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CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- August 11, 1970

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

Present

Bill Milstead, Chairman
C. L. Reeves
M. J. Anderson
Jack Crier
Fritz Becker
Jack Goodman
Alan Taniguchi
Walter Chamberlain

Absent

S. P. Kinser

Also Present

Hoyle M. Osborne, Director of Planning
Walter Foxworth, Supervising Planner
Jim Bickley, Associate Planner
Mike Wise, Associate Planner
Caroline Schreffler, Administrative Secretary

MINUTES

Minutes of the meetings of February 10, 1970, and March 10, 1970, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of August 3, and 4, 1970.

Present

Alan Taniguchi, Chairman
Jack Goodman
Fritz Becker
C. L. Reeves

Also Present

Hoyle M. Osborne, Director of Planning
Mike Wise, Associate Planner
Caroline Schreffler, Administrative Secretary

PUBLIC HEARINGS

C14-70-125 Paul S. Hill: A, 1st to B, 2nd
501 West 39th Street
500 West 38½ Street

STAFF REPORT: The tract under consideration contains 9,500 square feet with the proposed usage being apartments. "C" Commercial zoning exists along Guadalupe Street and "B" Residential zoning is scattered throughout the surrounding residential neighborhood. Baker Junior High School is across 39th Street, and apartments have been constructed to the south across 38½ Street. The adjacent lot to the west was recently zoned "B" Residence, Second Height

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C14-70-125 Paul S. Hill--contd.

and Area. This is in an area where the staff and the Planning Commission have conducted an Area Study. "BB" and "B" Residence zoning is appropriate where streets are adequate. This is a logical extension of zoning and the staff recommends the change.

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, subject to departmental requirements.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Paul S. Hill for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 501 West 39th Street and 500 West 38½ Street be GRANTED.

C14-70-126 Charles Villaseñor: D to C-2
300-308 Allen Street

STAFF REPORT: This tract of land contains 15,984 square feet, with the proposed use for a tavern. This area is zoned industrially, but developed residentially and commercially. Commercial uses are located along East First Street to the south. A radio tower is located to the north, and a warehouse to the east. However, single-family homes are developed on the north. Because of these residences, and as this is a dead-end street, zoning permitting a beer tavern is not appropriate at this location. This area is designated as industrial in the Master Plan. Industrial streets have 80 feet of right-of-way. Allen Street has only 50 feet of right-of-way and is a dead-end street. The City is not asking for right-of-way as they do not under "C-2" Commercial applications. The staff suggests that this is a poor location for a tavern and recommends against the request.

C14-70-126 Charles Villaseñor--contd.

TESTIMONY

WRITTEN COMMENT

A. Roy Thomas

FOR

PERSONS APPEARING AT HEARING

Charles Villaseñor (applicant)

Mrs. R. J. Johnson

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Charles Villaseñor, represented himself, and stated that he feels that the area is an appropriate location for a tavern, in that there are only three residential homes in the area.

Arguments Presented AGAINST:

Mrs. R. J. Johnson, represented her brother who owns land near the subject property, and stated that the Dolly Madison school is just around the corner from the location. It is felt that this usage would be a detriment to the community.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as it is a poor location for the type of business proposed.

At the Commission meeting the members discussed the zoning in the area and

VOTED: To recommend that the request of Charles Villaseñor for a change of zoning from "D" Industrial, Third Height and Area to "C-2" Commercial, Third Height and Area for property located at 300-308 Allen Street be DENIED.

AYE: Messrs. Crier, Reeves, Becker and Milstead

NAY: Messrs. Anderson, Goodman, Taniguchi and Chamberlain

ABSENT: Mr. Kinser

C14-70-127 Charles Villaseñor: A to C-2
6213-6217 Caddie Street
1700 Montopolis Drive

STAFF REPORT: This request for a change of zoning is on a tract of land with an area of 9,900 square feet with proposed usage a tavern. This area west of Montopolis is zoned "A" Residential. It is developed with single-family homes. Several zoning cases in this area in the past three years have been recommended against and withdrawn. "LR" Local Retail zoning is established east of Montopolis

C14-70-127 Charles Villasenor--contd.

Drive. A church is one block to the south. "C-2" Commercial zoning was granted in the small retail center at Fairway and Montopolis Streets. If these uses are to be developed in residential neighborhoods, they should be encouraged in an established commercial area. The staff recommends that this property remain "A" Residential, as "C-2" Commercial would be an intrusion into a residential neighborhood. The staff stated that if the request is granted, five feet of right-of-way on Caddie Street would be required.

TESTIMONY

WRITTEN COMMENT

Eliseo Vasques: 6200 Caddie Street

AGAINST

PERSONS APPEARING AT HEARING

Charles Villasenor (applicant)

Father Fred Underwood: Dolores Catholic Church

5 Nearby Property Owners

AGAINST

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant, Mr. Villasenor, represented himself and stated that he does own the shopping center across the street in addition to this land, and wants to build some commercial buildings in the area. He has a party interested in leasing the property if it is approved.

Arguments Presented AGAINST:

Father Fred Underwood, with the Dolores Catholic Church in the Montopolis Community Center, appeared against this request. He stated that the work of his group had been to reduce crime in the area and establish a family neighborhood, and they have been doing very well in their work. It is felt that a tavern at this location would be a negative influence at this time.

A group of five residents of Montopolis was present and their spokesman stated that they felt this tavern would be bad for the neighborhood.

Arguments Presented IN REBUTTAL:

Mr. Villasenor stated that he had helped pay for the widening of Caddie Street and Montopolis Street and he feels that the area needs commercial development as there is very little commercial development there. Also, there is a drive-in theater across the street from this location.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as unsuitable for this area.

At the Commission meeting, the members discussed the surrounding neighborhood and unanimously

VOTED: To recommend that the request of Charles Villasenor for a change of zoning from "A" Residence, First Height and Area to "C-2" Commercial, First Height and Area for property located 6213-6217 Caddie Street, and 1700 Montopolis Drive be DENIED, but that "GR" General Retail, First Height and Area be granted.

C14-70-128 Charles Villaseñor: A to GR
1213-1215 Montopolis Drive
6300 Porter Street

STAFF REPORT: This request is on a tract containing 7,830 square feet with the proposed usage being a drive-in grocery with beer to go. Single-family homes are developed along Porter Street and zoned "A" Residential. A recreational community center is located across and to the south on Montopolis Drive. A rectory and a church are located several lots to the north. To zone commercially would be to encourage further applications along Montopolis Drive. Zoning has been established to the south for a small shopping center. The staff's recommendation is to deny. "GR" General Retail zoning at this point would be an intrusion into the well-established residential nature of those homes on either side of Porter Street. The staff indicated that if the request is granted, five feet of right-of-way on Porter Street will be required.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Charles Villaseñor (applicant)	
Mrs. Hernandez: Caddie Street	AGAINST
Father Fred Underwood: Dolores Catholic Church	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Villaseñor represented himself and stated that he feels commercial development is needed in this location, as apartments are going up, new homes are being built and there is only one other small grocery store in the area.

Arguments Presented AGAINST:

Mrs. Hernandez, a resident on Caddie Street, appeared before the Committee and stated that she felt that the area should remain residential, as there is a store of this type not too far away.

Father Underwood stated that the 75-acre tract across the street is being developed with apartments and homes and that a 4-acre shopping center will be established that will take care of the immediate needs of the residents. There are approximately 1200 families in the Montopolis area at this time.

COMMENTS AND ACTION BY THE COMMITTEE

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

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C14-70-128 Charles Villaseñor--contd.

At the Commission meeting, the Committee recommendation failed to carry by the following vote:

AYE: Messrs. Crier, Reeves and Taniguchi

NAY: Messrs. Anderson, Becker, Chamberlain, Goodman and Milstead

ABSENT: Mr. Kinser

The Commission members then discussed the surrounding area and

VOTED: To recommend that the request of Charles Villaseñor for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1213-1215 Montopolis Drive and 6300 Porter Street be GRANTED.

AYE: Messrs. Reeves, Anderson, Milstead, Chamberlain, Becker and Goodman

NAY: Messrs. Crier and Taniguchi

ABSENT: Mr. Kinser

C14-70-129 Robert E. Winters: A to O
2201-2203 Northland Drive
5610-5614 Montview Street

STAFF REPORT: The subject tract contains 13,755 square feet, with proposed use as an office. "C" Commercial and "LR" Local Retail zoning are established at the intersection of Burnet Road and Northland Drive. The "C" Commercial zoning extends some 600 feet west from Burnet Road of which a portion is across Northland Drive from the subject property. Commercial uses are developed at this intersection. Single-family homes exist on three sides of the subject property; it is a part of the single-family neighborhood. To zone this lot would be an encroachment and an intrusion into this residential area. A branch bank is located across from the subject tract. While the staff could support "BB" Residential through "O" Office east of Montview Street fronting onto Northland Drive, the staff feels that to extend zoning west of Montview Street would encourage further applications. The staff's recommendation is to deny. If the request is granted five feet of right-of-way on Northland Drive and five feet of right-of-way on Montview Street will be needed.

