. To the north along East 13th Street and across Chicon Street there is "A" Residence zoning. "C-2" Commercial zoning abuts the subject site on the west. Commercial land uses are clustered around the intersection of East 12th Street and Chicon Street and in either direction on East 12th Street. Single-family development exists through the area predominantly to the north and east. The staff recommends that the request be granted on the subject site as a logical extension of existing zoning in the area.

The area south of 12th Street and west of Chicon Street is in the Kealing Urban Renewal Program. Chicon Street is a major arterial street. "C-2" Commercial zoning does not increase the intensity of land use therefore no right-of-way is required. The proposed location of the Crosstown Expressway is between 12th and 14th Streets, two blocks to the north.

## TESTIMONY

## WRITTEN COMMENT

Mrs. Viola B. Davis: 1907 East 1st Street

AGAINST

## PERSONS APPEARING AT HEARING

Herman Carrington (representing applicant)

Floyd Carrington: 3607 Grant

FOR

## SUMMARY OF TESTIMONY

Herman Carrington was present on behalf of this request and had nothing to add to the report by the staff.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Elbert Madison for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 1814-1818 East 12th Street and 1200-1206 Chicon Street be GRANTED.

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C14-70-064      Gulf Oil Company - U. S.: GR, 1st to GR, 3rd  
507-701 East Rundberg Lane  
9302-9318 Interstate Highway 35

STAFF REPORT: The property under consideration covers 2.17 acres of land located at the southwest corner of the intersection of East Rundberg Lane and I. H. 35. The stated purpose of the request is for an identification sign for a service station. Interim "A" Residence exists on property across I. H. 35 and on land to the north. Land in both areas have been requested for rezoning. "A" Residential is established to the southwest with "C" Commercial to the south and on the northeast corner of I. H. 35 and East Rundberg Lane. A single-family subdivision is developed to the southwest and across I. H. 35 to the east, north of East Rundberg Lane. Several retail sales centers, warehouses and a salvage yard are located outside the City limits to the north on either side of I. H. 35.

The purpose of the request for a change in the height and area is to permit a 76 foot sign. The Building Inspector's department has indicated that there is no conflict with the Airport Zoning Regulations. The staff recommends that the height and area change be limited to the exact area of the 76 foot sign and in this way protect the residential area to the west from a large area where 120 foot building height would be permitted. The staff is in favor of the change subject to metes and bounds for the location of the sign.

#### TESTIMONY

#### WRITTEN COMMENT

Truman H. Montandon: 2412 North Interregional Hwy.      FOR  
W. H. Chenault: 5504 Cordell Lane      NO OPINION

#### PERSONS APPEARING AT HEARING

W. E. Rubley (representing applicant)  
Gulf Oil Co. - U. S. (applicant)  
E. V. Hatton: 1135 Springdale Road      FOR

#### SUMMARY OF TESTIMONY

Mr. W. E. Rubley, representing the applicant, appeared at the hearing and advised the Committee that the area under consideration is being amended by metes and bounds to a strip approximately 10 by 30 feet in size.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the zoning as requested is appropriate and should be granted, subject to field notes describing the location of the proposed sign.

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C14-70-064 Gulf Oil Company--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Gulf Oil Company - U. S. for a change of zoning from "GR" General Retail, First Height and Area to "GR" General Retail, Third Height and Area for property located at 507-701 East Rundberg Lane and 9302-9318 Interstate Highway 35 be GRANTED, subject to field notes describing the location of the proposed sign.

C14-70-065 R. G. Mueller, Jr.: A, 1st to C, 2nd  
Rear of 825-913 North Loop Boulevard  
Rear of 5206-5226 North Lamar Boulevard

STAFF REPORT: This application covers a large developed tract of land containing 3.3 acres. The stated purpose of the request is for uses consistent with the requested change. "C" Commercial zoning is established to the north, east and south. "B" Residence zoning also exists on a large tract to the south. Unzoned State property, developed with the Texas State Department of Health facilities, adjoins the site to the west. Offices and restaurants are located along Lamar Boulevard and North Loop Boulevard. Inasmuch as "C" Commercial, Second Height and Area zoning surrounds the site on three sides, the staff feels that the request is a logical extension and should be granted subject to 15 feet of right-of-way on North Loop Boulevard and 10 feet of right-of-way on Lamar Boulevard. Both streets are Major Arterial in the Expressway and Major Arterial Plan.

Mr. Lillie advised the Committee that a subdivision has been submitted, approved but not yet recorded on the tract which provides for the right-of-way on North Loop Boulevard and Lamar Boulevard. The access to the area from North Loop is on 60 feet of frontage.

TESTIMONY

WRITTEN COMMENT

Charles D. Nash: P. O. Box 1988

FOR

PERSONS APPEARING AT HEARING

R. G. Mueller, Jr. (applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and explained that the zoning is requested to bring the property in line with everything to the north, east and south. There is "C" Commercial, Second Height and Area zoning existing all around the site. A short form subdivision has been filed on the property which has been approved subject to clearances on utilities.

No one appeared in opposition to the request.



C14-70-065 R. G. Mueller, Jr.---contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to the zoning existing on three sides of the site, subject to recording of the subdivision.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of R. G. Mueller, Jr. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Second Height and Area for property located at the rear of 825-913 North Loop Boulevard and the rear of 5206-5226 North Lamar Boulevard. be GRANTED, subject to the recording of the subdivision.

C14-70-066 David B. Barrow: Int. A, Int. 1st to C, 1st  
2514-2516 Buell Avenue

STAFF REPORT: The subject property contains 8,400 square feet of land. The stated purpose of the request is for uses consistent with said zoning. "C" Commercial zoning has been established on both sides of Buell Avenue, and to the north along Penny Lane. Interim "A" Residence, still exists east to Burnet Road and "GR" General Retail zoning is established along Burnet Road. Storage and warehouse uses are located along Buell Avenue as well as a lumber company. Residential areas are developed along Stillwood Lane and Steck Avenue to the west and south. The staff recommends that the request be granted as the site abuts existing "C" Commercial zoning which is partially developed with a commercial use. Mr. Lillie pointed out that most of the uses established in this immediate area were constructed when the land was still outside the City and when annexed, the uses became non-conforming. Several requests for rezoning have been made and granted so that the uses conform to the zoning. The subject application is in line with previous zoning changes in the area.

TESTIMONY

WRITTEN COMMENT

Frank Meece & John Orgain:	P. O. Box 1751	FOR
Leffler Millwork, Company:	P. O. Box 9327	FOR

PERSONS APPEARING AT HEARING

David Barrow (applicant)

SUMMARY OF TESTIMONY

Mr. David Barrow was present on behalf of this request and had nothing to add to the report by the staff.

No one appeared in opposition to the request.

C14-70-066 David B. Barrow--contd.

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of David B. Barrow for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at 2514-2516 Buell Avenue be GRANTED.

C14-70-067 David B. Barrow: Int. A, Int. 1st to GR, 1st  
 Tract 1: 7051-7063 Hart Lane  
 3601-3639 Far West Boulevard  
 Tract 2: 3608-3632 North Hills Drive

STAFF REPORT: This application covers two tracts of land totaling approximately 5.13 acres. The stated purpose of the application is for uses permitted by the requested zoning. Interim "A" Residence zoning and undeveloped area surround the two tracts under consideration with the exception of "LR" Local Retail and "BB" Residence zoning established at Hart Lane and North Hills Drive. Several service stations, offices and a drive-in grocery are located in the local retail district. The staff recommends that the requested zoning be granted subject to approval of a short form subdivision on Tract 1. The tract which is created is less than three acres and under the Subdivision Regulations requires the submission of a short form subdivision.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

David B. Barrow (applicant)

## SUMMARY OF TESTIMONY

Mr. David B. Barrow was present at the hearing and advised the Committee that he owns the property in question and does not understand the requirement that it be subdivided. Mr. Lillie explained that this is in line with the schematic plan submitted with the application showing the location of the site and legal description. It is felt that because Far West Boulevard is now being developed that a future street would give better access if the subdivision was brought in at the same time as the zoning.

Mr. Barrow stated that the plans for the development of Far West Boulevard are in the hands of the City and has been for some time and it will be developed. Both of the tracts front onto developed accepted streets and there should not be any objection to development of the property. He indicated that there would not be any objection to the requirement recommended by the staff.

C14-70-067 David B. Barrow--contd.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning is appropriate and should be granted, subject to a short form subdivision being recorded on Tract 1.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of David B. Barrow 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 (Tr. 1) 7051-7063 Hart Lane and 3601-3639 Far West Boulevard and (Tr. 2) 3608-3632 North Hills Drive be GRANTED, subject to a short form subdivision being recorded on Tract 1.

C14-70-068 Roy Butler: A to C  
609-611 Wood Street

STAFF REPORT: The subject property covers an area of 15,000 square feet of land. The stated purpose of the request is for a used car lot. It is the staff's understanding that there will be no building on the site. The area is predominantly zoned "C" Commercial along both sides of West 6th Street with "O" Office zoning established to the east across Shoal Creek. The area along West 6th Street is developed with commercial and retail uses. There are several single-family residences existing to the north along Wood Street to the creek. The staff feels that the zoning as requested is a logical extension of existing zoning and recommends that it be granted. To be consistent with previous requests in this area, no right-of-way is required on Wood Street.

Mr. Lillie pointed out that the staff did not require right-of-way for Wood Street in past applications because of its limited length, therefore no right-of-way is requested from the subject site at this time. The property has been acquired under one ownership over a period of time and it is felt that the street may be considered for vacation.

#### TESTIMONY

#### WRITTEN COMMENT

Emma Glasscock: 611 Wood Street  
John E. Harrison, Jr.: 305 West 6th Street

FOR  
FOR

#### PERSONS APPEARING AT HEARING

None

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C14-70-068      Roy Butler--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 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 Roy Butler for a change of zoning from "A" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 609-611 Wood Street be GRANTED.

C14-70-069      W. E. Barron: A to B  
5513 Woodrow Avenue

STAFF REPORT: The property under consideration contains an area of 8,874 square feet of land and the existing structure is being used as an antique shop. The zoning is requested so that the existing use can be continued. "B" Residence, First Height and Area zoning is adjacent to the subject site to the north along Woodrow Avenue and as far north as Thekla Terrace. "A" Residence zoning and development predominates in the adjacent area. This is predominantly a single-family neighborhood with apartment development existing immediately to the north. The staff recommends that the request be granted as a logical extension of existing zoning to the north.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

W. E. Barron (applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of his request and had nothing to add to the report by the staff.

No one appeared in opposition to the request.

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C14-70-069 W. E. Barron--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 zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of W. E. Barron for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5513 Woodrow Avenue be GRANTED.

C14-70-070 Mrs. LaVona Hightower: A to BB  
2101-2105 Quarry Road

STAFF REPORT: The property under consideration contains an area of 25,816 square feet of land. The stated purpose of the request is for an apartment dwelling group. Winsted Lane is the existing zoning boundary between the single-family and apartment zoning. The area to the west of Winsted Lane is well-developed with single-family homes. Access to the site is very limited as Winsted Lane will be one-way south after Mo-Pac Boulevard is completed. The property will therefore be restricted to circulation from and to adjoining residential streets. The present "BB" Residence zoning to the east of Winsted Lane will be eliminated and replaced as right-of-way for Mo-Pac Boulevard. The staff feels that the requested zoning would be an intrusion into a well-established residential neighborhood with inadequate streets and recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

Petition with 75 signatures	AGAINST
Paula Young Smith (representing Bernice H. Mitchell, Scarborough Building)	AGAINST
Robert L. Droke: 1306 Winsted Lane	AGAINST

PERSONS APPEARING AT HEARING

Evelyn Archer (representing applicant)	
Mr. & Mrs. Hanford Reed: 1308 Kent Lane	AGAINST
Elias A. Koontz, Jr.: 1105 Meriden Lane	AGAINST
Mr. & Mrs. Ira W. Wilke: 2201 Quarry Road	AGAINST
Mr. & Mrs. Robert E. Byers: 2301 Quarry Road	AGAINST
Mr. & Mrs. Donald M. Anderson: 2307 Quarry Road	AGAINST
Mr. & Mrs. A. H. Cox: 2305 Quarry Road	AGAINST
Mr. & Mrs. Henry Irving Schweppe: 2213 Quarry Road	AGAINST
Mr. & Mrs. Fred Reynolds: 1404 Meriden Lane	AGAINST
Mr. & Mrs. Robert L. Droke: 1306 Winsted Lane	AGAINST
William Lawson: 1313 Kent Lane	AGAINST

C14-70-070 Mrs. LaVona Hightower--contd.

Francis X. Mokarzel: 2109 West 12th Street	AGAINST
Henry A. Labaj: 1301 Meriden Lane	AGAINST
William J. Alsup: 1400 Meriden Lane	AGAINST
Mr. & Mrs. F. M. Reed: 1311 Kent Lane	AGAINST
Lottie Gradick: 2303 Quarry Road	AGAINST
Mrs. E. H. Mitchell: 2102 Quarry Road	AGAINST
P. C. Fahrenthold: 2207 Quarry Road	AGAINST
Mr. & Mrs. Ernest E. Smith, III: 1400 Winsted Lane	AGAINST
Mrs. Carrie E. Pedigo: 2205 Quarry Road	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mrs. Evelyn Archer, attorney for the applicant, explained that Mrs. Hightower has been encroached upon completely on the south by Windwood Terrace, a subdivision of six duplexes with two families each, as well as fourplexes immediately behind the property so close the air-conditioning units run into her backyard and she had to erect a high fence to cut down on the heat and noise. The Windwood Terrace apartments face onto 12th Street and Winsted Lane. A traffic count was taken during the period from 4:45 p.m. to 6:00 p.m. and there were 235 cars using Winsted Lane. It is a heavily traveled street at this time and will become even more so when used as a frontage road after Mo-Pac Boulevard is completed. The applicant is not requesting a structural change as she now has a two story brick home bounded on the west by Dailey Street, the north by Quarry Road and east by Winsted Lane. There is a large circular drive and other off street parking where three or four cars can be parked. The applicant has an existing garage apartment on the site and now wants to make a studio apartment out of the present double garage. The off street parking will be more than adequate. The plans are to have only three units on the site and it is anticipated that the studio apartment would be a bachelor type apartment with one occupant or one couple. The applicant lives on the site and will not develop anything that will be a detriment to her property or the neighborhood. She has recently been put on a commercial water rate by the City, is paying high taxes and is making an effort to improve her property for her economic benefit. In view of the fact that Mo-Pac will be heavily traveled and 12th Street is serving a commercial area now, the request is logical and should be granted.

Mr. Lillie asked Mrs. Archer if the applicant has considered subdividing the property to create a lot which would permit the extra dwelling unit. Mrs. Archer indicated that the applicant has not considered the possibility as she felt that a zoning change was necessary.

## Arguments Presented AGAINST:

Mr. Ernest Smith, 1400 Winsted Lane, advised the Committee that he represents himself and a group of 27 residents who recently met to discuss opposition to the requested change. He presented petitions with 87 signatures in objection to the request. Mr. Smith explained that this area was originally subdivided

C14-70-070 Mrs. LaVona Hightower--contd.

as a unit sometime prior to 1930 and there are uniform deed restrictions on the area. The area bounded by Enfield on the north, Winsted Lane on the east, 12th Street on the south and Possum Trot on the west has maintained the character and integrity of residential development. The people have prior contested several zoning applications for changes to "BB" Residence which have been denied. One of the reasons the area has maintained its integrity as primarily a residential area is because the street layout is such that there is no substantial access to any other area. Although the staff report indicates Waterson Avenue being continued, it does dead end at the railroad track. Quarry Road also dead ends so that there are no through streets through the subdivision and because of that the area is maintained as a residential area and inhabited by people who own their homes. The residents object to the change as this is an area completely unsuitable for multi-family development. As a matter of zoning policy, the granting of the request would be unsound. It is realized that the applicant has no present plans to convert the lot into multi-family apartments; however, if the property was rezoned and then sold, it could be developed to the density permitted under the requested change and a precedent for other changes of this nature would be set. The primary area is not suitable because of the width and layout of the street and not compatible with more dense development. The streets are narrow with only 25 to 30 feet of paving. There is already some on-street parking on Quarry Road and multi-family development would increase this type of parking problem. Mr. Smith presented photographs showing the narrow width of Quarry Road and the existing residential development in the area. He explained that if two cars are parked along the street the space between them would be only 11 feet 10 inches. It is fairly difficult for one car to get through and two cars could not pass if there is parking on both sides. The narrowness of the streets would also create a problem for fire trucks getting in and out of the area if the need arises. Even without the increased density, the streets will become more heavily traveled with the development of Mo-Pac Boulevard because Winsted Lane will be a one-way south frontage road. The area is not suitable for the proposed development because of the character of the neighborhood. The development in the area is almost entirely single-family dwellings occupied by the homeowners which makes the area inappropriate for apartments. The homes are nice and the change in zoning would be detrimental to the established residential character. The homeowners in the area are also opposed to the change as it is felt that additional multi-family units are not necessary because of the fact that there are a number of units existing along Enfield Road, some of which are vacant and if there was a need the units would not be vacant.

Paula Smith appeared at the hearing and advised the Committee that she is an attorney representing herself and Mrs. Eugene Mitchell. She stated that the applicants representative indicated that the duplex development in close proximity to the subject property has effected the site; however, it should be pointed out that duplexes can be built on any lot in "A" Residential zoning and all the homeowners are faced with the same problem. It was also pointed out that Winsted Lane is a heavily traveled street which is the concern of all the residential owners and a change in zoning will not help the traffic problem.

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C14-70-070 Mrs. LaVona Hightower--contd.

A number of nearby property owners appeared in opposition because of the fact that this is a residential neighborhood and a change in zoning would be detrimental and an intrusion. They are also opposed because of the increased traffic and off-street parking problem.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive and would be an intrusion into the well-established residential area on streets inadequate to carry the high density development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. LaVona Hightower for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2101-2105 Quarry Road be DENIED.

C14-70-071 Nelson Puett: GR to C-2  
5300-5332 Manchaca Road

STAFF REPORT: This application for "C-2" Commercial zoning covers 640 square feet of land located in a 40,000 square foot tract fronting onto Manchaca Road. The stated purpose of the request is for the operation of a retail liquor store. "GR" General Retail and "C" Commercial zoning exists for this small shopping center on Manchaca Road. "A" Residence zoning exists to the west and to the east across Manchaca Road. Single-family development is established to the east and west. To the south, at the intersection of Manchaca Road and Stassney Lane there is property zoned "GR" General Retail and "O" Office which is developed with commercial businesses. A service station and office exists to the immediate north at Manchaca Road and Southern Oaks Drive. "C-2" Commercial zoning is more appropriate in a shopping center than in an isolated location on a separate lot and because of this, the staff recommends that the request be granted.

## TESTIMONY

## WRITTEN COMMENT

Walter L. Haase: 5407 Fairmont Circle

AGAINST

## PERSONS APPEARING AT HEARING

None

## SUMMARY OF TESTIMONY

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



C14-70-071 Nelson Puett--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical location for "C-2" Commercial zoning is in an established shopping center.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Nelson Puett for a change of zoning from "GR" General Retail, First Height and Area to "C-2" Commercial, First Height and Area for property located at 5300-5332 Manchaca Road be GRANTED.

C14-70-072 Martin Koplon: A to C  
 91 Red River  
 601-609 Davis Street

STAFF REPORT: The property under consideration covers an area of 8,000 square feet of land and the stated purpose of the request is for the erection of a warehouse and office facilities. "C" Commercial zoning is established to the west across Red River and to the east on I. H. 35. "GR" General Retail and "B" Residence zoning are spotted to the north and east. Single-family development extends down Rainey Street. Scattered offices and commercial uses exist through the area. The street rights-of-way are adequate and the staff feels that the request should be granted as a reasonable extension of existing "C" Commercial zoning.

## TESTIMONY

## WRITTEN COMMENT

Mrs. Ida O. Anderson: 93½ Red River

FOR

## PERSONS APPEARING AT HEARING

Cress Millican (applicant)

## SUMMARY OF TESTIMONY

Mr. Cress Millican was present on behalf of this request and had nothing to add to the report by the staff.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

C14-70-072      Martin Koplon--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Martin Koplon for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 91 Red River and 601-609 Davis Street be GRANTED.