TESTIMONY

WRITTEN COMMENT

Johnnie Anderson: 1027 Ellington Lane
Ernest J. Kohutek: 3201 Yellowpine Terrace
Edith Bartleson: 5604 Montview

FOR
AGAINST
AGAINST

PERSONS APPEARING AT HEARING

Robert Winters (applicant)

C14-70-129 Robert E. Winters--contd.

SUMMARY OF TESTIMONY

Mr. Robert Winters appeared in behalf of his request and stated that due to the surrounding zoning and development and the traffic, he felt an office at this location would improve the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to departmental requirements, as the proper use for the site.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Robert E. Winters for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 2201-2203 Northland Drive and 5610-5614 Montview Street be GRANTED.

C14-70-130 John W. Tabor: A to C
2025 Ivy Trail
2022-2026 Ben White Boulevard

STAFF REPORT: This request is on a tract containing 8,700 square feet, for retail and office development. Seventeen single-family residences and one duplex residence exists along Ivy Trail. A washateria and a service station are located at the intersection of Manchaca Road and Ben White Boulevard. This neighborhood is zoned "A" Residence. There is commercial zoning at the intersection. A request for "O" Office was denied seven lots to the west in 1969. This is an encroachment upon the private homeowners in this small neighborhood. Development in the form of lots backing to Ben White Boulevard provides protection to the interior of the subdivision. It appears that there is adequate undeveloped land zoned "C" Commercial to the east and west for commercial use. The staff's recommendation is to deny as before.

Should this request be granted, five feet of right-of-way on Ivy Trail would be required. A 3.21 foot strip originally owned by the City is now owned by the applicant.

TESTIMONY

WRITTEN COMMENT

John W. Tabor (applicant)
Mr. & Mrs. Glen Engelke: 2029 Ivy Trail
Mrs. Ebba Kott: 2100 Log Trail
Mr. & Mrs. Charles Hatt

FOR
AGAINST
AGAINST

C14-70-130 John W. Tabor--contd.

PERSONS APPEARING AT HEARING

Russell Rowland (representing applicant)	
John Hancock; Ivy Trail	AGAINST
Charles & Ruth Holt; Ivy Trail	AGAINST
R. R. Sands	FOR
Mr. & Mrs. Alfred Fuge; Ivy Trail	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Russell Rowland, representing the applicant, stated that he had officed in this area for sixteen years and had watched it grow and change. He cited the heavy traffic on Ben White Boulevard and the proximity of commercial zoning to this site. This change of zoning has been discussed with the neighbors and there are mixed opinions about the change. He feels that the property fronting onto Ben White Boulevard should be for commercial use as the best possible use for the property.

Mr. Raymond Sands appeared before the Committee to speak for this request, stating that he had talked to four of the property owners at this location and a majority of them approved of this change in zoning. He feels this change would allow the best use for the property.

Arguments Presented AGAINST:

Mr. Alfred Fuge, residing at 2102 Ivy Trail, appeared to speak against this request. He stated that this is a well-established residential area, even if some of the lots do abut on Ben White Boulevard. He further stated that Ivy Trail is a dead-end street, is only 30 feet wide and cannot handle commercial traffic. He feels that this is a case of investors purchasing residential property to sell for commercial property, and that if this case is granted, it will be only a matter of time until Ivy Trail will be an alley, with the accompanying property depreciation.

Mr. John Hancock, living on Ivy Trail, spoke to the Committee. He objects to the requested change because Ivy Trail is a very narrow street and it is a very nice neighborhood in which to live.

Mrs. Holt, who lives at 2021 Ivy Trail, stated that there are 26 children living on the street and that the increase of traffic would be hazardous to them.

C14-70-130 John W. Tabor--contd.

Arguments Presented IN REBUTTAL:

Mr. Rowland stated that he had sympathy for the homeowners on Ivy Trail, but he feels that it is only a matter of time before the property abutting on Ben White Boulevard will have to be used as commercial development. He feels that this development could be done in such a way so as not to detract from the neighborhood. He pointed out that Ivy Trail has a 50 foot right-of-way with 30 feet of paving at this time. Mr. Rowland stated that this requested zoning would be an extension of already existing zoning and the best use for the property.

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 neighborhood.

The Commission discussed this request and then

VOTED: To recommend that the request of John W. Tabor for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2025 Ivy Trail, 2022-2036 Ben White Boulevard be DENIED.

AYE: Messrs. Reeves, Anderson, Crier, Milstead, Chamberlain, Taniguchi, and Becker

NAY: Mr. Goodman

ABSENT: Mr. Kinser

C14-70-131 Violet Manos: A to B
703-709 Hearn Street
702-708 Deep Eddy Avenue

STAFF REPORT: The proposed use for this tract of 26,112 square feet is apartment development. "C" Commercial zoning is established on five lots across Hearn Street to the west and is improved with apartments. This is a single-family residential neighborhood, with over 100 single-family homes within the adjacent blocks. This area is predominantly "A" Residential. The staff recognizes this request as an intrusion into the area and the problem of inadequate streets. Approximately 15 units could be constructed after right-of-way requirements. The property zoned "C" Commercial across Hearn Street was zoned over 16 years ago. No additional zoning or land uses have occurred since. The staff recommends the request be denied. If the request should be granted, five feet of right-of-way on Hearn Street and ten feet of right-of-way on Deep Eddy would be required.

TESTIMONY

WRITTEN COMMENT

Mrs. A. P. Lamme, Sr.: 717 Meriden Lane
Joe O. Parrish: 711 Meriden Lane

AGAINST
AGAINST

C14-70-131 Violet Manos--contd.

Glen E. Lewis, Inc.: 3406 Red River
 Thomas G. Muir: 800 Meriden Lane

FOR
 AGAINST

PERSONS APPEARING AT HEARING

Mike Manos (representing applicant)
 Mrs. Don Sustaita: 707 Meriden Lane
 Roy A. Rasor: 615 Hearn
 Thomas G. Muir: 800 Meriden Lane

AGAINST
 AGAINST
 AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Mike Manos, representing his mother, Violet Manos, appeared before the Committee. He pointed out the areas zoned other than "A" Residential near the proposed tract. There are 40 to 60 apartments which have existed 10 to 12 years directly behind Deep Eddy; immediately to the north a beauty shop has been in existence for 10 years and to the east is a day care center. Mr. Manos requested that the Committee might possibly amend his application to "BB" Residence on 702 and 704 as an extension of the Hearn Street apartment development and deny the remainder if it is felt that the use is too intensive. Mr. Manos also pointed out the proximity of University housing.

Arguments Presented AGAINST:

Mr. Thomas Muir of 800 Meriden Lane appeared in opposition to this request, stating that he represented several of his neighbors who feel that this neighborhood is predominantly single-family and that the addition of apartments will decrease the value of the property and make it difficult to sell. He stated that the existing apartments have been there for 20 years and that a beauty parlor did exist in a residence at one time, but has not been in operation in the past three years. He feels that the University housing is a temporary situation and should not enter into this decision.

Arguments Presented IN REBUTTAL:

Mr. Manos stated that he felt consideration should be given to the fact that a portion of the area had been zoned for apartments for many years. Also, the beauty shop had been zoned "B" Residence, First Height and Area for 10 or 15 years.

COMMENTS AND ACTION BY THE COMMITTEE

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

C14-70-131 Violet Manos--contd.

The Commission then

VOTED: To recommend that the request of Violet Manos for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 703-709 Hearn Street and 702-708 Deep Eddy Avenue be DENIED.

AYE: Messrs. Reeves, Anderson, Crier, Milstead and Taniguchi

NAY: Messrs. Becker and Chamberlain

ABSENT: Messrs. Kinser and Goodman

C14-70-132 Paul Saldana: A to C
2015 Thrasher Lane

STAFF REPORT: This request is for a tract containing 9,869 square feet to be used for a party service hall. "LR" Local Retail zoning exists along Riverside Drive and on the large tract to the rear of the subject property, which fronts onto Riverside Drive. "A" Residence zoning and single-family structures exist on both sides of and across the street from this site. This is a single-family neighborhood and deserves protection from the requested "C" Commercial zoning. The pending "LR" Local Retail zoning case to the south is for a mobile home park and is, of course, of a residential nature. A special permit has been approved. The staff's recommendation is to deny this request as an intrusion into a residential neighborhood. If this request should be granted, five feet of right-of-way on Thrasher Lane would be required.

TESTIMONY

WRITTEN COMMENT

A. J. Bastian: 6615 Riverside Drive

AGAINST

PERSONS APPEARING AT HEARING

Paul Saldana (applicant)

Lupe Gonzales: 2000 Thrasher Lane

AGAINST

Lupe Castillo: 6504 Santos Street

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Saldana appeared before the Committee, stating that a structure now existed at this location and he wished to open a party service hall.

Arguments Presented AGAINST:

Mrs. Lupe Castillo, of 6504 Santos Street in Montopolis, represented several families in voicing objection to this request. These residents feel that any type of business at this location would not be in the best interest of

C14-70-132 Paul Saldana--contd.

the community, and that this particular use constitutes a hazard to the children bicycling and walking to and from school.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as too intensive in use for a residential area.

The Commission concurred with the recommendation of the Committee and

VOTED: To recommend that the request of Paul Saldana for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2015 Thrasher Lane be DENIED.

C14-70-133 Harold Gene Patterson: A to C
8425-8433 U. S. Highway 183

STAFF REPORT: This is an area containing .459 acre with proposed uses consistent with said zoning. "C" Commercial zoning is partially established along U. S. Highway 183. Several tracts are pending "C" Commercial zoning, both are across U. S. Highway 183 and to the south. A mobile home sales is located adjacent to the south. Apartments are to the rear and a plumbing company to the west. This request conforms to a logical pattern of commercial zoning along a major thoroughfare. The staff recommends the request be granted, subject to short form subdivision.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Harold Gene Patterson (applicant)

SUMMARY OF TESTIMONY

Mr. Harold Patterson, owner of the property, represented himself before the Committee, stating that at the present time there is a mobile home sales on the lot. This is a non-conforming use and this request is to bring the lot into conformance. It is felt that commercial use is the best use for the property.

No one appeared in opposition to this request.

C14-70-133 Harold Gene Patterson--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 and subject to departmental requirements.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Harold Gene Patterson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 8428-8433 U. S. Highway 183 be GRANTED.

C14-70-134 O. C. Hardin: A to BB
3606 Clawson Road

STAFF REPORT: This is a request for a change of zoning on a tract of .96 acre to be used for apartments. The only zoning in the area is "A" Residential. Single-family homes exist predominantly on the west side of Clawson Road and north of Southridge Drive. A pending zoning case is located northeast of Southridge Drive and Dolphin Drive. This area has been undisturbed with intrusions of spot zoning. The "BB" Residence zoning to the southeast was amended so that apartment zoning and development would not encroach on development along Clawson Road. The large tracts are going to be a problem to develop. Rather than grant apartment zoning the staff will encourage owners to join together and subdivide for single-family or duplex development. The staff recommends that this area be protected. The recommendation is to deny. If the request is granted, 10 feet of right-of-way will be required on Clawson Road.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Carl Cole: 3504 Clawson Road

AGAINST

E. D. Badger: 3608 Clawson Road

Jorge Escudero: 3606 Clawson Road

AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Mr. Carl Cole, 3504 Clawson Road, appeared to speak against this request. He noted the privacy of that area of the City, and stated that the streets are in very bad repair. There have been several accidents on this street and it is felt that apartment development would increase a dangerous situation.

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C14-70-134 O. C. Hardin--contd.

Mr. Fred Badger, 3608 Clawson Road, spoke against this request, requesting that the zoning remain as it is. He stated that all the adjoining property owners are against this change.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as it would be an intrusion into a well-developed area and would create a traffic problem.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of O. C. Hardin for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3608 Clawson Road be DENIED.

ABSENT: Messrs. Goodman and Kinser

C14-70-135 Howard Brunson: A and C, 1st to C, 3rd
700-752 Pleasant Valley Road
 2700-2728 Gonzales Street
 2726-2750 East 7th Street

STAFF REPORT: This zoning change is requested on a tract of 5.3 acres with the proposed use to conform with said zoning. The commercial and industrial zoning on all three corners at the intersection of East 7th and Pleasant Valley Road are Third Height and Area, except for the subject property. The proposed Pleasant Valley Road will affect the subject property as indicated on the staff report. Single-family homes are developed on the northeast corner and a shopping center is on the southwest. A shopping center is proposed on the subject tract. The staff recommends the change as it conforms to all comparable adjacent property, but suggests that the increased height be restricted to a 50 foot strip around property on the south and east.

TESTIMONY

WRITTEN COMMENT

Felipe Rodriguez: 2817 Castro	FOR
Arthur E. Pihlgren: 2810 Castro	FOR
Rosendo Zamarrípa: 2605 Gonzales	FOR

PERSONS APPEARING AT HEARING

Chesley Brooks (representing applicant)

SUMMARY OF TESTIMONY

Mr. Chesley Brooks represented the applicant and stated that this request was primarily for the erection of signs, but that the limitation as proposed

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C14-70-135 Howard Brunson--contd.

by the staff posed problems as it is not known at this time where the signs will be placed, in relation to power lines, etc. There will be several signs on one pole, and it may need to be 65 to 70 feet high. He stated that "C" Commercial zoning with a restriction of 70 feet on signs would be acceptable.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but that "C" Commercial, Third Height and Area be granted with a restrictive covenant of up to 35 foot height on all buildings, and erection of signs not to exceed 70 feet. This recommendation is subject to departmental requirements.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Howard Brunson for a change of zoning from "A" Residence and "C" Commercial, First Height and Area to "C" Commercial, Third Height and Area for property located at 700-752 Pleasant Valley Road, 2700-2728 Gonzales Street and 2726-2750 East 7th Street be GRANTED, subject to a restrictive covenant of up to 35 feet height on all buildings, and erection of signs not to exceed 70 feet.

C14-70-136 Richard Criss, Trustee: Int. A, Int. 1st to A, 1st & BB, 1st (as amended)
2104-2404 Stassney Lane

STAFF REPORT: This is a tract of land containing 18.3 acres to be used for apartment development. This property falls between one well-developed and one partially-developed subdivision. In 1969 a request for "GR" General Retail zoning was recommended against and was withdrawn on this same property. The staff notices the extreme intrusion "B" Residence zoning could cause if permitted at this point. It is felt that the intersection of two major arterial streets such as Manchaca Road and Stassney Lane is the proper location for this type of zoning; however, it is recommended that the property adjacent to and between the residential subdivisions be left as "A" Residence. The staff's recommendation is to deny. The nearest apartment zoning is located northwest of the tract, with "A" Residential single-family residences being the primary use in the area surrounding the tract under consideration.

TESTIMONY

WRITTEN COMMENT

Petition with 276 signatures

AGAINST

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)
 Mr. & Mrs. Louis Hartgrove: 5409 Buffalo Pass

AGAINST

C14-70-136 Richard Criss, Trustee--contd.

Mr. & Mrs. John G. Milnor: 5404 Fernview	AGAINST
Mr. & Mrs. Fred L. Davis: 5413 Buffalo Pass	AGAINST
Mr. & Mrs. Steven R. Tarochione: 5421 Fairmont Cr.	AGAINST
Mr. & Mrs. Andrew J. Magliolo: 5424 Fairmont Circle	AGAINST
Mr. & Mrs. Robert Weaver: 5406 Buffalo Pass	AGAINST
Mr. & Mrs. Clarence F. Seidl: 2302 Village Circle	AGAINST
Mr. & Mrs. Edward R. Conner: 2311 Village Circle	AGAINST
Mr. & Mrs. Wm. W. Kibler: 2315 Village Circle	AGAINST
Mr. & Mrs. T. R. Wrublesky (Dr.): 5416 Fairmont	AGAINST
Major & Mrs. Jack W. Kenney: 5429 Fairmont Circle	AGAINST
Capt. & Mrs. James Scott Freeman: 5431 Fairmont Cr.	AGAINST
Mr. & Mrs. James G. Lachange: 5404 Village Way Ct.	AGAINST
William H. Brandt: 2501 Berwyn Circle	AGAINST
Diana Biggs: 5414 Buffalo Pass	AGAINST
Richard D. Jones: 5404 Buffalo Pass	AGAINST
Tommy Ray Bartlett: 2500 Berwyn Circle	AGAINST
Thelma Estes: 5422 Fairmont Circle	AGAINST
Odie J. Bull: 2317 Village Circle	AGAINST
Mr. James H. Ellis: 2308 Village Circle	AGAINST
John Serur: 2312 Village Circle	AGAINST
Edmund Kunz, Jr.: 5403 Fernview Road	AGAINST
D. D. Sisson: 5400 Fernview Road	AGAINST
Albert Zabadal: 5402 Fernview Road	AGAINST
Clinton William Story: 2314 Village Circle	AGAINST
William L. Garvin: 2508 Berwyn Circle	AGAINST
Gene Greenwood: 5306 Buffalo Pass	AGAINST
Kiester B. Connelly: 5412 Fairmont Circle	AGAINST
Howard Yoas: 5433 Fairmont Circle	AGAINST
Bobby Huston: 2313 Village Circle	AGAINST
Dale Plau: 5444 Fairmont Circle	AGAINST
Donald Ray: 2503 Cokesbridge	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed represented the applicant before the Committee, requesting that at this time he be allowed to file an amendment to the application. The proposed amendment is to reduce the zoning from "B" Residence, First Height and Area to "BB" Residence, First Height and Area, and that "A" Residence be granted on the north 110 feet extending west approximately 1,240 feet and increasing from 110 feet to 170 feet on the westernmost 490 feet, thus providing a buffer for the residences abutting the tract. Stassney Lane is a major arterial street, is designed to tie in with Manchaca Road and will ultimately carry very heavy traffic. The traffic pattern of the proposed development will not spill into the residential streets, but will feed into Stassney Lane only. A shielding fence will be erected along Stassney Lane, as it is a heavily traveled street. This is a newer type of development which is being required in residential areas, as 40 per cent of all housing being built is apartment