C14-70-073      Texas State Health Department Credit Union: A to O  
 5006 Grover  
 1201-1205 West 51st

STAFF REPORT: The subject property contains an area of 7,645 square feet of land located on the southwest corner of the intersection of West 51st Street and Grover Avenue. The stated purpose is for a credit union office. The area to the west of Grover Avenue is predominantly zoned "A" Residence and developed with single-family dwellings. The State Health Department is established on a large unzoned tract of land to the east of Grover Avenue. The staff recently recommended denial of the request for "O" Office zoning on property to the south at Grover Avenue and West Lynndale Drive and also recommends that this request be denied as an intrusion and encroachment into a well-established and well-maintained single-family neighborhood.

## TESTIMONY

## WRITTEN COMMENT

Juanita D. Landry: 7906 Riptide, Houston, Texas      AGAINST

## PERSONS APPEARING AT HEARING

Harold Smith (applicant)  
 J. C. Calhoun: 5004 Graves Street      AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Harold Smith appeared at the hearing and advised the Committee that he is the Director of the Credit Union which is a service organization. He explained that all the employees are volunteers. The Credit Union owns the property in question which is now developed with a duplex. Most of the property along Grover Avenue is rental property and there is "BB" Residence and "O" Office zoning to the south with the State Health Department established to the east of Grover Avenue. At present it is felt that the proposed renovation will enhance the property and not detract from the area. There are some nice residential homes but there are also homes that are deteriorating rapidly. The area will not be hurt by a parking problem because there is more than adequate off-street parking across the street in the State Health Department parking area.

C14-70-073 Texas State Health Department Credit Union--contd.

## Arguments Presented AGAINST:

Mr. J. C. Calhoun, 5004 Grover Avenue, stated that he is opposed to the change as he does not feel that there is a need for office development in the area. There are cars parked along the street now because of the State Health Department building and additional office space will increase parking which will be detrimental.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-established residential area. They further felt that to grant the change on the site would set a precedent for similar zoning within the area.

At the Commission meeting, Mr. Kinser stated that the applicants propose to establish a credit union office in an existing duplex. He pointed out that there is "B" Residence and "O" Office zoning to the south along Grover Avenue and the State Health Department is located to the east across Grover Avenue and in his opinion the use would not be detrimental.

Mr. Reeves concurred with Mr. Kinser that there is nothing wrong with the use and felt that there should be a special purpose permit of some kind granted. He explained that he recently drove through the area and does not see any real harm in a credit union but the Commission is considering zoning and what zoning will permit.

Mr. Hanks stated that this particular situation has been his concern for a number of years and it is a typical example of what is happening all over town where there is consideration of a special use in a residential "A" neighborhood that would not be bad or detrimental to the area. He said that in his opinion there is nothing wrong with the use proposed on the site but the use should be permitted without a zoning change on the maps because of the fact that people look at the maps and see non-residential zoning right in the middle of a residential area without realizing that certain zoning classifications are granted on certain pieces of property for specific purposes and they then think that this type of development is acceptable for the entire area. There should be some way to grant the use when it is appropriate without changing the zoning on the map.

Mr. Osborne stated that the only way he would suggest that it can be done and it is not recommended even though it is used, is an agreement between the applicant and the City of Austin which is in effect sort of a side agreement which pertains to the zoning issue. This is of questionable status.

Mr. Reeves commented that the person who puts the zoning on the map could indicate by specific notation that it is restricted. Mr. Osborne said that the Planning Commission is dealing with comprehensive zoning where all districts are treated equally. The only practical way is through the agreement with the City.

C14-70-073 Texas State Health Department Credit Union--contd.

Mr. Goodman said that in his opinion this is not a well-defined residential neighborhood and the granting of the request would not be an intrusion as there is a mixed zoning pattern, office development across the street and in some instances double houses on individual lots.

Mr. Foxworth pointed out that five feet of right-of-way is needed for West 51st Street. Mr. John Selman, attorney for the applicants, advised the Commission that he checked the minutes of the Zoning hearing and the staff did not mention any needed right-of-way.

Mr. Wise explained that when the staff recommends denial, no request is made for right-of-way.

Mr. Goodman commented that the neighborhood is changing and indicated he would like additional information from the staff on the existing and proposed development. Mr. Osborne stated that the staff would review the area and if there is a direction on the trend in development will report to the Commission as this would be extremely helpful to the property owner, the staff, Planning Commission and City Council.

After further discussion, a majority of the members concluded that this request should be granted as the appropriate zoning on the site subject to five feet of right-of-way for West 51st Street. It was then

VOTED: To recommend that the request of Texas State Health Department Credit Union for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 5006 Grover Avenue and 1201-1205 West 51st Street be GRANTED, subject to five feet of right-of-way for West 51st Street.

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

NAY: Messrs. Hanks and Milstead

ABSENT: Mr. Taniguchi

C14-70-074 C. D. Sikes: LR to C  
3903 Medical Parkway

STAFF REPORT: The subject site consists of 6,992 square feet of land fronting onto Medical Parkway. The stated purpose of the request is for retail storage and warehouse. "C" Commercial zoning exists to the east along Lamar Boulevard and is clustered around West 38th Street and Lamar Boulevard. "GR" General Retail zoning, developed with parking and offices is located on the southwest corner of 39th Street and Medical Parkway. "LR" Local Retail zoning extends northerly along Medical Parkway and "A" Residential, developed with single-family and suplexes, exists to the west. Commercial and retail development is established along Lamar Boulevard and on Medical Parkway between 38th and 39th Streets. The staff feels that the "C" Commercial zoning would be an intrusion into the residential and office area and should be avoided if possible. It is recommended

C14-70-074 C. D. Sikes--contd.

that the request be denied and that the existing "LR" Local Retail zoning be retained.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "C" Commercial zoning should be denied as it is too intensive and would permit construction of conflicting uses in an established local retail and general retail area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of C. D. Sikes for a change of zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 3903 Medical Parkway be DENIED.

C14-70-075 Roger Wilson: O to LR  
Rear of 6611-6701 Berkman Drive  
6701-6719 Berkman Drive

STAFF REPORT: This is a request for "LR" Local Retail, Second Height and Area zoning on a tract of land containing 1.1 acres. The stated purpose of the request is for the establishment of a retail center to tie in with the existing drive-in grocery on the south side of the property. "C" Commercial zoning abuts the site to the north and a request for "GR" General Retail is pending on property abutting the site to the south. There is scattered "B" Residence zoning along both sides of Berkman Drive. Apartments, churches and single-family development exist along Berkman Drive. A service station is developed at the southeast corner of Berkman and U. S. 290 service road. The staff feels that the request is logical in relation to the adjoining "LR" Local Retail and "C" Commercial zoning to the north at the major highway intersection and recommends that it be granted.

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C14-70-075 Roger Wilson--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Roger Wilson for a change of zoning from "O" Office, Second Height and Area to "LR" Local Retail, Second Height and Area for property located at the rear of 6611-6701 Berkman Drive and 6701-6719 Berkman Drive be GRANTED.

C14-70-076 Galaxie Corporation: A, 1st to D, 3rd  
3700-4026 Payload Pass  
500-544 Ben White Boulevard

STAFF REPORT: This is an application for a change of zoning on a large tract of land containing approximately 16 acres. Four hundred acres in this area have been approved by the City Council for "D" Industrial zoning subject to any necessary right-of-way requirements. Warehouses, industrial and retailing uses exist in the area. The requested height and area change involves an existing 106 foot tower and a proposed 59 foot sign on location at Truck City. The staff has no objection to the requested change on the south 400 feet fronting onto Ben White Boulevard and recommends that it be granted; however, it is recommended that the remainder of the tract be zoned "D" Industrial, First Height and Area. It is requested that this application be subject to approval of subdivision providing for extension and development of Payload Pass to Alpine Road and connecting streets to adjoining subdivision to the north.

Mr. Lillie pointed out that the subject site is presently zoned Interim "A" Residence, Interim First Height and Area. The Council has granted "D" Industrial, First Height and Area zoning but the Ordinance has not yet been passed.

C14-70-076 Galaxie Corporation--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "D" Industrial, Third Height and Area zoning should be granted on the south 400 feet of the tract, fronting onto Ben White Boulevard, and that "D" Industrial, First Height and Area zoning be granted on the remaining portion of the area subject to approval of subdivision providing for extension and development of Payload Pass to Alpine and connecting street to adjoin subdivision to the north and submission of field notes dividing the tract.

At the Commission meeting, Mr. Reeves said that he is in favor of the requested zoning but could not vote for the Committee's recommendation as he does not recall the requirement pertaining to extension and development of Payload Pass to Alpine and the connecting street to adjoining subdivision to the north.

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

VOTED: To recommend that the request of Galaxie Corporation for a change of zoning from "A" Residence, First Height and Area to "D" Industrial Third Height and Area for property located at 3700-4026 Payload Pass and 500-544 Ben White Boulevard be GRANTED, on the south 400 feet of the tract fronting onto Ben White Boulevard and that "D" Industrial, First Height and Area be GRANTED on the remaining portion of the area subject to approval of subdivision providing for extension and development of Payload Pass to Alpine and connecting street to adjoin subdivision to the north and submission of field notes dividing the tract.

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

C14-70-077      Gustaff Johnson: A to C  
                  2704-2716 East 7th Street

STAFF REPORT: This application covers a small irregular shaped tract of land containing 1.2 acres. The zoning is requested so that the property can be developed as part of a shopping center on the adjoining "C" Commercial property to the north. "C" Commercial zoning exists to the north and west with "D" Industrial zoning established to the south across East 7th Street and across Pleasant Valley Road to the east. The property to the north is presently undeveloped. To the south across East 7th Street is a shopping center and grocery store. The portion of Gonzales Street immediately effected by the proposed development has been vacated by the City and deeded to the applicant. The staff recommends that the request be granted.

#### TESTIMONY

##### WRITTEN COMMENT

None

##### PERSONS APPEARING AT HEARING

None

#### SUMMARY OF TESTIMONY

Mr. Howard Brunson appeared on behalf of this request and had nothing to add to the report by the staff.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Gustaff Johnson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2704-2716 East 7th Street be GRANTED.

C14-70-078      Gustaff Johnson: A to LR  
                  Rear of 690-698 Pleasant Valley Road  
                  Rear of 2608-2712 Gonzales Street

STAFF REPORT: This is an application for a change of zoning to "LR" Local Retail, on a 3.35 acre tract located north of Boggy Creek in the Govalle area. The subject site is to be developed with the "C" Commercial zoning existing to the south of the creek and fronting onto East 7th Street. A City owned park abuts the property to the west and a single-family residential



C14-70-078 Gustaff Johnson--contd.

subdivision is developed to the north. The "LR" Local Retail zoning is compatible with the "C" Commercial zoning to the south. The staff recommends that the request be granted if developed as one site with the tract to the south of the creek. Some consideration should be given to a buffer of fencing or building setback line next to the residential development to the north for protection.

Mr. Lillie explained that the construction of Pleasant Valley Road from 7th Street to Webberville Road is in the Capital Improvements Program and will include a bridge over Boggy Creek at the eastern portion of the subject site so it is very likely that there will be no access to the tract from Pleasant Valley Road and all access will have to come from the south through the tract zoned "C" Commercial. Because of this there will also have to be some provision for creek crossing in the tract itself. All new structures in this area have been required to have a floor elevation no lower than 680 feet; however, the creek channel is rather narrow at this point. The major portion of the subject tract is above the 680 foot elevation.

## TESTIMONY

## WRITTEN COMMENT

Emmett Martinez: 802 Maude Street

FOR

## PERSONS APPEARING AT HEARING

Howard Brunson (representing applicant)  
C. Brooks: Highlands Resources, Houston

FOR

## SUMMARY OF TESTIMONY

Mr. Howard Brunson was present on behalf of this request and explained that they have previously acquired the front portion of the property and in order to expand the proposed shopping center they have been working with the City Legal Department and Public Works some months in their alignment of Pleasant Valley Road across the property and since it is now aligned and in the bond program, the zoning is requested for the remaining portion. It is recognized that all access to the rear will have to come from the front of the tract and the property will be developed in that manner. There is a Western Auto Store under construction, a bank and several local retail shops will be developed as an integral part of the development.

Mr. Reeves asked if there would be any objection to a setback line on the north property line of approximately 70 feet. Mr. Brunson stated that the City needs nearly 1.5 acres of their land for the extension of Pleasant Valley Road and they do have plans to setback and screen the development; however, the exact plans are not known at this time. The row of homes to the north of the site are recognized and plans are to protect them by off setting the development some 20 to 30 feet and by appropriate screening. "LR" Local Retail zoning is being requested which is a buffer in itself and there is "D" Industrial zoning to the south of East 7th Street, and "C" Commercial zoning adjoining the site to the

C14-70-078      Gustaff Johnson--contd.

south. "LR" Local Retail is a gradation in zoning between the commercial property and the single-family residential area. A buffer of some 70 or 80 feet is not necessary if the area cannot be used as the maintenance would be a problem. An alleyway will be put behind the proposed development.

Mr. Reeves suggested that a building setback line of 70 or 80 feet be considered as this would provide ample room for service type trucks to maneuver behind the businesses.

Mr. C. Brooks, representing Highlands Resources of Houston appeared on behalf of this request and stated that along the back of the property there will be mainly small establishments such as an ice cream shop, washateria, card shop, etc. that would not require large tractor trailer trucks behind the stores. The grocery store which will go into the property will be in the existing "C" Commercial area and will have sunken front loading ramps. There is no objection to a buffer zone or building setback but it should not be necessary to make it adequate enough to take care of large trucks which it is not anticipated will be using that area. A buffer or building setback line of 40 feet would be adequate for protection. With the exception of Western Auto Store which is under construction and the grocery store, the only commercial type vehicles will probably be panel trucks. There are no plans for any type of paving or large scale retail establishment that will require any type of tractor trailer delivery. A 40 foot buffer should be ample and the residential property will be protected with shrubbery or some other kind of shielding.

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 a 40 foot building setback line or buffer along the north side of the property adjoining the existing residential area and a 6 foot privacy fence on the property line between the "A" Residential property and the subject tract.

At the Commission meeting, Mr. Chester Brooks stated that the setback line was discussed at the Zoning hearing with members of the Committee. He said that subsequent to that time the setback area was discussed with their architectural firm in Dallas who has done extensive work in shopping center development in Austin as well as other parts of the state. The overall layout of the project was reviewed and based on their experience, the tract involved, and the usage that will be made of the north side of the property, it was recommended that a 25 foot building setback line would be ample.

Mr. Reeves advised the Commission that the setback area was thoroughly discussed at the Zoning hearing and the evidence now presented by Mr. Brooks is not new. Mr. Brooks stated that he was not prepared at the Zoning Committee hearing with an opinion from an expert in the field and in view of the recommendation, it is felt that a 40 foot building setback line is too much.

C14-70-078 Gustaff Johnson--contd.

Mr. Osborne stated that the Commission could recommend the 40 foot building setback line and suggest to the City Council that once the building plans are complete they allow for alteration if they see fit, recognizing that without a building plan it is rather difficult to come up with a fixed amount and say that it will work for whatever the building plan.

Mr. Becker stated that there was a compromise made at the Zoning hearing from 60 to 40 feet and in his opinion that is what should be recommended to the City Council.

A majority of the members concurred with the Committee recommendation that the request is appropriate and should be granted, subject to a 40 foot building setback line along the north side of property adjoining the existing residential area and a six foot privacy fence on the property line between the "A" Residential property and the subject tract.

Mr. Milstead stated that he is in favor of granting the zoning but feels that when the plans are developed and if the setback area could be worked differently without being a detriment to the neighborhood to the rear, the applicants should have the prerogative of bringing it to the Council's attention. After further discussion, a majority of the members

VOTED: To recommend that the request of Gustaff Johnson for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at the rear of 690-698 Pleasant Valley Road and the rear of 2608-2712 Gonzales Street be GRANTED, subject to a 40 foot building setback line along the north side of property adjoining the existing residential area and a six foot privacy fence on the property line between the "A" Residence property and the subject tract.

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

C14-70-079 Don McElwreath: A to C  
7701-7723 Cameron Road  
1441-1449 U. S. Highway 183

STAFF REPORT: The property under consideration covers .98 acres of land located on the southwest corner of the intersection of Cameron Road and U. S. Highway 183. The stated purpose of the request is for a veterinary clinic. The City limit line is the north boundary of U. S. Highway 183. The entire area is zoned Interim "A" Residence, Interim First Height and Area with the exception of the "GR" General Retail district to the south on Cameron Road. Land use in the area is predominantly undeveloped with some scattered single-family dwellings to the south and a real estate office to the north across U. S. Highway 183. Weatherford Creek crosses the south property line of the subject tract. The staff recommends that the requested "C" Commercial zoning

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C14-70-079 Don McElwreath--contd.

be granted as the site is located at the intersection of two major arterial streets and the zoning would not infringe upon the residential area.

#### TESTIMONY

##### WRITTEN COMMENT

None

##### PERSONS APPEARING AT HEARING

Jim O'Neal (representing applicant)	
Mr. & Mrs. James H. Mitchell: 7605 Cameron Road	AGAINST
Mr. & Mrs. R. W. Jones: 7609 Cameron Road	NO OPINION

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Jim O'Neal, representing the applicant, explained that the use proposed on the site at this location is a veterinary clinic although the property will be developed as a small convenience center. An application for a special permit and for this veterinary clinic which will front onto U. S. Highway 183 will be considered next month. "C" Commercial zoning is needed to permit the veterinary clinic on an area of less than five acres. The request is logical as the site is next door to a rest home and is at the intersection of two major streets.

##### Arguments Presented AGAINST:

Mr. R. W. Jones, adjoining property owner, appeared at the hearing and stated that he is opposed to the development of a veterinary clinic on the site because of noise; however, there is no objection to "C" Commercial zoning as there are commercial uses existing in the area.

Mrs. James Mitchell appeared at the hearing and advised the Committee that Weatherford Creek is spring fed and the head waters are on the other side of Cameron Road. She explained they pump water from the creek to water their lawn and are mainly concerned that development near the creek will pollute the water. The development of a veterinary clinic or any other type of development that would pollute the creek is strongly opposed.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is logical zoning for the property located at the intersection of major arterial streets.

C14-70-079 Don McElwreath--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Don McElwreath for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 7701-7723 Cameron Road and 1441-1449 Highway 183 be GRANTED.

C14-70-080 Austin Doctors Building Corporation: O, GR, & C-2, 1st and 3rd to  
 3501-3705 Crawford Avenue GR, 1st  
 1501-1525 West 35th Street cut-off  
 3500-3718 Mills Avenue  
 1500-1520 West 35th Street  
 1501-1507 West 37th Street  
 1500-1506 West 37th Street

STAFF REPORT: This application covers three tracts of land containing 2.33 acres. The stated purpose of the request is for retail sales. "O" Office and "LR" Local Retail zoning is scattered around the subject property in almost all directions. To the east of Mills Street, and the rehabilitation hospital is Shoal Creek. The land use to the west is predominantly single-family. "GR" General Retail zoning is very intensive zoning. This area, although in transition, should be limited to "LR" Local Retail and "O" Office zoning as established. The staff recommends that the request be denied and that "LR" Local Retail, First Height and Area zoning be granted.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, stated that the subject property is under contract of sale subject to the matter of zoning to Safeway Stores, Inc. and it is contemplated that a Safeway Store will be built on the site to be occupied only and solely by them. The staff has advised that "LR" Local Retail zoning would take care of the proposed use but this has not been discussed with representatives of Safeway and the Austin Doctors Building Corporation. It is felt that if "LR" Local Retail zoning will take care of the needs they would be willing to amend the application. Tract 3 is at this time a City street and application to vacate should reach the Planning Commission by the next regular meeting. In order to vacate the street, it is necessary to abandon and relocate certain of the easements and an attempt will be made to have that matter concluded by the Commission meeting. The tracts are zoned "GR" General Retail, "C-2" Commercial, and "O" Office with permissive height

C14-70-080 Austin Doctors Building Corporation--contd.

and area which would allow for a structure to be built on the property. The zoning application being considered would reduce the height and area and on at least a portion of the subject tract reduce the existing zoning classification.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information noting that the requested zoning is a reduction of some of the zoning existing on the site and recommended that the request be granted as the appropriate zoning for the area, subject to vacation of 37th Street from Mills to Crawford Streets and the alley from 37th to 38th Streets.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austin Doctors Building Corporation for a change of zoning from "O" Office, "GR" General Retail and "C-2" Commercial, First and Third Height and Area to "GR" General Retail, First Height and Area for property located at 3501-3705 Crawford Avenue, 1501-1525 West 35th Street cut-off, 3500-3718 Mills Avenue, 1500-1520 West 35th Street, 1501-1507 West 37th Street and 1500-1506 West 37th Street be GRANTED, subject to vacation of 37th Street from Mills to Crawford Streets and the alley from 37th to 38th Streets.