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C14-70-136 Richard Criss, Trustee--cbntd.

house development. This would not be University type apartments, but residential type apartment housing, and would not lower the value of the area. The developers of this tract are also the developers of the adjoining subdivision and are planning to develop other tracts in the area. They would not construct an area which would be detrimental to the surrounding property. The amended plan calls for the subdivision, the shielding fence, a tier of "A" Residential lots, a street, and then the "BB" Residence zoning. As the proposed tract of land to be developed adjoins a large "GR" General Retail use on one side and an 80 foot highway on the other, it is felt that protection is being given to the neighborhood, and the value of the property in the neighborhood will be maintained.

Arguments Presented AGAINST:

Mr. Louis Hartgrove, 5409 Buffalo Pass, appeared as spokesman for several nearby landowners present at the hearing. He presented a petition with 276 names to the Committee. He stated that they did not know the meaning of "BB" Residential zoning, and Mr. Osborne of the staff explained that this meant lower density apartment housing. Mr. Hartgrove stated that the residents of the area had bought their homes in a residential area and want the area to remain residential. Many of the students of Crockett High School drive cars, which creates a serious traffic hazard; a creek on Manchaca Road floods from time to time, also. It is felt that the proposed development has already caused homeowners not to purchase in that area, and if apartments are developed, property values will be lowered sharply. There are four schools in the area, with a new school proposed. Most of the school traffic uses Manchaca Road, and traffic is very heavy during the school year; this development would aggravate the problems. In addition, each of the schools is over-crowded, with temporary buildings in use at each location. Apartment development would greatly increase the school population.

Mr. Donald Ray, 2503 Cokesbridge, appeared against this request, stating that the original developer, Nash-Phillips-Copus, had misrepresented this area to the public who bought property there. By developing this adjoining area with apartments they are causing these residents to lose money on their property for their own gain.

Mr. Don Sisson, 5400 Fernview, appeared against this request, stating he had moved into this neighborhood because it was "A" Residential. He feels that apartments are commercial and would create much more traffic, which would be a menace to the children in the area. He feels that the promises of fences, etc., made by the developer, have no holding in law, and that they can build anything not expressly forbidden by law.

Mr. John Serur, 2312 Village Circle, stated that this neighborhood was one of the nicest in the City. He feels that the fact that the developer is going to put up a privacy fence points up the fact that this development will be an eyesore or there would be no need to conceal it. He also questioned what type of housing was planned for the buffer zone. He feels that apartments in the neighborhood would be undesirable and unacceptable.

C14-70-136 Richard Criss, Trustee--contd.

Mr. Steve Tarochione, living on Court Path, appeared in opposition to the proposal. He stated that it is his understanding that there is 40 per cent vacancy in apartment housing in Austin, and that there is no need for more apartment housing at this time. During high traffic periods, he must access on Southern Oaks, and the many people in the apartment housing would also be using the residential streets to avoid the heavy traffic on the heavily traveled streets. He feels that this use is of too high density for this residential neighborhood.

Mr. Kiester Connelly, 5412 Buffalo Pass, appeared before the Committee, stating that the additional traffic would be using the residential streets to get to the shopping center.

Mr. R. Douglas Jones, 5404 Buffalo Pass, appeared before the Committee, stating that there are now apartments at Westgate Square and Frontier Trail whose only access to the high school is along Jones Road, and all this traffic would use Buffalo Pass if it is put through. He further stated that at this time, in some areas, to exit on Manchaca Road south, it is necessary to circle a block to be able to enter traffic, as there are no traffic lights. Additional high density development would greatly increase an already serious traffic situation.

Major Jack Kenney, 5429 Fairmont Circle, spoke against this request. He pointed out that plans for the development of schools in the area, which were very complicated, were based on the density of the zoning in the area. To change this density will adversely affect these estimates, causing over-crowding in the schools. This will not only affect the residents of this area, but the City as well.

A resident of the area pointed out that Manchaca Road in that area is in very bad condition, and that if higher density use is going to be introduced in the area, the streets will have to be widened and repaired to handle the increased traffic.

Arguments Presented IN REBUTTAL:

Mr. Sneed stated that all property annexed by the City is brought in as "A" Residential, and his clients had not mis-represented the zoning to the homeowners. Under the present zoning it would be permissible to construct 180 units consisting of 90 duplexes on this tract. It is felt that by using development as permitted within the "BB" Residential classification a better type of housing can be constructed. The ultimate usage for Stassney Lane, as the City plans show, is a major arterial street as is Manchaca Road, and it will be fully paved in the future. When the other streets are opened as planned, there will be no spillage into the residential streets. The creation of commercial and apartment development along a highly traveled street, which is what Stassney Lane will be, serves as protection for the residences in the area. Reports prove that fewer people with children live in apartments as opposed to homes, so this problem would be minimized. The requirement for the shielding fence would be in the form of a restrictive covenant in favor of the City, so

C14-70-136 Richard Criss, Trustee--contd.

there should be no problem with this stipulation. Based upon the City of Austin's zoning classifications, the consideration of the best use of the property and the protections to the area which would be utilized, it is felt that this application is proper at this time.

Mr. Osborne of the staff stated that in the City during the summer apartment vacancies are running 23 per cent and during the school year vacancies are 10 per cent. Seventy per cent of new dwellings being constructed at this time are multi-family units.

Mr. Sneed suggested that the opposition form a committee to meet with the developers to suggest modifications which would make the plan more acceptable to the neighborhood.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but that "A" Residence be granted on the north 110 feet extending west approximately 1,240 feet and increasing from 110 feet to 170 feet on the westernmost 490 feet, and that area west of Fernview; and "BB" Residence on the remainder of the tract of land. This recommendation is subject to a solid privacy fence on the north property line and departmental requirements.

At the Commission meeting, Mr. Taniguchi requested that the staff present this case to the full Commission, as the Committee recommendation did not agree with the staff's recommendation. Mr. Osborne discussed this zoning change, stating that even though this area is an intersection, the proposed change would be an intrusion on a residential neighborhood. Traffic is not expected to increase to a heavy volume at this intersection in the next 10 to 15 years. The staff feels that even with the buffer zone of "A" Residential development, the 12 to 13 acres of apartment development is too intensive a use for the area.

Mr. C. L. Reeves discussed the streets and the traffic which would be generated by single-family as opposed to apartment development and stated that apartment development would generate less traffic per unit. He stated that the streets are adequate for the increase in traffic.

Mr. Taniguchi stated that he agrees with the Committee that having single-family residences facing Stassney Lane is not desirable, and the placement of buffer zones was discussed. The three streets most affected by the development; Buffalo Pass, Fernview Road and Cork Pass were discussed. Mr. Sneed, representing the applicant, stated that his client is willing to work with representatives of the neighborhood and the City Planning Department to achieve a workable solution to this problem.

After further discussion, the Commission then

VOTED: To recommend that the request of Richard Criss, Trustee for a change of zoning from Interim "A" Residence, Interim First Height and Area to "A" Residence and "BB" Residence, First Height and Area (as amended) for property located at 2104-2404 Stassney Lane be GRANTED.

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

C14-70-137 Terrell Timmermann: A to BB
207 and 209 Franklin Boulevard

STAFF REPORT: The area under consideration contains 16,020 square feet, with proposed use for apartments. "BB" and "B" Residence zoning is established in several locations on both the east and the west of the subject property. These locations are developed with apartments. Single-family homes with "A" Residential zoning predominate the area. A mobile home is located seven lots to the east. Office and commercial zoning exists at the intersection of North Loop and Leralynn Street and at North Loop and Avenue F. This is a changing neighborhood and is a logical extension of existing zoning. The streets serving this area are inadequate, if the area is to continue to be used for more intensive use. The staff recommends the change be granted, subject to five feet of right-of-way on Franklin Drive.