C14-70-081 Joe F. Gray, F. H. Becker, Jr. and Gray & Becker, Inc.: A, 1st & 6th  
820-922 Blackson Avenue to C, 1st & 6th  
 7400-7408 Bennett Avenue

STAFF REPORT: This application covers two tracts of land totaling eight acres. The stated purpose of the application is for a post office and other commercial development. Zoning in the area consists of "C" Commercial adjacent to the west and immediately south of Blackson Avenue with "D" Industrial adjoining the site to the north and to the south of Blackson Avenue adjacent to the commercial district. To the east fronting onto Bennett Avenue is "A" Residence zoning developed with single-family homes in the St. Johns neighborhood. A truck manufacturing sales and repair shop exist on I. H. 35 on the north and a car dealership and repair shop is on the south. The staff recognizes the validity for "C" Commercial zoning on Blackson Avenue as the area relates to uses along the Interregional Highway and recommends that the request on Tract 1 be granted subject to five feet of right-of-way; however, "C" Commercial zoning on Tract 2 fronting onto Bennett Avenue would be an intrusion into a single-family residential area and the staff recommends that this tract be denied.

## TESTIMONY

## WRITTEN COMMENT

None

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C14-70-081 Joe F. Gray, F. H. Becker, Jr. and Gray & Becker, Inc.--contd.

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)  
Mrs. Mayes

NO OPINION

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, explained that the lots in Tract 2 are owned by the individuals named in the application. Tract 1 is owned by the corporation set forth in the request. The five lots in Tract 2 and a portion of Tract 1 running westerly away from the sidewalk are under option to the United States Post Office Department for the purpose of erecting a post office on the site. The option has been outstanding for quite some time and it has now been exercised by the post office department subject to the zoning application. Under the Zoning Ordinance of Austin, in order to qualify the site for a post office, it is necessary to have "C" Commercial zoning. In order to comply with the Zoning Ordinances, all the post offices must be in "C" Commercial zoning.

Mr. Sneed advised the Committee that there is a title problem on the second lot running northerly from Blackson Avenue and that the applicants do not own at this time 10 per cent of that property. The option provides that if the application winds up ultimately with a good title and the zoning change, then the post office will start development at Bennett Avenue taking in the five lots and moving over onto a portion of Tract 1. If the applicants are unable to get their title, then the post office will be moved over further. He further stated that he recognizes the recommendation of the staff with regard to the "C" Commercial classification and the intensity which it permits but it has been a policy of the Commission and City Council to grant a change to "C" Commercial adjoining a residential area when the usage is for a post office. This application is in conformance with the standards that have been set forth.

Mrs. Mayes, representing her mother who owns property on Carver Street, asked questions relating to the existing and proposed development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information recognizing that the use proposed on Tract 2 and a portion of Tract 1 is a post office which requires "C" Commercial zoning. They were of the opinion that "C" Commercial zoning on Tract 1 is appropriate and should be granted. They were cognizant of the single-family development along Bennett Avenue but felt that the development of a post office would not be detrimental and recommended that "C" Commercial zoning be granted on Tract 2 with the specific use being a post office and if not developed as such, recommended that the zoning revert back to "A" Residence, First Height and Area and subject to five feet of right-of-way for Blackson and five feet of right-of-way for Bennett Avenue.

C14-70-081 Joe F. Gray, F. H. Becker, Jr. and Gray and Becker, Inc.--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joe F. Gray, F. H. Becker, Jr. and Gray and Becker, Inc. for a change of zoning from "A" Residence, First and Sixth Height and Area to "C" Commercial, First and Sixth Height and Area for property located at 820-922 Blackson Avenue and 7400-7408 Bennett Avenue be GRANTED, subject to the specific use on Tract 2 being a post office and if not developed as such, recommended that the zoning revert back to "A" Residence, First Height and Area and subject to five feet of right-of-way for Blackson and five feet of right-of-way for Bennett Avenue.

ABSTAINED: Mr. Becker

C14-70-082 Walter Laurence: A to C  
9021-9103 Capital Drive

STAFF REPORT: This is a request for "C" Commercial zoning on three lots containing 1.9 acres of land. The stated purpose of the request is for commercial use. "C" Commercial zoning abuts the site to the east fronting onto the Interregional Highway. To the west and along Capital Drive is single-family residential development and "A" Residence zoning. The staff recognizes the need to protect the residential neighborhood and recommends that the request be denied as an intrusion and encroachment into a single-family residential area.

#### TESTIMONY

#### WRITTEN COMMENT

Mrs. Mamie B. Bourke: 9106 Capital Drive	AGAINST
Leroy Neely: 9106 Capital Drive	AGAINST
J. T. and Zora Ann Watkins: 9102 Capital Drive	AGAINST
Truman H. Montandon: 2412 N. Interregiona Hwy.	FOR

#### PERSONS APPEARING AT HEARING

Walter Laurence (applicant)	
Minnie Ford Corothers: 7310 Carver Avenue	FOR

#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and explained that the property abutting his site to the west having frontage onto Interregional Highway is a narrow strip of land zoned "C" Commercial. He said that he has talked to the owners of that property and was advised that if the subject site was also changed to commercial, it would be more valuable and he would be able to get more out of it. Several of the property owners between Capital Drive and Interregional Highway had indicated that if the site is changed, they would like to have commercial zoning also.

No one appeared in opposition to the request.



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C14-70-082 Walter Laurence--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information noting that property along I. H. 35 was shallow due to right-of-way requirements and that the three lots in this application were nearly 300 feet in depth. They recommended that the east 140 feet of the subject tracts be zoned "C" Commercial for possible resale to owners along I. H. 35 and also recommended that the west 143.98 feet fronting onto Capital Drive be zoned "BB" Residence, subject to five feet of right-of-way for Capital Drive and submission of field notes on the areas recommended.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Walter Laurence for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 9021-9103 Capital Drive be GRANTED on the east 150 feet of the site and that "BB" Residence, First Height and Area be GRANTED for the west 143.98 feet of the site fronting onto Capital Drive, subject to five feet of right-of-way for Capital Drive and submission of field notes on the areas recommended.

C14-70-083 Rudolph Williams: A, 1st to C, 2nd  
1910 East 18th Street

STAFF REPORT: This application consists of 9,565 square feet of land fronting onto East 18th Street. "C" Commercial zoning is established on property adjoining the site to the west fronting onto Chicon Street. Property immediately to the south, east and north is zoned "A" Residence. "B" Residence zoning, developed with apartments, exists to the east on Poquito Street with "C" Commercial zoning to the north along 19th Street. Single-family development exists throughout the area. A grocery store is established on property that adjoins to the west at the intersection of Chicon and 18th Streets. Apartments, offices and commercial uses are located in the area zoned for such development. The staff feels that "C" Commercial should not be encouraged along a residential street and recommends that the request be denied. It is recommended that "B" Residence, First Height and Area zoning be granted as the appropriate zoning for the site because of the adjacent zoning already established.

TESTIMONY

WRITTEN COMMENT

Petition with six signatures  
Asberry Walker: 1907 East 18th Street  
Lola Fletcher: 1910 East 18th Street  
John Crenshaw, Jr.: 1908 East 18th Street  
Edna Robinson McNeil: 3035 Jeanetta

AGAINST  
AGAINST  
AGAINST  
AGAINST  
AGAINST

C14-70-083 Rudolph Williams--contd.

## PERSONS APPEARING AT HEARING

Rudolph Williams (applicant)	
Mr. & Mrs. Hudie Nelson: 1701 Poquito	AGAINST
Mrs. Leon Risher: 1903 East 18th Street	AGAINST
Georgia Mable Myers: 1701 Poquito	AGAINST
Lucile Hunter: 2001 East 17th Street	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of his request and explained that a change in zoning is requested so that a better usage can be made of the site. Property adjoining to the west is zoned "C" Commercial and there are apartments developed within the surrounding area. The existing "C" Commercial has not deteriorated the surrounding property and the development of apartments would be a worthwhile benefit. Four to six apartment units are established or proposed with adequate off-street parking. The development would not degrade the area but will raise the standards.

## Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and advised the Committee that since the applicant purchased the property he has not done anything but tear it up and make it ugly. East 18th Street is a narrow street that is developing with residential dwellings. It is a quiet area and the development proposed on the site would ruin the existing character and be detrimental. There are a number of children in the neighborhood and the development of apartments with cars parked along the street would increase the traffic and create confusion. The residential homeowners desire to have the area protected from all kinds of commercial intrusion into the neighborhood, and the retention of "A" Residence zoning will offer this protection.

## 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 residential area along East 18th Street; however, they recommended that "B" Residence, First Height and Area zoning be granted, subject to five feet of right-of-way for East 18th Street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Rudolph Williams for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Second Height and Area for property located at 1910 East 18th Street be DENIED but that "B" Residence, First Height and Area be GRANTED, subject to five feet of right-of-way for East 18th Street.

C14-70-084      Lora Jane Richardson: A, 1st to B, 2nd  
1501 and 1503 Lupine Street

STAFF REPORT: The subject property contains 14,600 square feet of land fronting onto Lupine Street. The stated purpose of the request is for a parking lot. Adjoining the site to the west fronting onto Interstate 35 is "LR" Local Retail zoning with "O" Office zoning established to the north along Interstate 35 and "B" Residence zoning established to the south. Immediately adjoining the site to the south, fronting onto Sunnyvale Street is "BB" Residence zoning developed with apartments. The remaining area to the north and east is "A" Residence developed with well-maintained single-family homes. The proposed parking lot is intended to serve the newly constructed office building on the property adjoining to the west which already has adequate off street parking within the original tract. The purpose of the request is to provide excess parking.

The staff reported that the "LR" Local Retail property adjoining the site to the west was before the Board of Adjustment in 1969 for consideration of a variance to erect an office building providing a front setback of 15 feet and a rear yard setback of 0 feet for the building, including open stairs and a landing. At that time, the staff reported that the dead end street to the north and east, Lupine Street, could not be used as a driveway, off street parking or ingress and egress to the property. Mr. W. R. Coleman was present on behalf of that request and advised the Board that they were anxious to save as many of the trees as possible on the property and agreed to erect a fence at the end of Lupine Street so that no one could park or walk through the property. The property is of institutional value in that it opens up to the Interregional Highway. The Board granted the requested variance subject to the end of Lupine Street being barricaded and a fence being erected to prevent access to the parking lot.

The establishment of "B" Residence zoning on the site would have a negative effect on the 9 or 10 homes in this block of Lupine Street and the staff recommends that the request be denied as an intrusion into a well-established "A" Residential neighborhood. Lupine Street is a dead end street at this point and statements by Traffic and Transportation, Public Works and Planning Departments indicate that Lupine Street is definitely not planned to be extended to IH 35.

TESTIMONY

WRITTEN COMMENT

2 Petitions with 16 signatures	AGAINST
Ruel E. Snow: 1506 Lupine	AGAINST
Mr. and Mrs. C. E. Worthy: 1601 Lupine	AGAINST
Mrs. Maude McCormick: 1507 Lupine	AGAINST
Earl Durflinger: 1503 Inglewood	AGAINST

C14-70-084      Lora Jane Richardson--contd.

## PEARSONS APPEARING AT HEARING

W. R. Coleman (representing applicant)	FOR
Joel B. Mitchell (representing applicant)	FOR
Ruel E. Snow: 1506 Lupine	AGAINST
Asberry Walker: 1907 East 18th	AGAINST
Earl Durflinger: 1503 Inglewood	AGAINST
Tom Watkins (attorney for Ruel E. Snow)	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Joel Mitchell appeared at the hearing and advised the Committee that he represents the applicant and the owners of the Americana Building which is established on property adjoining to the west. The subject area is under contract and sale pending rezoning. There is a barricade erected on Lupine Street and there is no access from Lupine Street to I.H. 35. If the zoning change is granted, there is no intention of using Lupine Street as an entrance into the parking lot. The entrance to the parking will be from I.H. 35 which the lot would be adjacent. The off street parking for the Americana Building meets the requirements of the City but additional parking is needed. The reason parking is needed on the site is so that the clients or the business people occupying the office buildings will not be parking along the street or in front of the residential homes, and in the driveways. There has been no trouble with parking as yet but the office building is not completely full and when it is, there will not be enough space to keep people from parking on the street.

Mr. Reeves asked the applicant if the subject property is to be used in connection with the "LR" Local Retail property adjoining to the west and if there would be any objection to a less dense zoning as long as parking would be permitted. He also asked if there would be any objection to fencing the property that adjoins "A" and "BB" Residence and establishing a buffer of some 5 to 10 feet of "A" Residence zoning between Lupine Street and the remaining portion of the property so that a ramp could not be built. Mr. Mitchell stated that they are agreeable to a less dense zoning of "B" Residence, First Height and Area, fencing as suggested and a buffer strip.

Mr. W. R. Coleman stated that he is one of the owners of the Americana Building. He explained that they have excavated the portion of the lot adjoining the "LR" District and there is a cut of some 4 or 5 feet between the subject property and the residential area at the present which makes it physically impossible to get traffic from I.H. 35 to Lupine Street. There is a fence and a barricade at the end of Lupine Street.

Mr. Bud Mintz explained that he is the other property owner and emphasized that additional parking will be needed because of the office building. There is inadequate parking for the building on the adjoining site and extra parking is being requested to keep cars off the street.

C14-70-084      Lora Jane Richardson--contd.

Arguments Presented AGAINST:

Mr. Earl Durflinger, 1503 Inglewood, stated that he is opposed to the requested change on the site as it would be the first break in zoning in the subdivision and a precedent for more changes would be set. This is a very quiet residential area that should not be changed.

Mr. Tom Watkins, attorney for Mr. Ruel E. Snow, stated that there are several factors on the subject property that are significant. It is very difficult to look at the staff report and recognize the difference in height between the proposed parking lot and the residential area itself. Where Lupine Street dead-ends, there is a barricade across the end of the street. The applicants have already cut out and taken down the trees on one of the lots leaving a huge gaping hole. In addition to the four or five foot cut mentioned by the applicants, on the west side there is 8 or 9 feet that has already been taken out of the lot.

Mr. Watkins pointed out that Lupine Street and the houses along either side are residential, high on the hill, away from the Interregional Highway and in a very quiet neighborhood. The area is not injured by the Interregional Highway and there is a beautiful view of Austin and the neighborhood. When a permit was requested for the construction of the office building on the adjoining property, the builders made representation that this particular area would not be interfered with. They indicated that there was sufficient parking around the office building to meet the requirements. The applicants are now requesting a change on the subject site after they have already cut out and leveled the lot and destroyed the trees that were there. He pointed out that the applicants are now requesting a zoning change on the property after most of the damage has been done to the residential lot. It would seem that a zoning change should have been made prior to the time the lot was granted. The applicant should not get any additional consideration for the damage they have already done because the lot can no longer be used as a residential lot.

With regard to the parking need, the office building faces on the frontage road of Interstate 35 and it is a long way up the hill and a long drive around to get back to Lupine Street. If there is not any parking for the office building, the people will not be going around to park in a residential area. They may park on the expressway frontage road but there is no way for them to get back up behind the property to park so the applicants do not need the additional parking to protect the people in the residential area. The only way the people on Lupine Street are ever going to be injured is if the zoning change is granted because of the fact that once it is granted there is no way to stop the eventual building of the land up onto Lupine Street. If the change is granted, the first residential lot will be changed to a non-residential zoning which would encourage further development along the street. Consideration should be given to the protection of this fine residential neighborhood with well established trees, good yards and a great deal of privacy. If the subject site is changed there is going to be a cut into Lupine Street and there will be access either from vehicular or pedestrian traffic which will open up the whole residential area to a commercial intrusion.

C14-70-084      Lora Jane Richardson--contd.

Mr. Ruel Snow, 1506 Lupine Street, presented two petitions containing 16 signatures of nearby property owners opposing the request and photographs showing the existing residential development along Lupine Street and development now occurring on the subject property. He submitted and read the following letter in opposition:

"Bellvue Park is one of the older subdivisions in the area, with Blocks 9, 10, 11 and 12 lying between Summit on the East and Parkinson's tract to the West. The three streets in the subdivision are Inglewood on the North, Lupine Lane in the center and Sunnyvale on the South, all extending from Summit to the Parkinson's fence line on the west. When Mr. Burney, the Subdivider opened the area in the 1930's, only Inglewood and Lupine Lane was opened, as Sunnyvale, even though a dedicated street, was together with the North half of Block 9, an abandoned gravel pit, and continued as such until the 1950's.

When the Expressway was built, the Parkinson's "farm" was split, leaving a fairly large area on the West adjacent to Travis Heights which Henry Parkinson later subdivided into Parkinson's Estates. On the East, adjacent to Bellvue Park, there was left only a very slender strip on the side of the hill, about 1100-1150 ft long, and only about 95' deep at its maximum point near the north end, about 85' deep at the dead-end of Inglewood, 80' deep at the dead end of Lupine Lane and narrowed to only 30-40' deep at the dead-end of Sunnyvale. Neither Inglewood or Lupine Lane was considered as potential streets to open into the Expressway because of the extreme grades, Inglewood is a 35-45' drop and Lupine Lane a 25-35' drop. Also the Riverside Drive exit was planned at the point where Lupine Lane would enter and the State Highway Department was opposed to this. This strip shows on the City of Austin Plat as the Lela Parkinson's Subdivision with Lot 1 on the North, Lot 2 in the center, and Lot 3 on the South to Sunnyvale.

When the streets were paved in the general area in the 1950's, the city acquired the needed right-of-way from the Parkinson's from the dead-end of Sunnyvale to the Expressway, filled in the old gravel pit with the excess dirt from the paving and opened Sunnyvale from Summit to the Expressway between Blocks 9 and 10. The first zone change from "A" to "BB" was for the North half, Block 9, which was granted and the Gardens Apartments were built. A later second request from "A" to "BB" across the street on Sunnyvale, the South half of Block 10 was granted and the Sunnyvale Apartments were built. Even though there was opposition to these requests, especially the latter from the recent home buyers in the brand new Van Spinks River Oaks subdivision across Summit from Block 10 and some of us on Lupine Lane, the opposition was in vain, as the fact that the property was unimproved and was on a through street to the Expressway seemed to have prevailed.

C14-70-084      Lora Jane Richardson--contd.

The first zone change request on the Expressway was Lot No. 2, Parkinson's tract, from "A" to "LR"--purpose, a service station for the Gulf Refining Company. Even though the lot had 200' Expressway frontage, we who opposed it argued that the lot was not large enough as it lacked sufficient depth, i.e. 80-85' maximum. We also claimed the location was less than ideal for a service station and last, but very important, that the location of a service station and the cutting into the side of the hill at this point would detract from the beautiful view of the entrance to Austin on the Expressway from the south. The change to "LR" was allowed mainly because the City Building Permit Office indicated that there was sufficient space on the lot to erect the station. The construction of the station was delayed for months, and then a zone change was submitted by Lawrence Munson, whose home was on the rear of Lot 3, Block 11, Bellvue Park, for a zone change from "A" to "LR" on his Lots 1 and 2, Block, 11, his two lots adjacent to the Gulf property. The Gulf Company planned on extending their service station into the residential area by cutting into Lot 1 for their station, part of Lot 1 and part of Lot 2 for their retaining wall, with the upper part of Lot 2 to be used as a refreshment area with picnic tables, etc. Several in the area protested the commercial zoning coming into an area which was completely residential, located on a higher level completely separated from the Expressway by the height and two dead-end streets which would never be opened. The request was denied, however, the City Building Permit Office allowed the Gulf Company to build their retaining wall on Lot 1 with a very small portion on Lot 2, Block 11, two lots still zoned Residential "A". This was allowed by the City Building Ordinance. Munson has since sold his Lot 3, Block 11 to Carl Hardin Jr. who inherited his father's home and property, Carl Hardin Sr., directly to the rear facing Inglewood Street. Hardin allowed Munson to move his small home to the Decker Lake area. A subsequent request by the Gulf Refining Company for a height variance to erect a high rise sign was turned down by the Adjustment Board due to objections from the adjacent residential area.

Crispi Wood's acquiring Lots 1 and 3 of Parkinson's Subdivision was the next zone request change. This was a package deal, Wood had to take all of the remainder of the Parkinson's property to acquire Lot 1, so the zone request was for both lots 1 and 3 from Residential "A" to "LR". Wood planned on moving his printing shop, etc. to the old Parkinson's home located on Lot 1 which also backs up to Wood's home property upon the hill in the 1100 Block of Manlove. At the time he indicated he had no immediate plans for Lot 3. The neighborhood objected, mainly because of the relationship of Wood's home property in the residential area and the proposed "LR" property on the Expressway. He assured his neighbors and others in the neighborhood that this was also his home neighborhood and we all could rest assured that he would do nothing to harm the neighborhood or anyone of us individually. This seemed to have softened the objections,

C14-70-084      Lora Jane Richardson--contd.

and the zone change was granted mainly because the two pieces of property with lengthy Expressway frontage, outweighed all other objections. I appeared in objection, again questioning the terrain features of the two lots with the apparent lack of depth which would not ever allow any sizeable structure to be built without asking for variances to the building code, cutting into the side of the hill (which would further detract from the beautiful view of the entrance to Austin on the Expressway from the South, and last, would require a possible trying to move into the adjacent residential neighborhood for more space, as was the case with the Gulf Refining Company who had built on Lot 2. This too, fell on negative ears.

The next request last June was for Crispi Wood, Lot 3 (1301 S. Interregional) to the Adjustment Board for certain variances to the City Building Code so a building could be built to house his printing co, etc. and other offices. The variances included a setback of only 15' from Expressway (25' is required) and being allowed to build on the back property line. Lora Jane Richardson, 1503 Lupine Lane, the owner of Lots 11 and 12, Block 10, the two lots that this change is being requested for, and myself both raised the question about parking on our street, Lupine Lane, and if the parking lot for the building at the dead-end of Lupine would have access to our street. Miss Richardson stated at the meeting which is a part of the June 16 meeting official minutes: 'Miss Richardson asked if the applicant would be permitted to use the dead-end of Lupine Lane for parking. She stated that she was told that the applicant could use this area for parking and also park up and down the street which is a residential area. She further stated that they have a very pleasant neighborhood and would dislike having it used for commercial purposes.' Based on our questions, Mr. W. R. Coleman, representing Wood according to the minutes 'agreed to erect a fence at the end of Lupine Lane so no one could park or walk through the property.' The Adjustment Board approved the request of variance as to not requiring 25' setback but disallowed the request to build on the rear property line. Based on our concern on Lupine Lane about his parking lot, by a unanimous vote the Board placed the following requirement, numbered No. 2 in the minutes: 'That the end of Lupine Lane be barricaded and that a fence be erected to prevent access to the proposed parking lot.' At this hearing the Building Permit Office representative stated in answer to questions from Board members and others that the applicant's plot plan submitted met all off street for this "LR" Lot 3 in accordance with the requirements of the City of Austin Zoning Ordinance.

In November, after the excavation for the building had started, Miss Richardson told us that she had talked with Mr. Coleman and the Contractor, B. L. Mintz about the drainage from her Lot 12. She stated that she had given permission for them to fill in the swag in the west middle part of her lot to make the drainage come to the north of



C14-70-084      Lora Jane Richardson--contd.

their building and to the south of her two big oak trees on the NW corner of her lot and then out to the Expressway through the building's parking lot. She also told me that Coleman and Mintz had acquired Lot 3 from Crispi Wood and they were building the building. She later told me that the two had talked to her about buying her Lot 12, and if acquired, planned on lowering it to the level of their parking lot, build a retaining wall around the two big oak trees, down the front on Lupine Lane, along side the West side of her Lot 11, and across the back, having all access to and from the lot to Expressway as was for his original parking lot plans. I told her that I would be opposed as I thought a parking lot would require a zone change, which would set a precedent in an all residential neighborhood, but I would check it out with the City Planning Department. With this development I was most anxious to secure a copy of the June 16 Adjustment Board meeting, which was not available until early in February. On February 18, the Contractor started excavating Miss Richardson's Lot 12, and that day when I asked her about it, she told me that her attorney had told her that morning to give the contractor permission to do what he needed to do to the lot. I told her that the City Planning Department had told me that a parking lot required a "B" zoning, she answered: 'She guess her attorney knew this and would take care of it.' The contractor in his haste to get the two big trees out of his way, and the lot excavated, cut the street right-of-way down several feet on the south side, including ripping out the water main. The City Public Works Department finally halted the street excavation late on February 19 and rain halted the excavation on the lot on Friday, February 20. By March 7, Lot 12 had been excavated to a depth of 9' at the NE corner on the street right-of-way, 6' on the NW corner (this is after the street had been cut down several feet at this point) and 5' along the rear line. The lot tapers from Lot 11 down to the second floor level of the building at 1301 S. Interregional and it's parking lot to the north. In other words, this Lot 12 was made ready for a parking lot, except sub-base gravel, paving, and retaining walls some five weeks before a zone change request was submitted on April 14. The group of pictures attached taken on March 21 shows the condition of this lot on that date.

I object to this zone change for the following reasons:

1. I object to the location of a parking lot in a strictly residential area to add to off-street parking for a commercial building, especially when the owner has met all requirements of the City of Austin Zoning Ordinance for this building erected at 1301 S. Interregional. The attached letter from Dick T. Jordan, Building Official dated April 28, 1970 so states. In proposing the parking lot, the builder can promise that there will never, ever be access on Lupine Lane and get his zone change, then the next day, or at his convenience, can make a ramp or exit on Lupine

C14-70-084      Lora Jane Richardson--contd.

- Lane because 'no one can prevent an owner from having entrance or exit onto the street on which his property fronts.' This will bring the bulk of his traffic onto a strictly residential street.
2. I object of a supporting element of a commercial building into a strictly residential neighborhood. These two lots, one or the other, or both, if changed from "A" to "B" would be the first change in a two solid block area on the 1500 block of Lupine Lane and Inglewood Streets, both dead-end streets which will never be opened into the Expressway. We are thus somewhat isolated, some 30 to 40' above the Expressway level, and I feel, the same as the majority of the other home owners in the neighborhood would decrease the value of my residence and property as a home for which it was built. Besides such a zone change would be the first break in a solid two-block area of residential zoning and would open this whole area, based on precedence, to "B" and "BB" zoning for multiple units, especially the latter when you consider the blanket approval for this type of building that in the last few years has been approved in the large generally unimproved area a few blocks to the East bounded by the river on the North, Parker Lane on the West, Burleson Road on the South and East of the proposed extension of Pleasant Valley road on the East. Concern also has been expressed by the home owners in the 1600 Lupine Lane block immediately east across Summit from Block 10, Bellvue Park (River Oaks Subdivision.)
  3. I object to the deep excavation within a residential area to convert a residential lot zoned as such, to where it is now useless for the purpose it is zoned. The owner (or representative) deliberately denuded the lot of two beautiful oak trees which can never be replaced, on the front of the lot and all other trees and vegetation. The lot was on the upper hillside, and from the front under the trees, which was high, had a beautiful view of the hills to the West and looked down on Town Lake and downtown Austin. This has been changed by excavating into the side of the hill and now there is a 9' by 5' hole, consisting of a 9' cut (NE corner) to a 6' cut (NW corner) along the front on Lupine Lane, extending back along Lot 11 to a 5' cut at the back and along the read boundary. This lot tapers down from Lot 11 to the back of the 1301 S. Interregional Building's second floor and to the level of this building's paved parking lot. This excavation was started on February 18, eight weeks before the April 14 official filing for a zone change and completed by March 7, five weeks before the request. This was a deliberate attempt to put the neighborhood, the Planning Commission and the City Council under duress by at this hearing being able to claim that the lot should be allowed to be used as a parking lot as it is not suitable for residential purposes. Any attempt by the applicant to claim this should be denied as it was the applicant who is responsible for the present condition of the lot. Last, based on what has physically already happened to Lot 12, I object to allowing the same thing to happen to Lot 11, which is directly

C14-70-084 Lora Jane Richardson--contd.

in front of my home. The present 9' cut extended on into Lot 11, with the uphill slant of Lupine Lane, would mean a 9 to 12' cut along the front of Lot 11 on Lupine Lane."

Arguments Presented IN REBUTTAL:

Mr. Mitchell stated that they are not asking for commercial zoning but requesting "B" Residence only for the purpose of a parking lot. He said that they are not concerned about the Second Height and Area portion of the request and would be satisfied with First Height and Area. The topography of the area before the lot was excavated was too rough to build a house upon and certainly now is not desirable for a house. There was no obligation to request rezoning before the lot was prepared for parking area as it was hoped that the request would be granted. There is no object to the zoning change being granted subject to more than adequate lateral support for any of the soil in the property. The title to the property still resides in the applicant's name but it is under contract of sale; however, if the property is not rezoned, it will remain in Miss Richardson's name. There will be no objection into entering into deed restrictions on property forbidding the construction of a ramp on the "LR" Local Retail area to Lupine Lane. The use will be a benefit to everyone concerned as adequate off street parking will be provided. An attractive office building has been constructed on the adjoining property and there is no intent to put a black mark on the neighborhood. The plans are to make the area even more attractive. Although a number of the trees were removed from the property adjoining the lot prior to construction, ten large trees have already been replanted. There will not be objection to any kind of a buffer the people feel is necessary.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lora Jane Richardson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1501-1503 Lupine Lane be DENIED.

C14-70-085 Safeway Stores, Incorporated: GR, 6th to GR, 2nd  
6101-6123 North Hampton Drive  
2200-2224 Wheless Lane

STAFF REPORT: The property under consideration, containing 1.73 acres is located at the intersection of Gaston Place Drive, Wheless Lane and North Hampton Drive. The site is zoned "GR" General Retail, Sixth Height and Area and developed with a Safeway grocery store. The request is for a height and area change from 35 to 60 feet in order to build a 50 foot

C14-70-085 Safeway Stores, Incorporated--contd.

Safeway sign. The "GR" General Retail zoning at this intersection and extending a short distance to the east along the north side of Wheless Lane is completely surrounded by "A" Residence zoning and First Height and Area. One lot of "B" Residence zoning exists to the south end of the "GR" General Retail strip on Wheless Lane. The land use in the area is predominantly single-family with a drive-in grocery established across from the site. The staff has no objection to the requested change and feels that it should be granted; however, the Third Height and Area zoning should be limited to the location of the proposed sign only.

## TESTIMONY

## WRITTEN COMMENT

Sunny's National Stores, Inc.: 6400 West Park Blvd. FOR

## PERSONS APPEARING AT HEARING

B. A. Dunlap (representing applicant)	
Herman L. Rhodes: Safeway Stores, Dallas	FOR
Milton P. Cherne: 5803 North Hampton Drive	AGAINST
C. H. Shimfessel: 2202 Lockwood Cove	AGAINST
Edward S. Frost: 2200 Lockwood Cove	AGAINST
Clarice F. Bohls: 5900 North Hampton Drive	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Bill Dunlap, representing the applicant and Federal Sign and Signal Corporation, explained that they do all of the signs for the Safeway stores and there is no objection to limiting the Third Height and Area to the exact location of the sign.

Mr. Rhodes, representing Safeway Stores, stated that they plan to have a 50 foot sign on the property which should not materially effect or downgrade any of the property in the area. He explained that because of the technical errors on their part, the uprights for the sign are already in place and they take full credit for the problem in that respect. To the north is a sign with a greater height than the one proposed on the site and there should not be any objection to the height as requested at this location.

## Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and explained that up until three years ago the entire area was zoned "A" Residence. About that time a series of events took place in which the area was rezoned, including the subject property and the area to the north, east and south of Wheless Lane. One half mile to the north is a commercial area occupied by

C14-70-085 Safeway Stores, Inc.--contd.

Handy Andy with plenty of room for future development. When construction on the Safeway store was started it was with the understanding that it would conform to the restrictions then imposed. The residential homeowners feel they have been exploited by the rezoning of the property from residential to commercial. The lights on the Safeway parking lot are approximately the same height as the sign proposed on the site which is very disturbing and distracting to the homeowners within the neighborhood. If the sign is permitted a precedent will be set and there will be similar type development along Wheless Lane.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that the requested zoning should be denied as this is a fairly well-developed residential area and the granting of a greater height on the site for a sign would set a precedent and encourage other businesses to increase the height of their signs.

At the Commission meeting, Mr. Becker pointed out that a precedent has already been set in this area by the height of the Handy Andy sign.

A majority of the members concurred with the Committee recommendation, and

VOTED: To recommend that the request of Safeway Stores, Incorporated for a change of zoning from "GR" General Retail, Sixth Height and Area to "GR" General Retail, Second Height and Area for property located at 6101-6123 North Hampton Drive and 2200-2224 Wheless Lane be DENIED.

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

NAY: Mr. Becker

ABSENT: Mr. Taniguchi

C14-70-086 C. Darrell Hopkins: A, 1st to C, 2nd  
 2503-2619 U. S. Highway 183  
 Rear of 2619-2629 U. S. Highway 183

STAFF REPORT: This is a request for rezoning on three tracts of land containing a total area of five acres. The stated purpose of the request is for commercial uses. To the east is "C" Commercial zoning stripped along Burnet Road. Most of the property to the north across U. S. Highway 183 is outside the City limits and designated "Industrial" in the Master Plan. "A" Residential zoning exists to the south. To the north of U. S. Highway 183 fronting onto Burnet Road is a pending application for "DL" Light Industrial zoning. Land use in the area consists of apartments to the south and a service station on the west, both fronting onto Burnet Road. Several industrial and commercial businesses exist to the north. The staff recommends that the zoning as requested be granted, subject to a building setback line to protect the proposed right-of-way line.

C14-70-086 C. Darrell Hopkins--contd.

## TESTIMONY

## WRITTEN COMMENT

Jack Vanderveer: 2704 Thrushwood  
Acme Brick Company: P. O. Box 9099

AGAINST  
FOR

## PERSONS APPEARING AT HEARING

C. Darrell Hopkins (applicant)  
Brian Schuller (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Brian Schuller, representing the applicant, stated that there is no objection to the recommendation of the staff. He said that he has talked to the right-of-way division of the State Highway Department and the right-of-way for U. S. Highway 183 has not been definitely determined other than on a schematic sketch. The applicant is willing to establish that there are setback lines along U. S. Highway 183 and would like to work with the Highway Department in establishing certain requirements.

Mr. C. Darrell Hopkins was present on behalf of this request and stated that he is willing to work with the City and Highway Department on the right-of-way needed for U. S. Highway 183; however, the exact alignment of any amount of right-of-way has not been finally determined. If the right-of-way is as indicated on the staff report, there would be about 20,000 square feet of the property they could not use. There is no objection to negotiating and talking with the Highway Department but some consideration should be made by the Tax Department and others if this alignment cannot be used for building purposes. Mr. Hopkins said that he would not like to be required to set a building back an additional 90 feet not knowing whether the area will ever be used or not.

Mr. Reeves advised the applicant that if the City and the Highway Department can determine the right-of-way line there should be some concession made on the setback.

Mr. Hopkins stated that the building he is proposing is rather expensive and he does not want to setback some 50 to 90 feet where the property may not be needed. There is no objection to working with the City on the right-of-way.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission in order to give the applicant, the Planning Department staff and the Highway Department an opportunity to review the right-of-way requirements for U. S. Highway 183.

C14-70-086 C. Darrell Hopkins--contd.

At the Commission meeting, the staff reported that the following letter with regard to the right-of-way requirements for U. S. Highway 183 has been received from Mr. Bill M. Johnson, Director of the Austin Transportation Study:

"This office has no general comment relative to the application of the change in land use from residential to commercial along Research Boulevard as discussed in your letter of May 11th.

As you know, we do propose that at some time it is anticipated that the intersection of F. M. 1325 and U. S. Highway 183 would be grade separated. The schematic which was supplied to you and which I note from your attachment, indicates the probable right-of-way needed for this expansion. If building setbacks are maintained behind the lines as shown on the schematic, there would then be no future right-of-way problems in this area.

There are no further firm proposals relative to the timing of the project as described above."

Mr. Osborne explained that the problem is the project has not been authorized by the State Highway Commission and as such they cannot make any firm commitment on it. It is intended and is in the general planning process at this point.

Mr. Hanks asked if this is a good example of where the State will ask the City to acquire the right-of-way needed for expansion and if so, should not the City go ahead and acquire the right-of-way now as it is contemplated rather than wait.

Mr. Osborne stated that in terms of arterial development, probably one of the most serious problems the City is faced with in terms of basic physical development is acquisition of right-of-way and the status of private property in relation to that right-of-way. The right-of-way should be acquired.

Mr. Reeves asked if the City will be required to buy the right-of-way if and when it is needed.

Mr. Osborne explained that in this particular case, it would be 50-50 on the right-of-way purchase with the State and Federal government assuming the construction cost.

Mr. Reeves asked if the right-of-way is purchased now if the City will have to pay for all of it and if when the intersection is widened, would the City be reimbursed by the State or Federal Government for any portion of it. Mr. Osborne stated that it is his understanding that the City would not be reimbursed unless it is an authorized project. There have been several instances within the past three to five years where the City could have purchased needed right-of-way for one-half of what the cost is at the present time.

Mr. Hanks pointed out that it would save the City money to purchase the right-of-way now before the land values more than double.

C14-70-086 C. Darrell Hopkins--contd.

The Commission members agreed that the zoning as requested on the site is appropriate and should be granted. It was unanimously

VOTED: To recommend that the request of C. Darrell Hopkins for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Second Height and Area for property located at 2503-2619 U. S. Highway 183 and the rear of 2619-2629 U. S. Highway 183 be GRANTED.

The Commission members were cognizant of the right-of-way needs at this intersection and recommended to the City Council that consideration be given to the purchase of the needed right-of-way at this time.

C14-70-087 Joe Colvin: Int. A, Int. 1st to GR, 1st  
 7311-7321 East Riverside Drive  
 Rear of 7321-7327 East Riverside Drive

STAFF REPORT: The subject site consists of 2.99 acres of land which is presently undeveloped. The stated purpose of the request is for a mobile home park. Interim "A" Residence zoning surrounds the subject site. A five acre tract of land abutting the site to the south was recently considered for a change in zoning to "GR" General Retail and a special permit for the development of a mobile home park. At that time the Planning Commission recommended that "GR" General Retail be denied but that "LR" Local Retail zoning be granted which would permit the mobile home park. A special permit for the mobile home park was approved on the site. The site is located between a major arterial street and expressway and the staff recommends that "GR" General Retail or "LR" Local Retail zoning be granted as the appropriate zoning for the site.

## TESTIMONY

## WRITTEN COMMENT

Truman H. Montandon: 2412 N. Interregional Highway FOR

## PERSONS APPEARING AT HEARING

C. B. Freeman: 7106 Riverside Drive East  
 C. Garner

AGAINST  
 FOR

## SUMMARY OF TESTIMONY

Mr. C. Garner appeared on behalf of this request and stated that the zoning is requested so that the site can be developed with a mobile home park. There is mobile home development on the five acre tract adjoining the site to the south. The property is ideally located for the proposed use.

No one appeared in opposition to the request.



C14-70-087 Joe Colvin--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 area; however, they recommended that "LR" Local Retail zoning be granted as it conforms to recently recommended zoning on property adjoining to the south.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joe Colvin 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 7311-7321 East Riverside Drive and the rear of 7321-7327 East Riverside Drive be DENIED but that "LR" Local Retail, First Height and Area be GRANTED.

C14-70-088 Don West: Int. A, Int. 1st to C, 1st  
3901-4039 South Lamar Boulevard

STAFF REPORT: This is a request for "C" Commercial, First Height and Area zoning on 11.4 acres out of a total 70 acre undeveloped tract, fronting onto South Lamar Boulevard. The stated purpose of the request is for uses consistent with said zoning. The immediate surrounding area is zoned Interim "A" Residence, First Height and Area. To the north along South Lamar Boulevard there is "LR" Local Retail, "GR" General Retail and "C" Commercial zoning. "C" Commercial and "GR" General Retail zoning is also established to the south of Ben White Boulevard. The area to the north of South Lamar Boulevard is outside the City limits. The land use in the area to the north is undeveloped, to the south is single-family development and to the northeast at the intersection of Prather Lane and Kent Drive is Porter Junior High School.

The staff recommends that "GR" General Retail zoning be granted on the site subject to submission of a preliminary plan on the total 70 acre tract providing for internal circulation including possible extension and widening of existing public streets. Without this plan and with subsequent sale of tracts, internal circulation may not be possible, forcing total use of adjacent streets. The sale of the subject tract, for example would require any private drive connecting to Lamar Boulevard to be located along the south boundary of the subject tract. No access is likely to the frontage road ramp at the interchange. The Highway Department staff stated that they would discourage curb breaks on a radius because of sight distance. A driveway entering South Lamar Boulevard would necessarily restrict traffic exiting the area to go north because of the nearness of the frontage road connection to Lamar Boulevard. The sale of the subject tract also requires consideration as to whether Prather Lane should be extended to connect with Lamar Boulevard. No study has been given to this extension or whether the existing 60 feet of right-of-way at the Junior High School is adequate if the street is going to carry traffic generated by the commercial use. In connection with any extension the question of whether the right-of-way falls on the property line with equal right-of-way provided by the future owner of the subject property and the seller or the right-of-way be

C14-70-088 Don West--contd.

the responsibility of the seller totally should be answered. The staff may be overly concerned by this application, but it does represent the first sale out of the 70 acre tract and is comparable to the 110 acre State Farm application which was reviewed by the Planning Commission last month. In that application the total tract had frontage on I. H. 35 and on Rundberg Lane. Internal circulation was a concern and a preliminary plan was required of the applicant and has been submitted for approval.