TESTIMONY

WRITTEN COMMENT

Terrell Timmermann (applicant)	
William Joe Gage: 4505 Pack Saddle Pass	FOR
Togie Baylor: 5908 Manor Road	FOR

PERSONS APPEARING AT HEARING

Terrell Timmermann (applicant)

SUMMARY OF TESTIMONY

Mr. Terrell Timmermann appeared on behalf of this request, stating that he owns the two lots and wishes to build one-story apartments on the tract. He indicated that he would provide five feet of right-of-way on Franklin Drive.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to five feet of right-of-way on Franklin Drive and departmental requirements.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Terrell Timmermann for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 207 and 209 Franklin Boulevard be GRANTED, subject to 5 feet of right-of-way on Franklin Boulevard and departmental requirements.

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C14-70-138 Church of the Nazarene: A to O
1001-1003 West Milton
1700-1702 South Fifth Street

STAFF REPORT: Under consideration is a tract of land containing 13,750 square feet with the proposed use for an office structure. Single-family dwellings and "A" Residential property surround this site. An elementary public school is across South 5th Street. "C" Commercial and "B" Residential zoning is clustered between West Annie Street and West Mary to the south around South 5th and South 6th Streets. This is an intrusion into a well-established single-family residential area. "A" Residence zoning is the appropriate zoning. The neighborhood is not changing, except for the area adjoining the new Post Office. This area is within the Meadowbrook Code Enforcement. If the request is granted, five feet of right-of-way on West Milton Street is required.

TESTIMONY

WRITTEN COMMENT

Roy E. Parker: 807 West Gibson
Claud E. Brown: 404 Vale Street

AGAINST
FOR

PERSONS APPEARING AT HEARING

Steve Price (representing applicant)

SUMMARY OF TESTIMONY

Mr. Steve Price, representing the Church of the Nazarene, stated that the church had purchased other property for a new location, but could not build until this property is sold. They have advertized this property for several months, but the lack of kitchen facilities has precluded uses of a day school, a residence, etc. It is felt that the use of this building for office space or as a medical clinic would not be a detriment to the neighborhood.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of the Church of the Nazarene for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1001-1003 West Milton and 1700-1702 South Fifth Street be DENIED.

C14-70-139 Austex Development Company: Int. A, Int. 1st to C, 1st
 306-312 East Rundberg Lane
 9400-9403 North Street

STAFF REPORT: This request is on a tract containing 26,096 square feet of land, to be used for a convenience center or commercial buildings. "A" Residential zoning and single-family dwellings predominate the area across Rundberg Lane to the south. A pending zoning case of "GR" General Retail abuts the site on the east and fronts onto Rundberg Lane. Commercial zoning is clustered at the intersection of Rundberg Lane and I. H. 35. North Creek Drive is a residential street opening onto Rundberg Lane; Rundberg Lane is a major arterial street. In the application to the east the staff agreed that the area to the east of the proposed north-south street could be developed as a small retail center, but that the area west of the proposed north-south street should be recommended "BB" Residence to discourage further applications for commercial zoning along Rundberg Lane. The staff does not object to "BB" or "B" Residence zoning permitting residentially oriented development. When North Creek, Section One, was finalized, the staff made the recommendation to avoid having large lots facing Rundberg Lane. The staff recommends this application be denied. Further commercial zoning along Rundberg Lane should be discouraged, as should strip zoning. If the request is granted, five feet of right-of-way is needed on both sides of North Creek Drive.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Austex Development Co., Ltd. (applicant)
 Bill Williams (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bill Williams represented the applicants before the Committee, stating that the property to the east of this tract was subject to a zoning change a short time ago, and though the staff recommended against commercial zoning on the western part of the tract to the east, the Commission recommended and the Council granted "GR" General Retail to a depth of 170 feet north of Rundberg Lane. This request is merely an extension of that zoning to include two large lots fronting onto Rundberg Lane. Commercial type of zoning extends to the east side of the property and the applicants would like to extend this zoning.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied but recommended that "GR" General Retail zoning be granted, subject to departmental requirements.

C14-70-139 Austex Development Company--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austex Development Company 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 306-312 East Rundberg Lane and 9400-9403 North Street be DENIED, but recommends that "GR" General Retail zoning be granted, subject to departmental requirements.

C14-70-140 B. F. McCoy, et al: Int. A, Int. 1st to C, 5th
9414-9532 North Interstate Highway 35

STAFF REPORT: This is a request on an area of 5.10 acres for a motel site. This site is at the northwest intersection of Rundberg Lane and I. H. 35. Commercial uses are well developed to the north and a service station exists to the south. A regional insurance office complex is slated to be built to the southeast. "GR" General Retail and "C" Commercial zoning is scattered up and down I. H. 35. "C" Commercial zoning is a logical request along an expressway. The staff recommends the change be granted, subject to departmental requirements.

TESTIMONY

WRITTEN COMMENT

Louis Mecey: 3808 Sycomore

FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman represented the applicants, stating that it is felt that this request is in keeping with the zoning pattern in this area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to departmental requirements.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of B. F. McCoy, et al for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, Fifth Height and Area for property located at 9414-9532 North Interstate Highway 35 be GRANTED.

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C14-70-141 Austin Highlands Investment, Inc.: A to BB
501-509 Eberhart Lane
 6400-6402 South Meadows Boulevard

STAFF REPORT: This request is on a tract of land containing 37,485 square feet for use as permitted by such zoning. Vacant and undeveloped property lies across and north of Eberhart Lane. Single-family structures with "A" Residence zoning are developed along South Meadows on the south. Two single-family homes are to the west on South First Street. A request for the same zoning change was denied this property in 1969. "BB" Residence is established on two lots to the east. However, the staff was against that change then, and recommends against this change now. This is an intrusion of multiple-family zoning in a developing single-family area. If the request is granted, either 5 feet of right-of-way on both sides of South Meadows Boulevard or 10 feet of right-of-way on the west side would be required. The staff reported that the applicant has submitted a letter of withdrawal.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, stated that this request is being withdrawn due to financial difficulties.

Discussion followed concerning rules on withdrawal of zoning requests.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and a motion was made to recommend this change in zoning, if the applicant pursued the matter; if not, recommendation to the Commission to accept withdrawal of this application; however, this motion failed to carry.

A second motion was made to request the Commission to recommend that the withdrawal be accepted by the City Council.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend to the City Council that the request of Austin Highlands Investment, Inc. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 501-509 Eberhart Lane and 6400-6402 South Meadows Boulevard be WITHDRAWN:

C14-70-142 Non-Commissioned Officers Life Insurance Company: A to O
506-508 East 38th Street

STAFF REPORT: This is a tract of land containing 14,636 square feet to be used for a life insurance office. "A" Residence zoning surrounds the site. "B" Residence is established on the Hancock tract to the east. "B" Residence is also established south of East 38th Street, and west of Duval Street. Single-family and duplex homes dominate the neighborhood. Single-family homes exist on both sides of this site. Office use at this point in time would encroach upon the adjacent residential property. The recommendation of the staff is to deny. If the request is granted, 20 feet of right-of-way on the north side of East 38th Street will be required.

TESTIMONY

WRITTEN COMMENT

Mrs. Louita D. Wilson: 5603 Bull Creek Road	AGAINST
H. A. Porter: 3705 Liberty Street	AGAINST
Mrs. Ella Gronner by Rufus G. King: 609 E. 38th	AGAINST
J. J. Lagowski: 1114 West 22nd Street	AGAINST
Mrs. Goings, Liberty and 38th Streets	FOR

PERSONS APPEARING AT HEARING

Silas J. Maxwell: 709 Harris Avenue	FOR
Alfred Carlson: 3001 Cherrywood Road	FOR
M. K. Parsons: 4601 Highland Terrace	FOR
Paul Billnitzep:	FOR
Louita Wilson: 5603 Bull Creek Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Silas Maxwell, Executive Vice President of the Non-Commissioned Officers Life Insurance Company, appeared before the Committee on behalf of this request. He stated that the former office for this company is being taken for the Urban Renewal program. Mr. Maxwell cited the traffic count at this intersection, and discussed the various commercial developments on East and West 38th Street. He feels that this change of zoning is the best possible use for this property.

Mr. Paul Billnitzep, with Austin Homes, spoke in favor of this request. He feels that the entire area is undergoing a transition and that 38th Street is definitely a crosstown artery as shown by the high traffic count, which makes it undesirable for a residential neighborhood. He stated that the property would be buffered by an alley, and the proposed building would be a credit to the community. He feels that the Tyler roses being sold on this corner on weekends are a commercial enterprise, showing the need for this zoning.

C14-70-142 Non-Commissioned Officers Life Insurance Company--contd.

Mr. Alfred Carlson, associated with the Non-Commissioned Officers Life Insurance Company, stated that he was familiar with the neighborhood, and that the type of operation and the building as planned would improve the area.

Arguments Presented AGAINST:

Mrs. Louita Wilson, who owns property in the neighborhood, stated that it was a very pleasant residential area and she hoped it could remain so.

REBUTTAL:

Mr. Maxwell stated that the development they planned would increase the value of the surrounding property.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as it is not a logical zoning change for the area.

The Commission discussed this request, and

VOTED: To recommend that the request of Non-Commissioned Officers Life Insurance Company for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 506-508 East 38th Street be DENIED.

AYE: Messrs. Reeves, Anderson, Crier, Milstead, Chamberlain, Taniguchi and Goodman

ABSTAINED: Mr. Becker

ABSENT: Mr. Kinser

C14-70-143 Ray Shaw: A to BB (as amended)
713-715 Patterson Avenue

STAFF REPORT: This request concerns an area of 1.2 acres for storage use. This area is "A" Residential and predominantly developed with single-family residential homes. Two apartments do exist to the north and one to the south. Some duplexes exist throughout the area. This property abuts the Texas Confederate Home site which is now owned by the University. "C" Commercial zoning is clearly an intrusion into a residentially developed neighborhood. The staff recommends the request be denied, and that "A" Residential zoning be retained. The two small apartments are non-conforming uses. This small neighborhood is being maintained. Property on Patterson Avenue will not be affected by the Mo-Pac interchange at 5th and 6th Streets. The streets are inadequate for higher intensity of use. Any more intensive zoning would encroach into this single-family area. If the request is granted, 5 feet of right-of-way on Patterson Avenue and a short form subdivision are needed.

C14-70-143 Ray Shaw--contd.

TESTIMONY

WRITTEN COMMENT

Gladys Nichols: 716 Patterson Avenue	AGAINST
Mr. & Mrs. C. C. Strawn: 707 Patterson Avenue	AGAINST
Mrs. Mable Bunte: 723 Patterson Avenue	FOR
Mrs. Ethel J. McCutcheon: 510 Atlanta	AGAINST
Douglass Packard: 609 Theresa	AGAINST
E. A. Teich: 1704 Francis Avenue	AGAINST
R. C. Peterson, Jr.: 719 Patterson Avenue	AGAINST
Mrs. H. L. Berry: 1709 Francis Avenue	AGAINST
Ella Marburger: 1711 Francis Avenue	AGAINST
R. L. Rees: 806 Patterson Avenue	AGAINST
Foe A. Lawrence: 303 Westwood Terrace	FOR
Nearby property owner:	AGAINST
Marguerite Narn: 705 Patterson	AGAINST
Mrs. Connie Nonkis: 1707 Francis Avenue	AGAINST
N. S. Johns: 613 Theresa	AGAINST
Ralph H. Elkins:	FOR
Gerald Knape: 607 Theresa	FOR

PERSONS APPEARING

Ray Shaw (applicant)	
Joe C. Bowling: 1605 Alta Vista	AGAINST
Judy M. Peterson: 719 Patterson	AGAINST
Mrs. Ethel J. McCutcheon: 510 Atlanta	AGAINST
Edna Teich: 1702 Francis	AGAINST
Mrs. May Mathews: 1808 West 6th Street	AGAINST
Jessie Bender: 1806 West 6th Street	AGAINST
Mr. & Mrs. Nat Fuanzetti: 1815 West 8th Street	AGAINST
Mrs. E. H. Holder: 700 Patterson	AGAINST
Mrs. Elwin M. Mishon: 703 Patterson Avenue	AGAINST
Mrs. Emma L. Kempe: 1706 Francis	AGAINST
E. A. Teich: 1704 Francis	AGAINST
Miss Ella Marburger: 1711 Francis	AGAINST
Joe Bouldin: 717 Patterson Avenue	AGAINST

Arguments Presented FOR:

Mr. Ray Shaw was present on behalf of his request, stating that he originally wanted to use this property for commercial use, but would like to amend his request at this time to "C" Commercial only on the back portion of the tract, which is not large enough for a residence, to be used for storage; and "B" Residential on the remainder of the tract. The back portion of the tract is not visible to the surrounding area and is unfit for any other use. The ingress and egress to this back portion is an alley with no residences fronting on it, so would not be a problem.

4.91

C14-70-143 Ray Shaw--contd.

Mr. Osborne of the staff advised the Committee that this area was most unsuitable for storage purposes and needed to be studied in relation to the University's planned development of the adjoining property.

Persons Appearing AGAINST:

Mrs. Ethel McCutcheon, 510 Atlanta, represented a dozen area residents at the meeting, and spoke against this request. She stated that she had a home which fronted on the unimproved alley which serves the back portion of the lot. She also feels that the University development should be taken into consideration and that commercial use for the back portion of the lot would be a detriment to the neighborhood.

Mrs. Emma Kepe, 1706 Francis Street, spoke against this request, also objecting to the traffic using the alley which is near her home, and to the usage of the back portion of the lot for storage. She stated that the applicant kept game chickens, which were a nuisance to the neighborhood.

Mr. Joe Bouldin, 717 Patterson, questioned the legality of the applicant raising chickens on his property.

Mrs. Nat Fuanzetti, 1815 West 8th Street, spoke against this change, stating she had lived on the street for 40 years, and did not want this change.

Arguments Presented IN REBUTTAL:

Mr. Shaw stated he is merely trying to use this land in the most economically feasible manner.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "BB" Residence, First Height and Area on Block C of Ecks Heights and a 7,450 square foot tract of land, both located to the rear of Lots 24 and 25 of West End Heights Addition should be granted.

The Commission discussed the details of this request, and

VOTED: To recommend that the request of Ray Shaw for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 713-715 Patterson Avenue be GRANTED as amended; on Block C of Ecks Heights and a 7,450 square foot tract of land, both located to the rear of Lots 24 and 25 of West End Heights Addition.

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

492

C14-70-144 Mrs. Nora Brown: A, 1st to B, 2nd
 4400-4410 Avenue B
 400 West 44th Street

STAFF REPORT: This request for a zoning change is on a tract of land containing 27,250 square feet to be used for apartments. This area is within an Area Study recommending "B" Residence where streets are adequate. Single-family homes, duplexes, and apartments are found throughout the neighborhood. A florist shop is located on the subject property and a grocery store is across Avenue B; both are non-conforming uses. "A" and "B" Residence zoning are scattered throughout this area. "O" Office, zoning is established on several lots on 45th Street. This is a logical extension of existing zoning and the staff recommends to grant this request.

TESTIMONY

WRITTEN COMMENT

F. B. Sturdivant: 4412 Avenue B
 John F. Carter, Jr.: 601 West 15th Street
 Joe L. Long: Box 222

AGAINST
 FOR
 FOR

PERSONS APPEARING

Judy Johnson: (representing applicant)
 Mrs. Dorothy Brown Barber: 4400 Avenue B
 Mrs. Marguerite Langston: 4400 Avenue B

FOR
 FOR
 FOR

SUMMARY OF TESTIMONY

Judy Johnson represented the applicant, stating that this tract is surrounded by apartments. The existing building is very rundown and the proposed development will improve the neighborhood.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to departmental requirements.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Nora Brown for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4400-4410 Avenue B and 400 West 44th Street be GRANTED.

493

C14-70-145 Abraham P. Yuja: LR to C
 2115 Northland Drive

STAFF REPORT: This is an area of 9,922 square feet to be used as a veterinary clinic. Commercial uses and zoning exist along Burnet Road. Local Retail uses extend west along Northland Drive, but the "C" Commercial zoning ceases at the west property line of the corner lot. The old post office is located just east of this property. Single-family homes exist along Montview Street, just two lots to the west. "B" Residential apartment zoning exists on Montview Street to the south, and "C" Commercial zoning extends approximately 600 feet west from Burnet Road on the north side of Northland Drive. A shopping center, bank and service station occupy this "C" property. The single-family residential nature of Montview Street and Northland Street to the west should be protected. To recommend additional "C" Commercial zoning to the west would be an encroachment upon those homeowners affected. The staff's recommendation is to deny. "LR" Local Retail is the appropriate zoning for the lot. (If granted, subject to 5 feet of right-of-way on Northland Drive.)

The applicant has requested withdrawal of this request.

TESTIMONY

WRITTEN COMMENT

Johnnie Anderson: 1027 Ellingson Lane
 Edith Bartleson:

FOR
 FOR

PERSONS APPEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied. It is recommended that the withdrawal of this application be accepted.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Abraham P. Yuja for a change of zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 2115 Northland Drive be DENIED and accepted for withdrawal by the Council.

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C14-70-146 Austin Urban Renewal Agency and the City of Austin: A, B, GR,
 1170-1190 Hargrave Street C-2, E, & C to A, B, & O
 2301-2413 East 12th Street
 2503 East 12th Street
 2603-2903 East 12th Street
 1187½-1199½ Chestnut Avenue
 2300-2350 Rosewood Avenue
 1150-1152 Walnut Avenue

STAFF REPORT: The area north of East 12th Street and east of Hargrave Street is predominantly "A" Residence and developed with single family and duplex development. Some "C" is established and "D" Industrial exists along the railroad to the north. This same land use and zoning exist to the west of Chestnut Avenue with the addition of "B" apartment zoning. The Booker T. Washington Public Housing Projects exist south of Rosewood, a drive-in restaurant and large tracts of undeveloped land.