## TESTIMONY

## WRITTEN COMMENT

Lynn Storm: 2900 Bowman

FOR

## PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, explained that the subject 70 acre tract is owned by Mr. Lynn Storm. The property on which the zoning application is requested consists of approximately 11 acres which is under contract to Mr. West. The conditions of the contract provide that Mr. West will purchase the property and there will be constructed a "K-Mart" shopping center which would consist of one building of approximately 114,500 square feet. A "K-Mart" is a rather substantial operation consisting of approximately 400 stores nationally. The store in this particular location will employ approximately 160 people with \$900,000 to \$1,000,000 in payroll.

Mr. Baker said that the staff has discussed with him the problems raised with regard to internal circulation and subdivision. The owner of the remaining acreage and the subject tract has said that prior to the time that any additional property is sold from the tract he would submit a subdivision plat to provide for the proper internal circulation. It is felt that the sale of the 11 acre tract would not create any serious problem as far as internal circulation is concerned inasmuch as the extension of Prather Lane could be accomplished along the property line of the tract as well as the possibility of the extension of Victory Drive. The zoning of the 11 acre tract would not preclude the extension of either of the streets which would provide circulation into the total area. Mr. Storm has said that he has no idea what will be done with the balance of the tract. He is an investor and not a developer and until such time as another sale comes along he does not know what to do with the tract. The sale of the subject property would not preclude the City from acquiring additional right-of-way that would be necessary for the extension of any streets in the area, and it is requested that the zoning application not be withheld subject to a subdivision plat.

C14-70-088 Don West--contd.

"C" Commercial zoning was requested as it is consistent with zoning in the immediate area. There is some "C" Commercial across Ben White Boulevard and the tract immediately across South Lamar Boulevard out of the county and is being held for purposes which should only be used in a "C" Commercial district. Zoning on the site would be compatible with the close relationship to Ben White Boulevard, South Lamar Boulevard and the large interchange which exists in the area. Another reason for requesting "C" Commercial zoning is the fact that "K-Mart" operates, in connection with a main store, a nursery with outdoor storage where they put their large tree shrubs. The requested zoning has been discussed with the Building Inspector's office and they have indicated that "C" Commercial zoning is needed to avoid any questions concerning the location of the nursery.

The parties that own the subject tract have sent their site plans from Houston to the City but they have not arrived as yet. They are going to request only three curb cuts and all three will be on South Lamar Boulevard. They will file with the Planning Commission such restrictions that would be desired but they would not request a curb cut into Prather Lane or Victory Drive. It is requested that the change be granted as it is consistent with existing zoning in the area.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Don West for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area on property located at 3901-4039 South Lamar Boulevard be GRANTED.

C14-70-089 Gene McGregor: 0, 1st to 0, 2nd  
914-916 East 40th Street

STAFF REPORT: This is an application for "O" Office, Second Height and Area zoning on two lots containing an area of 17,388 square feet of land. The stated purpose of the request is to permit greater residential density. "GR" General Retail zoning is established on the tier of lots to the north along East 41st Street as well as on a large tract north of East 41st Street. The tier of lots on the north side of East 40th Street are zoned "O" Office, First Height and Area. To the south of East 40th Street is "A" Residence zoning developed with single-family homes. Under Second Height and Area zoning, the front setback line for non-residential uses is reduced from 25 feet to 10 feet and the sideyard setback reduced from a total of 15 feet to 0 feet. The staff feels that Second Height and Area zoning would be an intrusion into a more restrictive district and recommends that the request be denied.

C14-70-089      Gene McGregor--contd.

## TESTIMONY

## WRITTEN COMMENT

Mrs. J. B. Campbell, Jr.:	3912 Becker Avenue	AGAINST
Len C. Deere:	Box 1963	FOR
Irvin G. Anderson:	903 Lake Drive, Kerrville, Texas	FOR

## PERSONS APPEARING AT HEARING

Jerry Raisch (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Jerry Raishe, representing the applicant, explained that they proposed 24 or 25 residential units on the site. Under the existing zoning, only 20 units with 27 off-street parking spaces would be permitted. If the staff is concerned about the setback, there would be no objection to the requirements and setting the apartment units back 25 feet from the front property line. He advised the Committee that they own the 24 unit apartment building on the adjoining property which is setback 25 feet and they plan to develop the subject site to face out with the other building.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority were of the opinion that the request is a logical extension of existing zoning and recommended that it be granted, subject to a front setback of 25 feet, rear setback of 5 feet and a total side setback of 15 feet.

A majority of the members concurred with the Committee recommendation, and

VOTED: To recommend that the request of Gene McGregor for a change of zoning from "O" Office, First Height and Area to "O" Office, Second Height and Area for property located at 914-916 East 40th Street be GRANTED, subject to a front setback of 25 feet, rear setback of 5 feet and a total setback of 15 feet.

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

C14-70-090      Robert Sneed: Int. A, Int. 1st to C, 1st  
Rear of 8314-8522 Burnet Road

STAFF REPORT: This is an application for "C" Commercial zoning on an 11.34 acre tract of land located at the rear of Burnet Road. The stated purpose of the request is to conform to existing zoning in the surrounding area. "C"

C14-70-090 Robert Sneed--contd.

Commercial zoning exists to the south on both sides of Penny Lane and to the west along Burnet Road. A request for "C" Commercial zoning is also pending on property adjoining the site to the north. To the west is "A" Residence zoning which is well developed with single-family homes. The staff feels that the requested zoning is a logical extension of existing zoning and recommends that it be granted subject to consideration of a building setback line or a buffer zone along the west property line to protect the adjoining residential area.

"B" Residence zoning exists as a small buffer strip to the south of Penny Lane which could also be extended onto the subject site for buffer purposes.

#### TESTIMONY

#### WRITTEN COMMENT

Frank Meece and John Orgain: P. O. Box 1751	FOR
Landmark Construction Co.: 6901 North Lamar	FOR
R. E. Luce and W. G. McClain: 6918 Burnet Road	FOR

#### PERSONS APPEARING AT HEARING

Robert Sneed (applicant)

#### SUMMARY OF TESTIMONY

#### Arguments Presented FOR:

Mr. Robert Sneed was present on behalf of this request and asked how wide a buffer strip is recommended. Mr. Lillie pointed out that the existing buffer strip of "B" Residence zoning to the south is approximately 40 feet in width and this could be continued onto the subject site or a building setback line could be provided.

Mr. Sneed agreed to the recommendation by the staff and advised the Committee that he would file a written statement prior to the full Commission meeting setting forth the agreements relating to the buffer strip along the residential property. There are no definite plans at this time for development of the property but in the future the development would be in the area of commercial usage as it is developing along Burnet Road to a great extent at the present time.

#### Arguments Presented AGAINST:

Three nearby property owners appeared at the hearing and advised the Committee that they would object to a large commercial shopping center on the site as it will increase the traffic in the area and be detrimental to the existing residential development. There is a Junior High School located one block down from the subject site and many children walk back and forth to school. Careful consideration should be given to the type of construction, development, usage, sidewalks and traffic generated on the site for the safety of the children in the area.

CP14-70-090 Robert Sneed--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the zoning is appropriate and should be granted subject to a 40 foot building setback line along the west portion of the site and a six foot privacy fence along the west property line between the "A" Residential property and the subject tract.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert Sneed for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at the rear of 8314-8522 Burnet Road be GRANTED, subject to a 40 foot building setback line along the west portion of the site and a six foot privacy fence along the west property line between the "A" Residential property and the subject tract.

CP14-70-010 Frank C. Barron: 152 Unit Apartment Dwelling Group  
 1142-1160 Atkinson Road  
 6900-7082 Grand Canyon Drive

STAFF REPORT: This application has been filed as required under Section 5, Sub-Section E and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed on the site is an apartment dwelling group containing 152 units and 304 off-street parking spaces. "B" Residence zoning, developed with apartments, is established to the east across Grand Canyon Drive. Apartments are also developed on property immediately to the north. The St. Johns neighborhood to the west has "A" Residence zoning and is developed with older single-family and two-family structures. Grand Canyon Drive has 60 feet of right-of-way and 40 feet of paving. Atkinson Road at this location has adequate right-of-way but is still unpaved. There is head-in parking for the apartment development on the east of Grand Canyon Drive. The site plan has been circulated to the various City departments and comments are as follows:

1. Building Inspector
  - (1) Short form subdivision would be required since buildings are on separate lots and do not cross property lines automatically tying lots together.
  - (2) Between and to the rear of lots 2 and 3, 10 foot and 15 foot wide drainage easements appear to be encroached upon by apartments, clubhouse building, and swimming pool.
  - (3) Two hundred and ninety nine (299) parking spaces are provided by count. Three hundred and one (301) spaces are required, 2 additional spaces could be provided between lots 2 and 3.
  - (4) Does not include Building Code approval.
  - (5) Four foot

304

CP14-70-010 Frank C. Barron--contd.

1. Building Inspector--contd.- high fence required where parking area is adjacent to property developed for a residential use.
2. Fire Protection - The recommended fire hydrant is indicated in red. We recommend that this hydrant be placed so that the center of the 4" opening will be approximately 18" from the finished grade.
3. Director of Public Works - No objections, however, recommend minimum radius of 5' where possible on curb returns.
4. Health - No objections. Waste water system to be available.
5. Fire Prevention - Any three story building should be equipped with a fire escape as required by the State Fire Escape Law. Install required fire extinguishers as buildings are completed.
6. Traffic Engineer - Recommend that head-in, back-out parking not be allowed along Grand Canyon Drive. This creates serious traffic problems along with the conflict which exists when the sidewalk area is continuously interrupted by parking areas. Lack of continuity of the sidewalk creates potential for pedestrian vehicle accident. Sidewalk will be required on the west side of Grand Canyon and on north side of Atkinson Road.
7. Advanced Planning - (1) Three buildings in center group as planned would encroach upon 10 foot and 15 foot drainage easements. (2) Head-in parking along Grand Canyon Drive should be eliminated. (3) Short Form Subdivision needed to join the lots. This will require a 25 foot building setback along Atkinson Road. (4) Privacy screen needed along north and west property lines. (5) Are "Penthouses" carried under apartment plan type "F"? If not, more information is needed about the number of bedrooms and required parking.
8. Water and Sewer - Water and sanitary sewer are available from the existing mains in the adjacent streets. One additional fire hydrant will be required. It should be located on the northeast corner of the second drive along Grand Canyon Drive to the south of the northern property line. It shall tie to the existing 8 inch main in Grand Canyon

CP14-70-010 Frank C. Barron--contd.

- 8. Water and Sewer--contd. - Drive. A valve will be required on the above mentioned main immediately to the south of the fire hydrant.
- 9. Tax Assessor - 2-2817-0816, 0817, 0818, 0822, 0823. Taxes are due for 1969. Prior years are paid.
- 10. Office Engineer - Require request for commercial driveways.
- 11. Storm Sewer - Open channel in easement along west side of development need to be maintained. Elimination of channel will require other drainage facilities; plans for which must be approved by City Engineer.

The staff recommends approval of the request subject to compliance with departmental reports.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING

Frank C. Barron: applicant  
 Rudolph Williams: 1808 East 18th Street  
 L. P. Ellis: 7086 Grand Canyon Drive

FOR  
 AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he is the owner and proposed builder. He explained that surface drainage requires a ditch. When it rains a lot and water builds up it does not come up in a ditch but spreads all over the place. It is requested that the site plan be approved subject to satisfying Public Works on re-routing of the drainage and easements. He stated that he owns the apartments on the corner lot facing Westheimer and on the Grand Canyon side of that tract there is a fence and no parking or driveway so that there is no interference with cars backing up. He said that he also owns property to the north of the "B" Residence area immediately across the street at the intersection of Grand Canyon and St. Johns and was prohibited from having head-in parking on St. Johns because of the nature of the street; however, head-in parking was permitted on Grand Canyon. It should also be pointed out that the apartments directly across from the site have head-in parking which sets a precedent along Grand Canyon Drive. Mr. Barron said he would be willing to make an effort to change the head-in parking keeping in mind if it is not possible it would not preclude the granting



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of the special permit. If it is required that the plan be amended to delete the head-in parking spaces it will reduce the number of available parking spaces and create a problem.

**Arguments Presented AGAINST:**

Mr. L. P. Ellis, appeared at the hearing and stated that he owns the property directly to the north of the site which is developed with 5 apartment units, and he is opposed to the request on the subject property because of the head-in parking on Grand Canyon Drive. He said that he has spent a considerable amount of time and money landscaping his apartments and in his opinion head-in parking on the applicant's property across from his site is unsightly. It is felt that every effort should be made to make Grand Canyon Drive as attractive as possible. If there is head-in parking there will be asphalt paving which would disrupt the greenery now existing along that street. Slums are being created when green areas are not considered. If some greenway is kept along the streets, trees planted making the development residential in effect the permanency of the tenants will be much greater. The applicant proposes a large number of units on the site and the head-in parking would be unattractive. The social cost should be taken into consideration and it would not be so great if property owners did not use every square inch of their property for parking and building structures.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending compliance with departmental reports and further study of the parking arrangements.

At the Commission meeting, Mr. Wise reported that the staff's main concern with this application is the head-in spaces on Grand Canyon Drive and it was requested that this portion of the application be amended. The applicant has discussed the parking arrangements with the staff but has made no commitment.

Mr. Reeves asked about the development immediately across the street. Mr. Wise explained that there is head-in parking on the property directly across the street to the north of Westheimer. South of Westheimer to Atkinson Road this is not the case. The Building Inspector indicated that 299 spaces are provided by count on the plats and 301 spaces are required. Two additional spaces could be provided between Lots 2 and 3 but to eliminate all the head-in parking would result in a revision to the plan. The staff feels that the applicant is overcrowding the site.

Mr. Kinser stated that in his opinion head-in parking immediately across from the existing head-in parking would create a traffic hazard by cars backing in and out into the street. Mr. Reeves said that the applicant could re-design the front portion of the site to accommodate 22 of the 40 cars that are proposed as head-in parking out of the total amount. He could have 22 which would leave 18 shy of what is shown on the plan. He pointed out that Grand

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CP14-70-010 Frank C. Barron--contd.

Canyon Drive is not a high traffic count street and head-in parking does exist across the street. A majority of the Commission members agreed with Mr. Kinser that head-in parking would be hazardous and therefore

VOTED: To DENY the request of Frank C. Barron for a special permit for a 152 unit apartment dwelling group on property located at 1142-1160 Atkinson Road and 6900-7082 Grand Canyon Drive.

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

NAY: Mr. Reeves

NOT VOTING: Mr. Hanks

ABSENT: Mr. Taniguchi

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

CP14-70-011 Hilario M. Garcia: Day Care Center  
701 Herndon Lane  
2600-2602 South 2nd Street

STAFF REPORT: This application has been filed as required under Section 4, Sub-section 8, Paragraph A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care center with a maximum of 13 children. The subject property is located in a residentially developed neighborhood. "C" Commercial and "B" Residence zoning exists to the east across South 1st Street. Commercial uses are scattered along South 1st Street and a church is located to the north across Herndon Lane. A zoning application is pending on two lots to the east of the site. The site plan has been circulated to the various City departments and comments are as follows:

- |                             |  |
|-----------------------------|--|
| 1. Building Inspector       | - (1) Number of children to be kept is not specified, however, 13 children can be kept under requirements of the Zoning Ordinance. (2) The facility and site shall be approved by the Texas State Department of Public Welfare. (3) It appears loading and unloading of children would have to be from the street. |
| 2. Fire Protection          | - Existing fire protection facilities are believed to be adequate.   |
| 3. Health                   | - No objections. Waste water system to be available.   |
| 4. Electric                 | - Electric ok. 4-20-70   |
| 5. Traffic Engineer         | - O.K.   |
| 6. Director of Public Works | - No objections.   |

CP14-70-011 Hilario M. Garcia--contd.

- |                      |   |
|----------------------|---|
| 7. Fire Prevention   | - Class 'C' or better roof covering. One hour fire rated walls. Install required fire extinguishers.  |
| 8. Advanced Planning | - (1) If driveway is to be used by persons other than the resident, it needs to be excluded from the fenced play area. (2) Privacy screen needed along south and west property lines. |
| 9. Water and Sewer   | - Water and Sanitary sewer are available from the existing mains in the adjacent streets. No additional fire protection will be required.   |
| 10. Tax Assessor     | - 4-0404-1108 & 1109 Taxes are paid through 1969.   |
| 11. Office Engineer  | - O.K. Require request for commercial driveway.   |
| 12. Storm Sewer      | - Plat complies.  |

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Mrs. Wilbourn Weaver: 2004 Alta Vista

AGAINST

#### SUMMARY OF TESTIMONY

No one appeared in favor of the request.

Mrs. Wilbourn Weaver stated that she does not live in the area but does own property. She said that this is a residential area with very small homes. There is no central air-conditioning in any of the homes so the windows are open and noise created by 13 children will be very disturbing. Any concern of the proposed use is that it will set a precedent.

The Committee members noted that there appears to be two separate structures on two individual lots and felt that the information regarding the request is inadequate and asked the staff to contact the applicant about the existing and proposed development of the property.

#### 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 with regard to the property under consideration.

CP14-70-011 Hilario M. Garcia--contd.

At the Commission meeting, the staff reported that the two houses existing on the two lots under consideration have been physically connected across the lot lines.

Mr. Reeves and Mr. Kinser stated that they have looked at the property and in their opinion it is not healthy or safe for children to be kept on the property in its present condition.

Mr. Hanks pointed out that neither Herndon Lane nor South 2nd Street is heavily traveled.

A motion to deny the request failed to carry by the following tie vote:

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

Mr. Goodman stated that in view of the fact that the applicant had just arrived and inasmuch as the vote on the request was tied he moved that the hearing be reopened.

The Commission members agreed to re-open the hearing.

Mr. Kinser asked the applicant how many children he planned to keep on the site. Mrs. Garcia stated that the State would permit as many as 20 children but only 13 are planned. She explained that her brother-in-law owns the subject property and there is only one structure existing on the two lots. A bedroom and den were added to the original structure which crosses the property line. She further stated that the structure has been brought up to meet the standards of the State. There is a fence and patio and the house has been completely re-decorated. A new roof was put on the entire structure when the additions were recently made. The inside walls of the structure are large concrete blocks.

Mr. Osborne asked if the rooms recently added to the structure are to be used by someone living in the house who will also use the kitchen and bath facilities.

Mrs. Garcia indicated that a portion of the structure is for sleeping quarters for part of the center. She stated that she has complied with the departmental requirements as quite a bit of money has been invested in the property and the Welfare Department has approved.

After further discussion, the Commission members agreed that this request should be approved subject to compliance with City departmental requirements and the requirements of the State. It was then

VOTED: To APPROVE the special permit request for Hilario M. Garcia for a day care center on property located at 701 Herndon Lane and 2600-2602 South 2nd Street, subject to compliance with departmental requirements and the requirements of the State, and authorized the Chairman to sign the necessary resolution upon completion.

CP14-70-011 Hilario M. Garcia--contd.

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

CP14-70-012 Gregg B. Millett: Day Care Center and Kindergarten  
3203 Highland Terrace West

STAFF REPORT: This application has been filed as required under Section 4, Sub-section 8, Paragraph B and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care center and kindergarten allowing a maximum of 49 children on the subject lot. The subject property is located within "A" Residential zoning and a residentially established neighborhood. Highland Park School is located less than one block to the west. It is the understanding of the staff that this parcel and subdivision is deed restricted to single-family uses. It is suggested that the Zoning Committee consider these restrictions. A similar request was denied by the Planning Commission in December, 1969, in the Beverly Hills Subdivision to the west of Balcones Drive.

The staff is not forwarding a recommendation on this application; however, it is the staff's opinion that there are traffic problems on local streets generated primarily by the Highland public school and intensification of land use in this neighborhood should not be encouraged. The staff recognizes possible problems created by the traffic, safety to pedestrians, noise and effect on property values. The site plan has been circulated to the various City departments and the comments are as follows:

1. Fire Protection
  - Existing fire protection facilities are believed to be adequate.
2. Building Inspector
  - (1) As per conversation with the Building Inspection Department, this site was to be used as a private school. Since the proposed use has been changed to a Day Care Center and Kindergarten as specified in this application, it must meet the terminology and definition of such, as stated by the Zoning Ordinance. The Ordinance defines a kindergarten as a school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum. A day nursery or day care center is defined as a place where children are left for care between the hours of 7 a.m. and 12 o'clock midnight. (The age limit for a child

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CP14-70-012 Gregg B. Millett--contd.

2. Building Inspector--contd.- left in the Day Nursery as determined by the State Welfare Office is 14 years or younger.) (2) As the parking schedule does not specifically cover the proposed use, the Planning Commission is requested to set the required number. Off-street parking provided may or may not be adequate, depending on the number of staff workers employed. (The number of staff workers required by the State Welfare Office is determined by the number of various age groups.) (3) A four foot high solid fence is required where any parking area is adjacent to property developed for a residential use. (4) The facility and site shall be approved by the Texas State Department of Public Welfare. (5) Does not include Building Code approval.
3. Director of Public Works - Parking area too tight/need to redesign.
4. Health - No objections. Waste water system to be available.
5. Electric - Electricity O.K.
6. Traffic Engineer - Insufficient space to enter and leave parking place (see attached map).
7. Fire Prevention - Class "C" or better roof covering (state law). Install required fire extinguishers. Inside walls to be one hour fire rated.
8. Advanced Planning - (1) There is a deed restriction on the plat of Highland Park West Subdivision that may prohibit the proposed use (excerpt is attached). (2) Parking space nearest building has inadequate maneuvering room. Suggest deletion or re-design. (3) Zoning Ordinance permits 49 children. Suggest reduction to 20 children. (4) Privacy screening needed along rear property line. (5) Swimming pool presents a hazardous situation; suggest more substantial fencing around pool. (6) More intensive use of land is not encouraged due to existing traffic generated by the school.
9. Water and Sewer - Water and sanitary sewer are available from the existing mains in Highland Terrace West. No additional fire protection will be required.
10. Tax Assessor - 1-2802-0111 Taxes are paid through 1969.

CP14-70-012 Gregg B. Millett--contd.

- |                     |                                     |
|---------------------|-------------------------------------|
| 11. Office Engineer | - No - driveway must be redesigned. |
| 12. Storm Sewer     | - Plat complies.                    |

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Gregg Millett (applicant)	
Mr. & Mrs. David Gilbert:	FOR
Hettie Worley:	FOR
Mrs. Kay Franke:	FOR
Forest Troutman (representing Highland Parks Homeowners Association)	
Mr. & Mrs. Abe Goldstein: 4704 Fairview	AGAINST
Mr. & Mrs. Ernest K. Gay: 5001 Fairview	AGAINST
Mr. & Mrs. Allen L. Davis: 4704 Valley Oak	AGAINST
Mr. & Mrs. Fred Adams, Jr.: 3207 Perry Lane	AGAINST
Mr. & Mrs. T. H. Bean: 3205 Perry Lane	AGAINST
Mr. & Mrs. T. R. Lipson: 3320 Big Bend Drive	AGAINST
Mr. & Mrs. Willis A. McVey: 3314 Big Bend Drive	AGAINST
Mr. & Mrs. Gammon C. Boddeker: 4706 Fairview	AGAINST
Mr. & Mrs. George H. Shafer: 3318 Big Bend	AGAINST
Mr. & Mrs. Jim Abney: 3305 Big Bend	AGAINST
Mr. & Mrs. G. H. Ayres: 3307 Perry Lane	AGAINST
Mr. & Mrs. Stanislav Zimic: 4904 Valley Oak	AGAINST
Dr. & Mrs. James W. Lassiter: 4708 Highland Terr.	AGAINST
Dr. & Mrs. H. V. W. Broadbent: 4700 Valley Oak	AGAINST
Mr. & Mrs. Alton Greeven, Jr.: 4710 Highland Terr.	AGAINST
Mr. & Mrs. F. B. Fanning: 3313 Perry Lane	AGAINST
Mr. & Mrs. Paul R. Crews: 4800 Valley Oak	AGAINST
Mr. & Mrs. Eldon E. Powell: 4805 Balcones Drive	AGAINST
Mr. & Mrs. O. N. Bruck: 4803 Valley Oak Drive	AGAINST
Mr. & Mrs. J. R. Hill: 3205 Sunny Lane	AGAINST
Mr. & Mrs. Charles C. Shierlow: 3300 Big Bend	AGAINST
Mr. & Mrs. O. C. Word: 3303 Big Bend Drive	AGAINST
Mr. & Mrs. Jimmy F. Byers: 4705 Balcones Drive	AGAINST
Mr. & Mrs. Sidney R. Worob: 3204 Highland Terr.	AGAINST
Mr. & Mrs. Barry A. Sullivan: 5005 Valley Oak Dr.	AGAINST
Mr. & Mrs. G. H. Harvey: 4706 Highland Terrace	AGAINST
Kent Beasley, M.D.: 4705 Shadow Lane	AGAINST
Mrs. Egbert V. Smith: 3316 Big Bend Drive	AGAINST
Robert F. Mossman: 3310 Big Bend Drive	AGAINST
Mrs. Jesse A. Root, Jr.: 3203 Perry Lane	AGAINST
Mrs. K. L. Berry: 3201 Highland Terrace	AGAINST
Mrs. O. D. Hyndman: 4905 Valley Oak	AGAINST

CP14-70-012 Gregg B. Millett-contd.

Mrs. O. W. Holmes: 3307 Big Bend	AGAINST
J. E. Weiler: 4808 Balcones Drive	AGAINST
Ralph Helyer: 3205 Highland Terrace West	AGAINST
Marvin J. Weatherford: 3201 Perry Lane	AGAINST
Sam Kimberlin, Jr.: 4709 Fairview Drive	AGAINST
Price R. Ashton: 4705 Fairview Drive	AGAINST
Robert M. Rothen: 4713 Fairview Drive	AGAINST
H. Craig Leach: 4805 Valley Oak Drive	AGAINST
Chas. P. Davis: 3103 Perry Lane	AGAINST
John T. Patterson: 3106 Highland Terrace West	AGAINST
John H. Welge: 5313 Big Bend Drive	AGAINST
James E. Neely: 4907 Valley Oak Drive	AGAINST
Mrs. Preston Hutchinson: 3316 Perry Lane	AGAINST
Mack Stoeltje: 4706 Balcones	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Dr. Gregg Millett was present on behalf of this request and advised the Committee that he and his wife moved to this location four years ago. At that time they felt a need for public kindergarten and more pre-school opportunity than existed in the area. He stated that as a result of the need and interest of education of young people they considered establishing a nursery school. About four months ago, without realizing that there were any problems, a small day nursery was started. It was assumed that the use was legal because of the fact that a day nursery existed down the street, the Methodist Church has an education house and the Baptist Church has a day care center. These are all located in the same subdivision under the same restrictions that exist on the subject property. Dr. Millett stated that his attorney has advised that in terms of use a school or day care center does not fit under the clause in the deed restrictions which says that no trade or profession may be carried on in the area.

A day care center for 12 children is now being operated on the site. He explained that the 12 students range in the age from 4 through 6 with the exception of his 7 year old daughter and his 14 year old foster son who was suspended from the Austin Public Schools before he became a member of their family. There have long been ideas for more than a day care nursery which is the reason a special permit application was filed.

Dr. Millett explained that they would like to run a day care center for 20 children based on discussions with the Welfare Department and the kind of facilities available on the subject site. This is an ideal location for a day care center and a kindergarten. The site is a large lot with almost 19,000 square feet developed with a large house which is being expanded at the present time. All of the expansion is living space and when finished by the end of the summer, will contain 6,000 square feet of living area. In the existing house there is a quiet room which is basically a library, a



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playroom, television room, arts and crafts center, coloring room and wood shop which is much in use. There is a swimming pool on the site and a lot of play facilities. The day care center is close to a public library and a public park which adds to the benefits.

Dr. Millett commented that it is proposed that there will be five students per teacher as a maximum with an intense pupil-teacher experience. It is envisioned that the students will be given a lot of freedom to explore the environment being created for them and the human beings that make up that environment. The students themselves are crucial to the ideas of the school and it is hoped that the group can be mixed. Three of the 12 students are already on either a full scholarship or a partial scholarship. A tuition of \$60 a month is charged for the day program where an attempt is being made to get all kinds of people in the program which would include black students and Mexican-Americans as well as Anglo. Seven children enrolled in the school are from this area. The others come from outside the community. Another element and one of the most important is the staff which is very unusual. Dr. Millett introduced each of the staff members and explained their qualifications. He further explained that some of the staff members will only work in the center part-time and will not work all at once. Most of the staff members now live in the area and several others will soon be relocated to this neighborhood. He said that they now share their house with another couple with private living facilities. Two other couples share a second home a few blocks down the street and shortly another couple will occupy a third home. All of these people are teachers and a part of the program. It is felt that it is very important to have people living and doing what they want to do very close so that the children can learn from the real life experience of the adults. The staff members care about what they are doing and if given time, can make the day care center a worthwhile success.

Mr. and Mrs. David Gilbert appeared at the hearing and advised the Committee that they are homeowners in this area and have no relationship per se with the school. After looking into the proposal, it is felt that the applicant is a dedicated and talented educator who is trying to do something unusual and worthwhile. The applicant should be permitted to do something important for children in the neighborhood.

Several members of the staff of the day care center appeared at the hearing in favor of the request and pointed out that there is a need for a day care center in this particular neighborhood and explained the type of program proposed.

Hettie Worley advised the Committee that there is a school two houses down the block and the noise of the 20 children on the site could not possibly have an effect on the overall noise of the school and the traffic generated by the proposal should not be very much more than what is existing in the area. She commented that in her opinion the residents in the area are reacting against what the applicant has been doing to his home. It is in the process of being redone and for that reason it is in perhaps a state they are objecting to but when it is finished it will be an addition to the neighborhood and not a detriment.

CP14-70-012 Gregg B. Millett--contd.

Several parents of the children in the day care center appeared in support of the request because of the need for educational facilities of this type and commended the applicant and the members of the staff for the work they are doing.

Arguments Presented AGAINST:

Mr. Forest Troutman presented photographs of the development and advised the Committee that he represents the Highland Park Homeowners Association. Most of the people in this area are in favor of education; however, the concern is the particular location the applicant is seeking to open a school. The restrictions existing on the property state that all lots in the subdivision shall be sold subject to the following minimum conditions, restrictions, covenants and uses. All lots shall be used for residential purposes not exceeding one residence on any lot except as expressly provided in the restrictions. No trade or profession of any character shall be carried within or on any lot except Block L which is not a concern in this application.

Mr. Troutman concurred with the report by the staff and again pointed out that the property is deed restricted and the owners of the property in this particular area are going to enforce the restrictions. This is an established residential area with the only businesses being developed in the shopping center north of the school. The applicant has indicated that the subject site contains an area of approximately 19,000 square feet and if he has 49 children as requested, 18,700 square feet of land is needed to support the request.

Mr. Ralph Helyer, adjoining property owner, advised the Committee that the applicant operates a day care center at the present time, and in his opinion the children are not very well supervised. He stated that he has recently seen the children playing on the roof of the applicant's house and on one occasion, they tore off the shingles and threw them at his house. It has been stated that there is a need for a kindergarten but it should be noted that the City is planning on having kindergarten in the public schools shortly.

Mr. Price Ashton, 4705 Fairview Drive, stated that the deed restrictions call for residential development in this particular area and on down the street where the shopping center is there are some duplex buildings allowed. The Highland Park school was established when this subdivision was put in and has been used for an elementary school. It is a very heavily populated school which has been added to consistently since 1950. In the afternoon and morning it is almost impossible to go down the street because of the parents bringing children to and from school. This is true intermittently during the day as school activities such as PTA and various meetings occur which is generally a problem around elementary school buildings and the location of the proposed school is right in the door of the existing elementary school. He said that they have paid and are paying a sizable chunk of taxes but are glad to do so and are also glad to provide facilities for University people and the public schools.

CP14-70-012 Gregg B. Millett--contd.

Mr. Ashton explained that he purchased his property in this area with the idea that it would be a single-family restricted area. The request violates the provisions that the City has made for parking, noise, for being in close proximity to an elementary school and density of traffic. All of those things are inherent in the application and the person asking for a change simply because he bought a tract of land with the restrictions on it, is asking the Planning Commission to do what the Federal Constitution says cannot be done and that is change the deed restriction. The applicant contracted with the residential homeowners in this area and the City of Austin and purchased the property to abide by the restrictions which says that it is a single-family residential area.

Mr. Sidney Worob, 3204 Highland Terrace West, stated that the applicant has not brought out the fact that they have a house on Valley Oak Drive in which some of the classes have already been held. They have indicated that they plan to move two couples into the house at the corner of Fairview Drive and Highland Park West around the first of June. It is assumed that this house will also be part of the school. In the morning and afternoon it is very difficult to circulate out of the neighborhood because of the number of children on the way to and from school. He further stated that in his opinion the children are not very well supervised as they are running around back and forth in the street at all hours of the day.

A number of nearby property owners appeared in opposition to the request because of the fact that the area is deed restricted for single-family development and the use proposed on the site would be in violation of the restrictions. They were also concerned about the traffic circulation in the area and were of the opinion that the use of the site would be detrimental to the existing residential character of the neighborhood.

Arguments Presented IN REBUTTAL:

Mrs. Kay Franke, one of the teachers, advised the Committee that there would be public kindergarten in Austin this year but there are definite restrictions, and it will be three years before every child in Austin would be able to attend.

Dr. Millett stated that a non-profit corporation has been set up to run the nursery so it is not a business under the intent of the restrictions. He said that if the application is denied on the grounds that the venture is a business or profession he deserves the right to know why others are operating in the area.

The use of the subject property is not a wedge into the community as a private nursery and two church related nurseries have been operated in the area. Twenty youngsters would not have much impact on the density in the terms of traffic. He stated that with regard to the construction on the site he is one of the few people in the area who is investing substantial amounts of money into his property.

CP14-70-012 Gregg B. Millett--contd.

Dr. Millett read the departmental requirements and stated that the major points favor the proposal on the site. With regard to the parking, if the Commission will set the number of spaces required, this will be complied with the parking area, space to enter and leave and driveways will be redesigned as recommended. The inside wall will be one hour fire rated as required. The number of children has been reduced to 20 as suggested; with regard to the fencing, there is about a 12 foot row of bushes in the rear and there should not be a need for additional screening but if requested, it will be extended across the lot.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee members discussed the factors to be considered by the Planning Commission in granting or denying a special permit application, the use proposed on the property under consideration, the surrounding development and the street pattern. They were of the opinion that it is the obligation of the Planning Commission to take into account such measures that will secure and protect public health, safety, morals and general welfare. They noted that this request does not meet departmental requirements and were cognizant of the fact that this is a well-developed residential area with limited traffic circulation and felt that the use proposed on the site would be a detriment to the safety, morals, and general welfare of the neighborhood and recommended that the request be denied.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To DENY the request of Gregg B. Millett for a special permit for a day care center and kindergarten for property located at 3203 Highland Terrace West.

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.

CP14-70-013 William D. Jackson: 172 Unit Apartment Dwelling Group  
2623-2801 South Congress Avenue

STAFF REPORT: This application has been filed as required under Section 6, Sub-section A, Paragraph 75 and according to the procedures as specified in Section 10-B. Proposed on the site is a two story apartment dwelling group containing 172 units. "C" Commercial zoning exists on property to the north and across South Congress to the west. Commercial uses are established along South Congress and a single-family subdivision is adjacent to the east. The north right-of-way line of the proposed St. Edwards University is the subject site's south property line. Land owned by St. Edwards University lies just to the south of this tract. The staff has no objection to the site plan as submitted subject to compliance with departmental reports. The site plan has been circulated to the various City departments and the comments are as follows:

CPI4-70-013 William D. Jackson--contd.

1. Building Inspector
  - (1) Detached accessory building #16 shown on site plan is set back from front property line on Congress Avenue approximately 50 feet. Detached accessory buildings are required to be set back 90 feet from front property line.
  - (2) Four foot high solid fence is required where parking area is adjacent to property developed for a residential use.
  - (3) Does not include Building Code approval.
2. Fire Protection
  - The recommended fire hydrants are indicated in red. We would like to suggest that these hydrants be in service, if possible, so that we may be able to give better fire protection during the construction period. We recommend that the 4" opening be approximately 18" from the finished grade.
3. Director of Public Works
  - Need request for and approval of drive-ways before construction begins. Recommend 5' radius on curb returns.
4. Health
  - No objections. Waste water system to be available.
5. Traffic Engineer
  - O.K.
6. Fire Prevention
  - Install required fire extinguishers as buildings are completed.
7. Electric
  - Easements to be obtained at a later date.
8. Advanced Planning
  - (1) Privacy screening needed along the north and east property lines. (2) The proximity of the southern driveway to the proposed extension of St. Edwards Drive could create an undesirable traffic situation. At the time the extension is accomplished, the opening of the two southernmost parking bays onto St. Edwards Drive would minimize this problem.
9. Water and Sewer
  - Two sanitary sewer approach mains will be required. One will be required to run from the northwest corner of said tract to the existing main 140 feet + to the north in South Congress Avenue. The second approach main will be required to run from the northeast corner 170 feet + easterly along the property line between Lot 9 and Lot 10, Block #2 of Sherwood Oaks, Section 6 to the

CP14-70-013 William D. Jackson--contd.

9. Water and Sewer--contd. - existing 8 inch main in Carnavon Lane. Water service is available from the existing mains in both South Congress Avenue and St. Edwards Drive. Two fire hydrants will be required. One will be located on the corner southeast of Building #7. The second will be located on the corner northeast of Building #11. A six inch main with valves will be required to be run from the existing main at the northwest corner of the said tract southerly along South Congress Avenue and continuing easterly through the proposed drives as shown on the plat and tying to the existing six inch main in St. Edwards Drive. The valves shall be placed as shown on the plat. Fire demand meters will be required if a combination fire and domestic system is used.
10. Storm Sewer - Plan complies with requirements.
11. Tax Assessor - 4-0602-0101 Taxes are paid through 1969.
12. Office Engineer - Require request for commercial driveway.

The applicant today requested that the southernmost driveway be deleted from the plan because of topographic problems and the existence of many trees. With this deletion the site plan of about 170 units would have but one access drive to South Congress. This situation is similar to a special permit request last month when one drive was proposed for over 200 units. The staff cannot recommend the site plan with only one driveway. From 80 to 1000 trips a day would be generated by this complex.

The plan could be modified to provide entrances to St. Edwards Drive when the street is extended to connect to South Congress. There is, however, no estimate of the timing for this extension. The street falls totally on property owned by St. Edward's University. The staff will check with the Public Works department and with St. Edward's University to see if any plans have been made for the extension. Modification might also take the form of a wider access drive from South Congress. Only 25 feet of paving is presently proposed.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

Ralph Bender (Representing developers)  
Betty Maynard

AGAINST

CP14-70-013 William D. Jackson--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Ralph Bender appeared at the hearing and advised the Committee that he is a Planning Consultant from San Antonio representing the Quincy-Lee Company who will be developers of this tract. He submitted a revised site plan and explained that at the time the original proposal was made it was a plan to have two entrances to the project. It was realized that there would be problems but the extent of the problems was not realized until the engineering was started on the project. The subject site is a beautiful tract of land immediately north of St. Edwards University and there are 121 oak trees on the site, all of them in excess of 8 inches in diameter. The site was planned and engineered so that at the moment it appears 118 of the trees will be retained and it is hoped that two more will be retained. The problem is the location of the existing trees on the southern portion of the site and the fact that there is a grade of about 15 to 20 per cent going down South Congress Avenue. A tremendous cut would have to be made into the rock to get down into South Congress Avenue in the southern portion of the site. This will be an FHA 236 project that will be under construction hopefully by the first of July. The modified site plan was the widening of the entrances to the north and a boulevard entrance onto South Congress Avenue and the deletion of the southern entrance has been approved by FHA. There is a loop street for circulation through the project and it is felt that ultimately when St. Edwards Drive is put through, the parking areas along the south portion of the site can be projected into St. Edwards Drive if desirable at that time.

It is felt that the number of vehicular trips generated from this project for 172 units would be approximately 4 to 5 trips per unit per day, substantially less than 1000 operating at this intersection, which is not a substantial amount of traffic. All of the parking is off street and one entrance into the project should be adequate. The modified plan is superior to the original plan because of the number of trees that will be retained. The setbacks, except for the main office on the front, will be in excess of 100 feet off South Congress Avenue. It is felt that this will be a very attractive project with many types of buildings and it is requested that the application be granted.