This application is made by the City of Austin and the Austin Urban Renewal Agency to rezone property which falls within the Glen Oaks Urban Renewal Project. The project was approved by the City Council on September 22, 1966 and the Federal Government on May 5, 1967. The project is presently in execution with nearly all the land having been acquired by the Agency. All the land under this application is owned by the Agency. The following is a description of each tract:

(1)	8.09 acres	"E" to "B"	Continued use for City purposes. Ultimate use for multi-family.
(2a)	.46 acres	"D" to "A"	Area falls in drainage easement for Boggy Creek.
(2b)	1.99 acres	"C" to "A"	Area falls in drainage easement for Boggy Creek.
(3a)	1.28 acres	"A" to "O"	For office development.
(3b)	9.18 acres	"A,B,GR,C" to "B"	For apartment development.

Rosewood Village, Sections 1, 2, 3 and 4 Subdivisions have been approved by the Planning Commission and recorded for all land falling within this zoning application. The zoning is in conformance to the zoning plan for Glen Oaks Urban Renewal Project and will permit uses proposed in the Land Use Plan as adopted by the City Council. The City Council has approved the sale of area 3b for 138 units.

Mr. Osborne of the staff stated that this plan for the Glen Oaks Renewal area was reviewed and recommended by the Planning Commission prior to the plan's adoption by the City Council. Included in this plan are streets and use categories.

C14-70-146 Austin Urban Renewal Agency and the City of Austin--contd.

TESTIMONY

WRITTEN COMMENT

T. B. Echols: 3830 Myrtle Street, Dallas, Texas	AGAINST
Mamie H. Kellough: 1179 Hargrave	FOR
Stella M. Hofheinz: c/o Forest S. Pearson, Box 1987	FOR
J. W. Gregg: c/o Harrison-Wilson-Pearson, Box 1987	FOR
J. W. Davis: c/o Ruby Atchison, 1183 Hargrave	AGAINST
Standard Mortgage Company, Inc.: P. O. Box 1987	FOR

PERSONS APPEARING

W. T. (Bill) Williams, III: 614 West 6th	FOR
Mrs. Edith Pauline Stanton: 2502 East 12th	AGAINST
Rev. T. B. Echols: 3830 Myrtle, Dallas, Texas	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bill Williams, III, represented the applicants before the Commission. This is the Glen Oaks Urban Renewal Area and is one of five urban renewal areas presently being either planned or executed, these being Kealing, Brackenridge, University East and Blackshear. Mr. Williams introduced a detailed map of the area and pointed out the present and intended uses for each tract of land under consideration. He stated that this plan had been approved by the Council, is in accordance with the Urban Renewal Plan and follows the intent of the previous Planning Commission.

Mr. C. L. Reeves requested more information on the flood plain use area; this flood plain was set by a civil engineer, and corresponds to the 50-year flood probability. It will be used primarily as a park area.

Arguments Presented AGAINST:

Mrs. Edith Stanton, of 2502 East 12th Street, stated that she very much opposed the construction of apartments in the area, based on her experience with low rental apartments. She does not oppose the commercial development in the area.

Mr. Lawrence Owens, 1189 Hargrave Street, stated that he owns several pieces of property near the area and is in favor of the zoning remaining as it is at this time.

C14-70-146 Austin Urban Renewal Agency and the City of Austin--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as logical development of the area, and subject to departmental requirements.

The Commission members discussed this request and unanimously

VOTED: To recommend that the request of Austin Urban Renewal Agency and the City of Austin for a change of zoning from "A" Residence, First Height and Area, "B" Residence, First Height and Area, "GR" General Retail, First Height and Area, "C-2" Commercial, First & Second Height & Area, "E" Industrial, Second Height and Area and "C" Commercial First Height and Area to "A" Residence, First Height and Area, "B" Residence, Second Height and Area and "O" Office, First Height and Area for the property located at 1170-1190 Hargrave Street, 2301-2413 East 12th Street, 2503 East 12th Street, 2603-2903 East 12th Street, 1187½-1199½ Chestnut Avenue, 2300-2350 Rosewood Avenue and 1150-1152 Walnut Avenue be GRANTED.

C14-70-147 William H. Meacham: LR to GR
6713-6803 Manor Road

STAFF REPORT: This request is on a tract containing three acres with proposed use consistent with such zoning. Interim "A" and "GR" zoning exist to the north. A drive-in grocery is across Manor Road on the corner of a single-family residential neighborhood. "GR" and "BB" is established to the south and east of this parcel, and are undeveloped. This is a logical extension of existing zoning. The staff recommends this request.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

None

SUMMARY OF TESTIMONY

Mr. John Selman, attorney, was present on behalf of the applicant but did not speak.

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

497

C14-70-147 William H. Meacham--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, subject to departmental requirements.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of William H. Meacham for a change of zoning from "LR" Local Retail, First Height and Area to "GR" General Retail, First Height and Area for property located at 6713-6803 Manor Road be GRANTED.

C14-70-148 Cecil D. Perkins: D to C-2
403Z Ben White Boulevard

STAFF REPORT: This is a tract of land containing 2,000 square feet, with the proposed use of a tavern. This parcel is within a 400 acre Area Study completed by the Staff and the Commission earlier this year. City Council approval of "D" Industrial zoning was the result of the study. Many industrial and commercial uses exist in the area on either side of Ben White Boulevard. Ordinances on individual properties are passed by the City Council on request of property owners. This property has been through this individual procedure and is presently "D" Industrial. The Zoning Ordinance requires "C-2" for a lounge, however. This is a request for a tavern in the south 40 feet of an existing shopping center. The staff recommends the request.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Randy Wallis: (construction engineer for the applicant)

SUMMARY OF TESTIMONY

Mr. Randy Wallis, construction engineer for the applicant, appeared before the Commission. He stated that there are several different types of businesses in this area, and there are no churches, schools or residential uses near the proposed site.

No one appeared in opposition to this request.

498

C14-70-148 Cecil D. Perkins--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as logical use in this area, subject to departmental requirements.

The Commission took this request under consideration, and

VOTED: To recommend that the request of Cecil D. Perkins for a change of zoning from "D" Industrial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 403Z Ben White Boulevard be GRANTED.

AYE: Messrs. Reeves, Anderson, Crier, Milstead, Chamberlain, Taniguchi and Becker

NAY: Mr. Goodman

ABSENT: Mr. Kinser

POSTPONED CASE

C14-67-56 J. V. Walden: A to B
3613-3617 Munson Street

This case is located on Munson Street. Part of the consideration in this case, which is for apartment development, is the usage of the area along Airport Boulevard, Springdale Road and Oak Springs Drive. This is primarily an industrial usage, with oil tanks and oil storage facilities. There is apartment development in the area, Mason Homes and Springdale Gardens; apartment development is occurring on both sides of Munson Drive. There is a mobile home park in the area, with some commercial facilities developed on the west side of Airport Boulevard. In the previous hearing of this case the residents were concerned about the apartment development as a detriment to the scattered single-family homes in the area. The applicant has not pursued this matter until this time, and definite changes have taken place in the area. The staff recommends this change in zoning, recognizing that this triangular area between Oak Springs Drive, Springdale Road and Airport Boulevard has gone to commercial and apartment use, even though there are scattered single-family dwellings in the area. The staff would recommend that the Commission consider re-zoning this complete area, as substantial changes have taken place in the past few years, and it does not lend itself to single-family dwellings.

The Commission then unanimously

VOTED: To recommend that the request of J. V. Walden for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3613-3617 Munson Street be GRANTED, subject to departmental reports.

The Commission then unanimously

VOTED: To recommend that procedure be followed in sending out notices to the landowners for consideration of re-zoning the triangular area bounded by Oak Springs Drive, Springdale Road and Airport Boulevard.

CP14-70-024 Frank Barron: 152 Unit Apartment Dwelling Group
 1142-1160 Atkinson Road
 6900-7082 Grand Canyon Drive

STAFF REPORT: This request has been filed as required under Section 5 and according to the procedures as specified in Section 10-B, Sub-Section 3 of the Zoning Ordinance of the City of Austin, Texas. This request for Special permit is on a tract containing 4.5 acres with the proposed use for an apartment dwelling group containing 152 units with 296 off-street parking spaces. "A" Residence and single-family structures exist in the neighborhood to the west and apartments with "B" Residence exist to the north and east. This application has been denied by the Commission recently this year; however, the applicant has worked with the staff on the development of this plan. The recommendation is to grant. The site plan has been circulated to the various City departments and the comments are as follows:

1. Fire Protection

- We believe the addition of the indicated fire hydrant will provide an adequate number of fire hydrants for fire protection of these apartments.