Mr. Kinser stated that if there is only one entrance it will create problems as people will be going in and out at the same time.

Mr. Goodman asked if there has been any consideration of the possibility of making an exit from the parking lot that lies between the two buildings on the west side and angle towards Congress Avenue so that the grade could be made. Mr. Bender stated that a 90 degree turn could be made but it will only be 100 feet off the other entrance. It is felt that the boulevard entrance is adequate to handle the traffic.

CP14-70-013 William D. Jackson--contd.

Arguments Presented AGAINST:

Mrs. Betty Maynard appeared at the hearing and stated that she has looked at the plan and is very glad that the applicant is saving so many trees and the setback being provided is adequate; however, she expressed concern about a privacy fence and pointed out that even though there are a number of trees in the setback area, during the winter all the leaves are off the trees and a fence is needed for screening. Mr. Bender stated that a 6 foot privacy fence is proposed on the north and east property lines.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information recognizing that the revised site plan proposes only one entrance to the site. They were of the opinion that the revised plan with one entrance should be approved, subject to departmental requirements, and with the condition that the driveway entrance be a minimum of 30 feet in width from the median east to the first interior drive south.

The Commission concurred with the Committees recommendation and unanimously

VOTED: To APPROVE the request of William D. Jackson for a Special Permit for a 172 Unit Apartment Dwelling Group on property located at 2623-2801 South Congress Avenue, subject to departmental requirements, and with the condition that the one driveway entrance (as revised) be a minimum of 30 feet in width from the median east to the first interior drive south, 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.

CP14-70-014 Joe Colvin: Mobile Home Park  
7311-7321 East Riverside Drive  
 Rear of 7321-7327 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 of the City of Austin, Texas. The use proposed on the 2.9 acres under consideration is a mobile home park. This area has recently been annexed to the City of Austin. Last month, the Planning Commission recommended a similar request for zoning and mobile home development on property adjoining the site to the south. The residential subdivision is developed on the north along Uphill Lane, and undeveloped land lies to the south. There are several individual mobile homes located on lots nearby. The intersection of Ben White Boulevard and East Riverside Drive is located about 1/4 mile to the east. The site plan has been circulated to the various City Departments and comments are as follows:



CPI4-70-014 Joe Colvin: Mobile Home Park--contd.

## Building Inspector

- (1) Access road to trailers must be paved. (20 foot wide minimum) (2) Area noted as "proposed future development" should be made as a part of the special permit at this time or omitted as the applicant would have to come back at a later date for a revision to the special permit. (3) All trailers must setback at least 5 feet from any exterior property line of this tract and 25 feet from front property line. (4) A 4' high solid fence is required where any parking area is adjacent to property developed for residential use. (5) If related pending zoning case #C14-70-087 is not at least "LR" or less restrictive, recommend disapproval. (6) Request Planning Department to determine if short form subdivision is necessary.

## Fire Protection

- The recommended fire hydrants and main are indicated in red. We recommend that these fire hydrants be placed 18" from the center of the 4" opening to the finished grade. The opening should face the driveway.

## Director of Public Works

- Need request for and approval of driveways before construction begins. Would recommend a minimum radius of 10' on curb returns.

## Health

- No objections. Waste water system to be available.

## Electric

- Electric easements as shown in red.

## Traffic Engineer

- R.O.W. required on East Riverside. In accordance with Austin Development Plan.

## Fire Prevention

- Provide fire protection as required by the Fire Code.

## Advanced Planning

- (1) Short form subdivision will be required unless subject tract was established by deed prior to June 9, 1951. (2) Vehicular turnaround should be provided at south end of driveway. (3) Privacy screening should

CP14-70-014 Joe Colvin: Mobile Home Park--contd.

Advanced Planning--contd.

be provided along west, south, and east property lines. (4) Site plan needs to show schematic of future development in the "Proposed Future Development" section. If for other than trailer park expansion, private roadway needs to be contained in a 50 foot wide strip abutting Riverside Drive.

Water and Sewer

- Sanitary sewer service is available from the existing main in East Riverside Drive. Water service is available from the existing main in East Riverside Drive. One fire hydrant will be required. It will be located on the northern corner of the lot designated "Manager's Space." It will be required to run a six inch main with valve through the proposed private roadway + 335 feet northeasterly to the existing 24 inch main on the northern side of East Riverside Drive. A fire demand meter may be required if a combined fire and domestic system is used.

Tax Assessor

- Annexed in 1969 to the City of Austin. Taxes will be assessed for 1970

Office Engineer

- Require request for commercial driveway.

Storm Sewer

- Plat complies.

The staff recommends approval of the request subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

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CP14-70-014 Joe Colvin: Mobile Home Park--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved subject to compliance with departmental requirements.

The Commission concurred with the Committees recommendation, and unanimously

VOTED: To APPROVE the request of Joe Colvin for a Special Permit for a 34 Unit Mobile Home Park for property located at 7311-7321 East Riverside Drive and the rear of 7321-7327 East Riverside Drive, subject to compliance with departmental requirements, and authorized the Chairman to sign the necessary resolution upon completion.

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

REFERRED CASE

C14-70-044 Bill Milburn: BB to LR  
Tract 1: 2611-2633 West Trails Boulevard  
4600-4618 Sagebrush Trail  
Tract 2: 4601-4619 Sagebrush Trail

The staff reported that the City Council has referred this application back to the Planning Commission for reconsideration. The Commission members unanimously

VOTED: To REHEAR the application of Bill Milburn on June 2, 1970.

SUBDIVISIONS

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of April 27, 1970, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

The staff reported that C8-70-13 The Four Seasons subdivision has been appealed from the decision of the Subdivision Committee and that C8-70-26 Apache Shores, Section 4 subdivision was referred to the Commission. It was then

VOTED: To ACCEPT the attached report and spread the action of the Subdivision Committee of April 27, 1970, on the minutes of this meeting.

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PRELIMINARY PLANS

C8-70-13      Four Seasons  
                 Cameron Road and Braker Lane

The staff reported that this preliminary plan was given approval by the Subdivision Committee at their last regular meeting. The following letter has been received from Mr. Vernon M. Pfluger, attorney for H. M. Peterson, the adjoining property owner, appealing the decision of the Subdivision Committee:

"This letter is addressed on behalf of Mr. H. M. Peterson who owns property fronting on Dessau Road and Walnut Creek. The property is a three acre tract which adjoins the proposed subdivision known as Four Seasons which has been filed with you by Mr. Glenn Neans of Conaan Constructors, Inc. I believe that the plat of this subdivision has been given preliminary approval and final approval was indicated if minor changes were made upon it.

Mr. Peterson wishes to appeal from this action by the Commission and to request that the matter be placed on the Commission's agenda at an early date. The proposed subdivision adjoins Mr. Peterson's property along its northeasterly line. Mr. Peterson owns a three acre tract which is a narrow strip of land between the proposed subdivision and Walnut Creek. Mr. Peterson had no notice of the original hearing in that the surveyor who prepared the plat of the subdivision mislabeled the same and showed that the adjoining property was owned by a Mr. H. M. Patterson. Every effort has been made by my client to adjust this matter with the subdivider, however, the subdivider has refused to consider any changes. Mr. Peterson is ready to subdivide his three acre tract and wished to have the same harmonize with the proposed subdivision. He hereby expresses his willingness to share in the cost of the needed adjustments. Specifically, Mr. Peterson's property cannot be developed unless a street is placed along the dividing line between the two tracts. Mr. Peterson is willing to dedicate one-half of the area needed for the street and to bear his pro-rata part of the cost of such street. If the proposed plan were approved the rear of the lots included in Four Seasons Subdivision would abut on the Peterson south line. If Mr. Peterson then opened the street on his south line, the houses located on the adjoining lots in Four Seasons Subdivision would be facing in the opposite direction from such street.

This appeal is not made for the purpose of hindering or delaying development in the area but is for the sole purpose of securing orderly development of the area."

Mr. Foxworth presented the preliminary plan and pointed out that the property under consideration is located at the northeast corner of Braker Lane and

C8-70-13 Four Seasons--contd.

Cameron Road. Mr. Peterson's property as related to the subject subdivision is to the east with Walnut Creek on the outer side of his property. The preliminary plan was considered by the Subdivision Committee but Mr. Peterson did not receive notice of the hearing and as a result was not at the meeting, to voice any comment in relation to the plan which is why the appeal has been filed.

A suggested revision by the staff which should accommodate both Mr. Neans, the developer of the subject subdivision and Mr. Peterson, would involve only that portion of the property to the east of the creek that feeds into Walnut Creek. A joint street could be developed between the two properties with both property owners sharing in the cost of the street. It is assumed at this point that both parties have seen this suggested revision and have not agreed to revise the plan accordingly.

Mr. Foxworth advised the Commission that this afternoon he made a second suggested revision; however, neither of the parties have seen the revision as the staff has not had the opportunity to discuss it with them. The second revision shows Mr. Peterson's property as related to the subdivision whereby Mr. Neans could provide a stub street into the south property line of Mr. Peterson's property and Mr. Peterson could complete the street with a cul-de-sac and plat lots accordingly. It should be pointed out that either of the suggested revisions would be acceptable to the Planning Department, in that if the two property owners agreed to either one the staff could recommend it to the Commission.

Mr. Richard Baker, attorney for the developer of the Four Seasons, stated that when it was brought to their attention that an appeal had been filed on the subject property by Mr. Peterson, Mr. Neans and Mr. Smith, commenced to undertake a determination of procedures of what could be done to effect the desired results that Mr. Peterson wished to attain. In relation to this, Mr. Smith has prepared a number of figures and has done a number of calculations for the developer to determine what the actual cost of the proposed changes would be.

Mr. Baker explained that he met with Mr. Foxworth concerning the first suggested revision by the staff and the problems which resulted from that proposed plan and it was at this time the staff's second suggested revision was discussed to some extent. Both of the suggested revisions were discussed with Mr. Neans and Mr. Smith and they both prefer the second revision which is the plan to extend the street from July Drive on the preliminary which has been approved to a portion of Lot 3, redesigning the lots which remain in that tier of lots, and stubbing the street into Mr. Peterson's property so that he can create a cul-de-sac and work his lots off the cul-de-sac. Mr. Peterson has an existing house on a portion of his property and based on the approximate location of that house and the revised plan, the staff estimates that Mr. Peterson would be able to attain 5 or 6 lots. The first revised suggestion by the staff would necessitate some exchanges of land between the two parties and in effect, a joint contract for the construction of streets and utilities which Mr. Neans prefers not to get into. He would rather develop as indicated by the second suggested revision proposed

C8-70-13      Four Seasons--contd.

by the staff. In this design the number of lots will remain the same. Mr. Neans is willing to work this out to the satisfaction of the Planning Commission and do what they dictate in regard to the matter.

Mr. Baker pointed out that the suggested revisions by the staff with regard to a joint street results in the same number of lots as set forth in the original preliminary, but it does not provide for the extension of all four streets being July Drive, March Drive, April Drive and September Drive into Cameron Road which the applicant prefers from the standpoint of a subdivider. The additional cost incurred under the first revision by the staff, as estimated by Mr. Smith, excluding the approximate \$900 which will be necessary for Cameron Road, would be \$7,641.60. This is on the basis that there would be an additional 320 linear feet of street required in this revision over what would be required in the plan approved. The applicant loses an additional 25 feet of right-of-way which he would not be required to dedicate in this section which is approximately 3 acres of land. If he loses the street he also loses 25 feet which must be taken out of the lots making them smaller. If Mr. Neans were to subdivide the property as proposed by Mr. Peterson and the cost were divided as advanced by his letter, the cost to Mr. Neans would be \$3,767. Mr. Neans would be willing to do this if Mr. Peterson is willing to pay the additional \$3,767 that it would cost him to subdivide it in that manner, as he does not obtain any more lots and it is just an additional cost factor which the applicant must incur to assist Mr. Peterson in subdividing his 3 acres. The \$3,767 is calculated by taking half the cost of 320 linear feet of street and utilities and \$2,682 plus the additional .3 of an acre of land at \$3,500 an acre for \$1,085. In the second revision, proposing the extension of a street from July Drive, Mr. Neans would be able to utilize the existing preliminary as filed and what would be necessary would be the extension of a street from July Drive through what he proposes now as lot 3, which would be 115 linear feet of 50 foot paving plus utilities, which would give Mr. Peterson service to his tract at an additional cost of \$1,380 for utility construction. Mr. Neans feels that if this is the ultimate selective, that Mr. Peterson should agree to pay \$1,380 cost incurred to provide this service to his tract of ground. The advantage of the second revision over the first, besides the fact that it saves both parties a considerable amount of money, is that Mr. Neans is not dealing with several people in relation to his subdivision. He has no responsibilities to anyone else but himself because it all belongs to him. Mr. Baker stated that it is his understanding that when Mr. Peterson purchased the 3 acre tract he had 160 feet of frontage on Cameron Road. One of the reasons he is not able to subdivide a tract is the fact that approximately one-third of the property lies below the bluff or in the flood plain. Although he could bring a 60 foot street in from Cameron Road it would be very difficult which is one of the problems that is existing; however, this problem existed when he purchased the property. He further commented that it is his understanding that when Mr. Peterson purchased the property it was contemplated by the then owner that all of the land would be subdivided into 3 acre tracts. While the land owned by Mr. Neans has been subdivided into small tracts for single-family residences, the tract owned by Mr. Peterson has not changed in character or size as the result of any action taken by Mr. Neans.

C8-70-13      Four Seasons--contd.

Mr. Kinser suggested that Mr. Neans and Mr. Peterson work together on this problem and try to resolve it. He asked if it had to be approved at this meeting and if a portion of it could be held in abeyance pending further study of the problem.

Mr. Baker stated that it is his understanding that a final plat has been submitted on the northwest quadrant of the area above the creek which will be recommended for disapproval. This does not affect any of the streets or utilities in the portion of the property in question and there would be no objection to a 30 or 60 day postponement of a portion of the plan.

Mr. Reeves stated that in his opinion the second revision by the staff is a fair proposal if Mr. Peterson is willing to pay for the expense of re-doing it. This should be worked out among themselves.

Mr. Vernon Pfluger, attorney for Mr. Peterson, advised the Commission that he has not seen the second revision suggested by the staff. Mr. Peterson knew there was a problem of attempting to develop this area together. If he were left a 3 acre island he could not develop alone, this would be a 3 acre island in a future city. He has attempted since November to contact Mr. Neans and discuss the proposal but was unable to get in touch with anyone until this time. Mr. Peterson is not adverse to trying to work the problem out in an equitable manner. His problem was that if the first design were to back lots upon his property line, he would have an ultimate alternative of putting a 60 foot street in from Cameron Road. The rear of the houses on the lots in the other subdivision would then abut the street rather than the front. The terrain is such that he would barely have enough land to locate improvements if the street were extended into the property. If it were a matter of Mr. Peterson being able to come in and put a street only on his land and have lots on both sides, this would certainly be his purpose but it is his understanding from the Planning Department and consideration of the terrain that it is not possible for this to be done with his property. This is the reason for trying to work out some alternative. It might be pointed out that Mr. Baker mentioned land exchanges which would mean giving up some land for the applicant and Mr. Peterson is willing to give up some land to Mr. Neans as indicated by the property line to the rear. He is willing to offset any land he might acquire from Mr. Neans with some of his own land. There would be no objection to working out the problem with Mr. Neans or his representatives.

The Commission members discussed the suggested revisions by the staff and agreed that both parties concerned should be given opportunities to work out an agreement which is satisfactory to them. They noted that the plan as exists and submitted is approved and felt that this approval should be held on the property west of the creek but that the remainder of the property be held in abeyance pending an agreement between the two property owners.

C8-70-13      Four Seasons--contd.

It was then

VOTED:      To UPHOLD the APPROVAL of a portion of the FOUR SEASONS subdivision located west of the creek and hold in ABEYANCE the remaining portion of the property in question pending an agreement between the two property owners involved.

C8-70-26      Apache Shores  
                 Big Horn Drive

The staff reported that this preliminary plan was considered by the Subdivision Committee at the last regular meeting and referred to the Planning Commission. The plan was referred to the Commission because the request by the Parks and Recreation Department basically asked for revision of the plat to accommodate access to Lake Austin which abuts the east side of this section of Apache Shores. The owner or his representative was not present at the Subdivision Committee meeting and the plan was referred to the full Commission so that the staff could discuss with them to see what could be worked out in providing access to the lake. The staff has discussed this with Mr. Bob Smith, the owner and developer of the subdivision, and they have a tract of land in Section 2 which was designated and deed restricted for general use as boat docks, launching ramps, etc. for people in the subdivision. Section 2 adjoins this subdivision immediately to the north. Part of the property in Section 4 is simply a replatting of some of the lots in Section 2.

Mr. G. W. Thompson, engineer for Apache Shores, Inc., advised the Commission that the boat docks, launching ramps, etc. exist at the present time.

Mr. Foxworth recommended that the plan as submitted be approved, subject to the comments and reports made by the Subdivision Committee, excluding the comment by Parks and Recreation Department. This would involve a variance from the Subdivision Ordinance. At the Subdivision Committee Meeting, the Planning Department recommended that the lot lines be perpendicular to the street along Big Horn Drive as this is a general requirement of the Subdivision Ordinance. The staff has discussed this with Mr. Thompson and he has indicated that the properties have been sold by contract in the manner shown. It would have been preferable to have the lots squared with the street but it does not create a problem and the staff recommends that the variance be granted. The Commission then unanimously

VOTED:      To APPROVE the preliminary plan of APACHE SHORES, Section 4, subject to compliance with departmental reports and comments, excluding the Parks and Recreation Department comment, and granting a variance from the Subdivision Ordinance requiring perpendicular lot lines to the street on Big Horn Drive.



SUBDIVISION PLATS -- FILED AND CONSIDERED

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

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

- C8-69-104 South First Addition  
South First and Blue Valley Lane
- C8-69-10 Westover Hills, Section 6  
Mesa Drive and Steck Avenue
- C8-69-22 Mesa Drive Street Dedication  
Mesa Drive
- C8-69-20 Kassuba Beach, Phase 3  
South Lakeshore Boulevard and Elmont Drive
- C8-69-46 Southridge, Section 3  
Southridge Drive
- C8-69-52 Crockett Commercial Area, Section 2  
Manchaca Road and Stassney Lane
- C8-70-2 Balcones Village, Section 6  
Spring Hollow and Cedar Forest
- C8-69-94 Rosewood Village, Section 3  
Rosewood Avenue and Walnut Avenue
- C8-69-111 Dessau Estates, Section 1  
Dessau Road and Crystal Bend

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

VOTED: To ACCEPT for filing and DISAPPROVE the following final plats, subject to completion of departmental reports:

- /C8-70-13 The Four Seasons, Spring Section  
Braker Lane
- /C8-70-20 Craigwood, Section 2 Rev.  
Craigwood Drive
- C8-70-41 Travis Landing, Section 2, Phase 5  
Weletka Drive and McCormic Mountain Drive
- C8-70-46 Community of Fairview, Section 5  
Ramble Lane and South Congress

C8-70-33      Country Club Gardens, Section 4  
                  Carnation Terrace and Grove Boulevard

The staff reported that this is the first appearance of this final plat before the Commission and reports are still lacking. There is a variance involved on the width of Lot 37, Block B. It is a pie shaped lot which does not have 50 feet of width, 50 feet behind the building line as required by the Subdivision Ordinance. The staff recommends that the variance be granted as the lot does have 50 feet at the property line, and 50 feet at the building line but it narrows to less than 50 feet behind the building line. It is recommended that the final plat be accepted for filing and disapproved pending the required tax certificates, fiscal arrangements, completion of departmental reports, and a no-access restriction from Grove Boulevard for Lots 4-22, Block E and that the variance be granted. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of COUNTRY CLUB GARDENS, Section 4, pending the requirements as indicated, granting a variance from the Ordinance on Lot 37, Block B requiring 50 feet of width 50 feet behind the building line.

C8-70-34      Country Club Gardens, Section 7  
                  Fairway Street and Grove Boulevard

The staff reported that this is the first appearance of this final plat before the Commission and several reports are still lacking. There is a variance involved on Lot 13, Block C and Lot 14, Block A which do not have 50 feet of width 50 feet behind the building line. The staff has no objection to the variance and recommends that it be granted and that this final plat be accepted for filing and disapproved pending the required tax certificates, completion of departmental reports, fiscal arrangements for full development of Grove Boulevard and Fairway Street and identification for Lot 11, Block D. The Commission then unanimously

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of COUNTRY CLUB GARDENS, Section 7, pending the requirements as indicated, granting a variance from the required 50 feet of width 50 feet behind the building line on Lot 13, Block C and Lot 14, Block A.

C8-69-109      Lakeway, Section 17  
                  Lohman's Crossing Road and Hurst Creek 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 and the required building lines on the plat. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of LAKEWAY, Section 17, pending the requirements as indicated.

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

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

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

C8-70-47      Craigwood, Section 2-A  
Little Hill Circle

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 completion of departmental reports and the recording of Section 2, prior to the recording of this section. The Commission then

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

C8-70-48      Battle Bend Springs, Section 1-A  
Battle Bend Boulevard

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of BATTLE BEND SPRINGS, Section 1-A pending the requirements as indicated.

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

The staff reported that this is a final plat which was brought before the Commission a month ago on a problem at the intersection of Cheryl Lynn Drive and Bluff Springs Road where an off-set intersection was involved. The Commission postponed the request for 30 days so that the owners, the Planning Department and the Traffic and Transportation Department could further study the problem. Following that meeting, the staff and Mr. S. A. Garza, engineer for the owner, and the Traffic and Transportation Department agreed to extend the southernmost property line of Cheryl Lynn Drive to Bluff Springs Road to create a wide intersection at this point, leaving the north property line of the street where it was because of the water line. This would line the street up with Bradshaw Lane across Bluff Springs Road. The staff recommends disapproval at this time pending the required tax certificates, completion of departmental reports and additional easements.

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

The Commission then unanimously

VOTED: To DISAPPROVE the final plat of PERKINS PARK, Section 1, pending the requirements as indicated.

SHORT FORM PLATS - FILED AND CONSIDERED

The staff reported that the following short form plats have complied with all departmental reports and met all requirements of the Ordinance and recommended approval. The Commission then

VOTED: To APPROVE the following short form plats:

<u>C8s-70-68</u>	<u>Heritage Hills Resub. Number 1</u>
	<u>Valley Forge and Grayledge Drive</u>
<u>C8s-70-73</u>	<u>Snedeker Subdivision</u>
	<u>Maxwell Lane</u>

<u>C8s-70-67</u>	<u>Morris Walden Addition</u>
	<u>Bluff Bend Drive</u>

The staff reported that this short form plat has complied with all departmental reports and met all requirements of the Ordinance and recommended approval. Mr. A. P. Pepler, nearby property owner, appeared at the hearing and asked if the Commission is aware of the fact that this is a proposal for a mobile home park. Mr. Foxworth explained that this was brought out before the Subdivision Committee a few weeks ago. There were people present in opposition to the proposed subdivision due to the fact that it was for a mobile home park. It is the staff's understanding that the owners intend to put two trailers per lot. As indicated at the Subdivision Committee meeting, the only way he could do that would be to go through a common electric meter and a common water meter. If the applicant developed the property without subdividing, he could probably put 20 to 30 trailers in the area. Even if he put two trailers per lot, he would still have less density than if he developed a mobile home park outright. There was considerable opposition to the request and it was brought out that the property is outside the City limits and the type of use proposed on the site is not contrary to the Master Plan and the subdivision attempt is in compliance with the Subdivision Ordinance requirements. Therefore, the Commission has no basis to deny it.

Mr. Pepler advised the Commission that the trend of the present development for the area between Braker Lane and Rundberg and all areas adjacent to the subject area is single-family residential. The homes are in the price range of \$18,000 to \$30,000. It would not be in the normal trend of that development to put mobile homes at an average cost of \$6,000 to \$7,000 in that area.

Mr. Milstead pointed out that the subject property is outside the City limits and is therefore not being considered for zoning. The applicant can put

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C8s-70-67      Morris Walden Addition--contd.

trailers on the site if he wants to regardless of any action taken by the Commission. Mr. Pepler stated that a mobile home development is a small scale subdivision and the basis for disapproval in his opinion would be that it was not in the general trend of development in the area.

Mr. Foxworth explained that even if the property was inside the City limits and zoning did apply, the applicant could do exactly what he is doing by subdividing into individual lots and putting one trailer on a lot. After further discussion, the Commission unanimously

VOTED:      To APPROVE the short form plat of MORRIS WALDEN ADDITION.

C8s-70-74      Bouldin Addition, Resub.  
South 2nd Street and West Johanna

The staff reported that this is the first appearance of this short form plat before the Commission but it has complied with all departmental reports and met all requirements of the Ordinance and it is recommended that it be accepted for filing and approved. The Commission then

VOTED:      To ACCEPT for filing and APPROVE the short form plat of BOULDIN ADDITION, Resub.

C8s-70-75      Oak Park Subdivision, Resub.  
Parkwood Drive and Oakclaire

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 the required fiscal arrangements. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of OAK PARK SUBDIVISION, Resub. pending the required fiscal arrangements.

C8s-70-76      Stroman Subdivision  
Chisholm Lane South

The staff reported that this short form plat involves a variance from requiring the signature of the adjoining owners. A letter has been received requesting that the variance be granted as an attempt was made to get the adjoining owner to participate but he did not wish to. In view of this, the staff recommends that the variance be granted and that the short form plat be accepted for filing and disapproved pending the required tax certificates on one of the tracts in question and a no-occupancy restriction on the plat. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of STROMAN SUBDIVISION, pending the requirements as indicated, granting a variance on the signature requirements of the adjoining owners.

C8s-70-77      T. W. & Ophelia Kincheon Sub.  
                  Hackberry Street and Angelina

The staff reported that this short form plat has complied with all the departmental reports and all requirements of the Subdivision Ordinance; however, it has just been brought to the attention of the staff that it has to be approved by the Urban Renewal Agency as part of the plan for the property as it was acquired from the Urban Renewal Agency. It is recommended that the short form plat be accepted for filing and approved, pending review and approval by the Urban Renewal Agency. The Commission then

VOTED:      To ACCEPT for filing and APPROVE the short form plat of T. W. & OPHELIA KINCHEON SUB., pending review and approval by the Urban Renewal Agency.

C8s-70-78      Lakeridge Estates, Sec. 2-A  
                  Lake Hills Drive & Oaks Drive

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 LAKERIDGE ESTATES, Section 2-A, subject to compliance of departmental reports.

C8s-70-79      Knollwood, Resub.  
                  Knollwood Drive & Forest Hills

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 KNOLLWOOD, Resub. pending completion of departmental reports.

C8s-70-80      Oak Creek Village  
                  Wilson Street

The staff reported that this is the first appearance of this short form plat before the Commission, but it has complied with all departmental reports and that all requirements of the Ordinance have been met and the recommendation is to accept for filing and approve. The Commission then

VOTED:      To ACCEPT for filing and APPROVE the short form plat of OAK CREEK VILLAGE.

C8s-70-81      Morgan Nesbitt Sub.  
Manor Road & Carol Ann Drive

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 the required fiscal arrangements. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of MORGAN NESBITT SUB., pending the required fiscal arrangements.

C8s-70-82      H.M.S. Subdivision  
Parker Lane & Woodland Ave.

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 H.M.S. SUBDIVISION pending completion of departmental reports.

C8s-70-83      First Resub. of Lakeview Gardens  
Hull Circle Drive

The staff reported that this short form plat involves the variance from requiring the signature of the adjoining owners. The Planning Department has not received a letter requesting the variance but the staff has talked to the owner who indicated he would submit the letter or get the adjoining owners to participate. At this point there is no information indicating whether or not he has been able to get the owner to sign or provide the Planning Department with a letter. As a result, the staff recommends that the short form plat be disapproved pending the joinder of the adjoining owner or receipt of a letter stating that he will not participate. The Commission then

VOTED:      To DISAPPROVE the short form plat of FIRST RESUB. OF LAKEVIEW GARDENS, pending the joinder of the adjoining owner or receipt of a letter stating that the adjoining owners do not wish to participate.

C8s-70-84      "K" Subdivision  
Research Blvd. & Peyton Gin Road

The staff reported that this subdivision, involving a large tract of land, is located on North Gate Boulevard, Research Boulevard, and Peyton Gin Road. There is a variance to exclude the balance of the tract. This is part of the Sneed property that was excluded from the North Gate Subdivision. The owners of this tract are acquiring a two-acre tract out of the NPC property which is proposed to be connected to the aforementioned Sneed property creating one resulting tract. Zoning consideration on the NPC property

C8s-70-84      "K" Subdivision--contd.

was granted subject to subdivision approval providing for certain streets which will not affect this two-acre tract proposed to be cut out. The requested variance is to exclude the balance of the NPC tract. The property under consideration is being added to the original portion of Mr. Sneed's tract for the purpose of one building site to be used commercially. The only method whereby the staff could determine that a subdivision could be approved short of actually submitting a long form and dedicating the streets and making fiscal arrangements was to go this route. In view of this, the staff recommends that this short form be accepted for filing and disapproved pending compliance with departmental reports, and recommended the granting of a variance to exclude the balance of the tract. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of "K" SUBDIVISION pending compliance with departmental reports and granting a variance to exclude the balance of the tract.

C8s-70-85      R. F. Higginbotham Sub.  
N. Lamar and Elliot Street

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 R. F. HIGGINBOTHAM SUB., pending completion of departmental reports.

C8s-70-86      Shurtleff and Jenkins Addition  
I. H. 35 & Bluff 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 completion of departmental reports and a change in the Master Plan designation. The Commission then

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

C8s-70-87      Florence E. Richey Subdivision  
Newning Avenue & Park Lane

The staff reported that this is the first appearance of this short form plat and no departmental reports have been received. There is a variance involved on the signature requirements of the adjoining owner and a letter has been received requesting that the variance be granted as the adjoining owner does not wish to participate. In view of this, the staff recommends the variance be granted and that the short form plat be disapproved pending completion of departmental reports.



C8s-70-87 Florence E. Richey Subdivision--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of FLORENCE E. RICHEY SUBDIVISION pending completion of departmental reports and granting a variance on the signature requirements of the adjoining owner.

OTHER BUSINESS

C2-70-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENT

Approximately 75 acres located between Kramer Lane and Rutland Drive and east of a proposed 90 foot arterial street for approximately 2,000 feet. (Note: The proposed arterial is located on the Expressway and Arterial Plan dated April 24, 1969).

The 75 acre area is located in North Austin just east approximately 3,000 feet from the Texas and New Orleans Railroad between Kramer Lane and Rutland Drive.

The Commission was advised that Mr. Bill Houston had requested a change in the Austin Development Plan from the present use designation of Low-Density Residential to Manufacturing and Related Uses for the 30 acre area he owns. Mr. Houston had his engineer Mr. Hudson, submit a schematic plan for an industrial subdivision. Mr. Houston and his associates plan to develop an industrial subdivision if this change in the Master Plan occurs.

The additional area was added to tie the proposed change into the existing area designated for Manufacturing and Related Uses.

Mr. Golden outlined the area and reviewed the existing land uses in the area. He pointed out that the area along the south side of Rutland Drive is developing into an industrial area. The same is true for the area along Kramer Lane between F.M. 1325 and the railroad. The area to the east of this request is designated Low-Density Residential and Mac-Mor Acres, now partially developed, is one of the older subdivisions in this vicinity. The J. B. Rutland tracts presently owned by Mr. Jerry Wallace has been planned for Residential, both multi-family and single-family. Some 240 units of apartments are proposed along Rutland Drive.

It was pointed out that the 60 acre tract of land owned by Mr. L. East to the east of the additional area had been proposed for several developments, the latest proposal being a mobile home park.

The staff indicated these proposals may come into conflict if some land was not reserved as a buffer zone between the Manufacturing and Related Uses and the existing Residential and proposed Residential Uses. Three different possibilities were discussed to assist in establishing this zone.

C2-70-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

The applicant (Mr. Houston) indicated that his development would be well designed and construction would look something like the office building he has constructed. He further indicated that his plans were flexible but that he hoped to develop an industrial subdivision.

Mr. Osborne reviewed the history of industrial development for this area of Austin and felt this was an area that is developing into an industrial area. He further indicated the potential for industrial development is good and the conflict between the different uses is not critical. He would not hesitate to recommend the change for the request including the additional area as shown.

Mr. Kinser questioned the circulation and street development for the residential and industrial development. Mr. Foxworth pointed out the need for extension of the collector street shown and anticipated in the schematic plan for Quail Creek West, Phase II. Mr. Osborne indicated that the location of the street could go westerly, or northerly to Kramer Lane.

The Commission, after some discussion of traffic circulation, unanimously agreed that this was a logical extension of the industrial area. It was therefore

VOTED: To recommend to the City Council that the change in the Master Plan on approximately 75 acres as described from Low-Density Residential to Manufacturing and Related Uses be GRANTED.

C2-70-1(b) AUSTIN DEVELOPMENT PLAN AMENDMENT

Approximately 30 acres of land located in South Austin west of South Congress Avenue and along both sides of Slaughter Lane for a distance of approximately 570 feet. The area is bounded on the north by a line approximately 1,550 feet north of Slaughter Lane and on the south by a line approximately 800 feet south of Slaughter Lane.

The staff stated that the request was submitted by Mr. Malcolm Robinson, attorney for Mr. Vernon Wattinger, owner of a 6 acre tract within the 30 acre area under consideration. The request was to change the designation of land use in this area from Undesignated to Commercial Service and Semi-Industrial Uses. The specific use proposed for the area was a new office for his mechanical (plumbing) contracting business and storage yard.

Mr. Golden reviewed the existing land use in the area and pointed out that water was available to the site, however, sewer service is not available.

The uses in the area consist of old automobile storage areas or junk yards in the northern portion of the area and the same type use is located to the southern portion of the 30 acre area.

The additional 24 acres under consideration and the suggested boundary was

C2-70-1(b) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

delineated in an effort to cover the already existing commercial and industrial type uses. It was noted that cafes, beer taverns and offices are located within the area along South Congress. A motel and other types of commercial uses are located further to the south. The area along Slaughter Lane is developed predominantly Residential.

Mr. Golden stated that there may be a problem in the mixture of uses within the area under consideration. Mr. Osborne may have a recommendation on this request. He stated the notice published brought more comment on the proposed arterial shown in the display ad.

Mr. Osborne stated the basic inference in the Master Plan is that this area is Suburban Residential but not specifically designated in the plan. He pointed out the John Roberts Manufacturing Plant, Capitol City Street Plant and other type uses surrounding the area. He felt this type of commercial use will continue to be found along the highways. This request is recognition of the auto storage and contracting storage developed in the area and the Commercial Service and Semi-Industrial Land Use designation is appropriate. He pointed out that future development of the residential use would be prohibited. For instance, a residential subdivision could not be accepted within this area as outlined.

Mr. Robinson stated that he had nothing to add. He stated that Mr. Wattinger was there to show his interest.

Mr. Emil Spillman stated there was no problem of anyone objecting to this request. He pointed out his property across the street and stated that a motel is proposed on the property along I. H. 35. He said that if he had known about this meeting, he would have included his property in the request. Mr. Spillman's brother also stated he was for the change.

Mr. Kinser stated that Mr. Spillman was on the Planning Commission long enough to know we cannot do as he requested but he could submit his plans to the Department and the Commission would be happy to consider them. Mr. Osborne stated that perhaps the use for a wider area should be considered in the future. Mr. Milstead hoped that this could be expedited.

After further discussion, the Commission felt the request should be granted as it is recognition of an already existing commercial service area. It was therefore

VOTED: To recommend to the City Council that the change in the Master Plan on approximately 30 acres as described from Undesignated to Commercial Service and Semi-Industrial be GRANTED.

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C2-70-4(1) ZONING ORDINANCE

Report on proposed Mobile Home Regulations

Mr. Osborne advised the Commission that he has written a draft on Mobile Home Regulations; however, he inadvertently made a serious omission which is the small unit on the one-half or one and two acre situations. There is some question concerning the Subdivision Ordinance requirements, but perhaps the most critical issue will be the policy proposal concerning the area outside the City limits. The draft will be ready to distribute to the Commission members the latter part of the week and it is suggested that some of the Commission members, and the staff meet with representatives other than mobile home industry at which time they will also be given a copy of the proposed Mobile Home Regulations. Following that, there can be a full Commission hearing on the proposal.

Mr. Kinser appointed Mr. Goodman to serve as Chairman of the Mobile Home Committee and Mr. Reeves and Mr. Becker to serve as Committee members.

C10-70-1(h) STREET VACATION

Portion of old South First Street east of Drake Bridge

The staff reported that this is a request to vacate a portion of old South First Street just east of new South First Street in the Town Lake Bridge. The request to circulate to the various City departments and the recommendation is in favor subject to a retention of the necessary sanitary sewer easements.

Mr. Osborne stated that the Planning Department sees no problem with the vacation and recommends that it be granted. The Commission then

VOTED: To recommend to the City Council that a portion of old South First Street east of Drake Bridge be VACATED, subject to the retention of the necessary easements.

C10-70-1(i) STREET VACATION

West 37th Street between Crawford Avenue and Mill Street

The staff reported that this is a request for the vacation of West 37th Street between Mill Street and Crawford Avenue. The City departments have reviewed the request and recommend in favor of the vacation subject to the retention of the necessary sanitary sewer, Water Department, Electric Department, and Gas Company easements. The Department also indicated that if the lines are relocated, it will be at the owner's expense.

Mr. Robert Sneed, attorney for the applicant, requested the Commission to include a recommendation on the abandonment of the easements upon relocation at the property owner's expense. A Safeway Store is proposed to be built over the street and there have been discussions with the City concerning relocating the easements and a price of \$10,900 has been quoted. When the

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

streets and alleys were vacated in the doctor's area on the east side of the creek, the motion was that if the lines were relocated, the easements would be abandoned.

After further discussion, the Commission unanimously

VOTED: To Recommend that West 37th Street between Crawford Avenue and Mill Street be VACATED, subject to the retention of the necessary easements, with the provision that if the lines are relocated it will be at the owner's expense, at which time the easements will be abandoned.

R140 Planning Commission - GENERAL

1. Report on suggested procedures for Planning Commission review of 1970 - 1975 Capital Improvements Program

Mr. Osborne explained that the City Charter calls for the Planning Commission to make recommendations on needed Capital Improvements for the coming 5 years. This can be done without specific regard to dollars, funding, etc. The City Manager is developing a 1970 current year detail CIP Program which includes relatively precise dollar values, scheduling, engineering and consulting services required. This fall the City Manager will request the Commission to review a three year CIP Program again with very precise figures of scheduling. The Commission will be recommending to the City Manager what is needed for the community and the City Manager will try to translate this into a budget proposal. The Charter requires that the Planning Commission submit a list of recommendations 90 days prior to submission of the budget. This means that the Commission should finish its work and submit the list of recommendations by the first of July.

Mr. Osborne pointed out that the Planning Commission did an extensive detailed report last year and earlier this year on CIP and in his opinion this report should be studied to see if there are amendments or alterations to be suggested, rather than go into another detailed study. In October of this year, the Commission will have to go over the CIP Program for at least a 3 year period.

Mr. Osborne explained that in two weeks the Commission will be presented with a detailed one year CIP Program for 1970. The Commission should review the program but not in any detail unless there is evidence of a conflict with something previously recommended by the Commission.

Mr. Goodman asked where the information from the City Manager will go. Mr. Osborne explained that it goes to the City Council and copies will be sent to the Planning Commission. He said that in his opinion the Commission is at this point an approval agency on this particular CIP Program. It will be brought to the Commission for information as it is the kind of document that will be reviewed in the fall. The Commission should take the one year docu-

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ment and last year's CIP and go over it and try to point out and come up with recommendations for needed Capital Improvements. If a dollar value can be put to it, it will, but if a dollar value cannot be put to it, the Commission can try to indicate that it is not a specific dollar, but it is an issue that the Commission feels is a matter of concern. The members briefly discussed the time limitations for reviewing the one year CIP Program and agreed that a special meeting for this purpose should be held in June.

2. Report on proposed subdivision, zoning and pollution regulations regarding consideration of the Flood Plain creeks and waterways.

The Chairman reported that the Planning Commission received a letter of transmittal from the City Manager regarding the Flood Plain Control Ordinance. He stated a special meeting will be held by the Commission to study and view the proposals and although the meeting will be open to the public there will not be any testimony on the proposal. A future public hearing will be held at which time testimony will be accepted.

The Commission members agreed to reschedule a special meeting on Tuesday, May 26, 1970 at 7:00 p.m. to study and review the proposed Flood Plain Control Ordinances.

ADJOURNMENT: The meeting was adjourned at 11:00 p.m.