2. Advanced Planning

- (1) Short form subdivision C8s-70-118 (Grand Canyon Drive Subdivision No.2) is to be recorded before permit is issued. (2) There appears to be an existing 15' drainage easement along a portion of the western property line of the subject that is not shown on the plat. The westernmost apartment building (center section) would encroach upon this easement. The existing 10' drainage easement that lies between the west property line and Grand Canyon Drive appears to have been shifted southerly. Arrangements for this shift needs to be made with the Public Works Department. (3) There is very little open space provided. (4) A 6' high privacy fence does not afford the adjacent property much protection from a 3-story structure built 5' from the property line. (5) Previously required sidewalks along the west side of Grand Canyon Drive and the north side of Atkinson Road are not shown on the plat. (6) Arrangements should be made for trash pickup and locations shown on the plat (if applicable).

3. Traffic Engineer

- O.K.

500

CP14-70-024 Frank Barron--contd.

4. Director of Public Works
 - Driveway locations as shown meet with our approval, will need request for and approval of same before construction begins. All driveway radii to be minimum of 5'.
 - No objections. Waste water system to be available.
 - Install required fire extinguishers as buildings are completed.
 - 2-2817-0816, 0817, 0818, 0822, 0823 Taxes are paid through 1969.
 - (1) Short form subdivision is required making entire tract one lot and relocating all easements so as not to conflict with buildings. (2) Four foot high solid fence required where parking area is adjacent to property developed for residential use. (3) Does not include Building Code approval.
 - 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 Drive. A valve will be required on the above mentioned main immediately to the south of the fire hydrant.
5. Health
6. Fire Prevention
7. Tax Assessor
8. Building Inspector
9. Water and Sewer
10. Storm Sewer
 - Fiscal required. See plat. Check locations of existing easements and pipe. Engineers indicate they plan to abandon existing pipe and install new pipe to the south. Suggest an elevation of west end of pipe of 671.50 and a conc. lined Vee channel from end of pipe north to Booker Avenue. Other alternative would be pipe north to Booker. Also, engineers indicate plans for Bldg. 5' off R. In this event part of the existing drainage easement will have to be vacated. See attached map for additional comments. Error in existing easements and pipe location.
 - Existing 5' P.U.E.; Additional easements required later.
 - O.K.
11. Electric
12. Office Engineer

501

CP14-70-024 Frank Barron--contd.

TESTIMONY

WRITTEN COMMENTS

None

PERSONS APPEARING AT HEARING

Frank Barron (applicant)

SUMMARY OF TESTIMONY

Mr. Frank Barron appeared before the Committee and stated that he had worked with the staff extensively on this plan and had no further comment to make at this time.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to departmental requirements.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Frank 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, 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.

CP14-70-025 Abraham P. Yuja: Veterinary Clinic
2115 Northland Drive

STAFF REPORT: This request has been filed as required under Section 6, Sub-Section B, Paragraph 75 and according to the procedures as specified in Section 10-B, Sub-Section of the Zoning Ordinance of the City of Austin, Texas. This request is for a tract of 9,922 square feet, proposed use as a veterinary clinic. "C" Commercial zoning from Burnet Road extends to the west across Northland Drive. "A" Residence zoning and land use predominate the neighborhood to the west and south. Several "LR" Local Retail uses exist adjacent to this property. The applicant has requested withdrawal of this request.

CP14-70-025 Abraham P. Yuja--contd.

The site plan has been circulated to the various City departments and the comments are as follows:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Tax Assessor 2. Fire Prevention 3. Fire Protection 4. Health 5. Traffic Engineer 6. Director of Public Works 7. Water and Sewer 8. Storm Sewer 9. Electric | <ul style="list-style-type: none"> - 2-3002-0405 Taxes are paid through 1969. - Install required fire extinguishers when building is complete. - We believe that the existing fire protection facilities are adequate. - No objections. Waste water system to be available. - See attached plat with notations. No head-in, back-out parking permitted on Northland Drive. - I assume driveway to be on east side of lot. If so, driveway should have a minimum width of 20 feet with 5 foot curb radii on curb return. Will need request for and approval of same before construction begins. - Water and sanitary sewer service is available from the existing mains in the adjacent street. No additional fire protection will be necessary. - Plan complies with requirements. - Additional easements required at a later date. |
|---|--|

TESTIMONY

WRITTEN COMMENT

Edith Bartleson

FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied and request for withdrawal accepted.

CP14-70-025 Abraham P. Yuja--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To DENY the request of Abraham P. Yuja for a special permit for a veterinary clinic on property located at 2115 Northland Drive, and recommend that the request for withdrawal of this request be accepted.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of July 27, 1970, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decisions of the Subdivision Committee. No subdivisions have been referred to the Commission.

It was then

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

SUBDIVISION PLATS - FILED AND CONSIDERED

C8-68-92 Northwest Hills, Section 14
Hart Lane and Thorncliffe Drive

The staff reported that this is a request for re-approval of this preliminary plan, which was approved September 30, 1968, and expired March 30, 1969. The staff has no objection to this request. The Commission then

VOTED: To RE-APPROVE the preliminary plan of NORTHWEST HILLS, SECTION 14.

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

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

<u>C8-69-91</u>	<u>Windsor Hills, Section 1</u>
	Cameron Road and Rundberg Lane
<u>C8-70-23</u>	<u>Cardinal Hills, Unit 7</u>
	Gebren Drive and Farris Drive
<u>C8-70-24</u>	<u>Cardinal Hills, Unit 5</u>
	Dave Drive and Dorothy Drive

C8-68-92 Northwest Hills, Section 14-B
 Hart Lane and Thorncliffe Drive

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of NORTHWEST HILLS, Section 14-B, pending the requirements as indicated.

C8-70-75 Point Venture, Section 1-B
 Venture Drive and Lakepoint Cove

The staff reported that this is the first appearance before the Commission of this final plat. It is recommended that it be accepted for filing and disapproved, pending compliance with departmental requirements, submission of site plan required for townhouses and legal opinion by an attorney required concerning common areas. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of POINT VENTURE, Section 1-B, pending the requirements as indicated.

C8-70-76 Stassney Lane Street Dedication
 Stassney Lane

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of STASSNEY LANE STREET DEDICATION, pending the requirements as indicated.

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

VOTED: To ACCEPT for filing and DISAPPROVE the following final plats, pending compliance with departmental requirements:

<u>C8-70-35</u>	<u>Bear Creek Park</u>
	F. M. 1626
<u>C8-70-69</u>	<u>Cardinal Hill Estates, Unit 13</u>
	F. M. 620 and Storm Drive
<u>C8-70-71</u>	<u>Westwood Villa, Section 3</u>
	Bee Caves Road
<u>C8-70-72</u>	<u>Westwood, Section 6</u>
	Bulian Lane and Grey Fox Trail
<u>C8-70-73</u>	<u>Dessau Estates, Section 2</u>
	Lazy Ridge Drive and Milhouse Drive
<u>C8-70-45</u>	<u>Point Venture, Section 2</u>
	Venture Boulevard and Venture Drive

C8-64-53 Heritage Hills North, Section 1
I. H. 35 and Colonial Parkway

The staff reported a request from the owner to withdraw this plat. It was filed six years ago and the land has been sold. It is now included in the Park Plaza plat as filed. The staff recommends the request be accepted. The Commission then

VOTED: To ACCEPT the request to withdraw this final plat.

SHORT FORM PLATS - FILED AND CONSIDERED

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

VOTED: To APPROVE the short form plats as listed:

C8s-70-116 Austin Mall, Resubdivision Lot 3
 Middle Fiskville Road
C8s-70-121 Mayberry Addition
 West 35th Street
C8s-70-124 Carla Hector Subdivision
 F. M. 620
C8s-70-120 H and H Addition
 Ben White Boulevard

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

VOTED: To ACCEPT for filing and DISAPPROVE the two short form plats listed below, pending compliance with departmental requirements:

C8s-70-126 Rayford Subdivision No. 2
 Brodie Lane and Country Lane
C8s-70-129 South Meadows, Resubdivision
 Eberhart Lane and South Meadow Boulevard

C8s-70-127 Adolph's and Bill's Addition
 Scenic Loop

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

VOTED: To APPROVE the short form plat of ADOLPH'S AND BILL'S ADDITION.

C8s-70-131 Greenwood Hills, Section 5 Resubdivision
Suburban Drive

This is the first appearance of this plat before the Commission and no departmental reports are completed. This plat involves a variance on signature requirements from the adjoining owner; however, a letter from the adjoining owner has been received stating that he does not wish to participate in the short form subdivision at this time. The staff recommends that the variance be granted and that the plat be accepted for filing and disapproved pending compliance with departmental requirements. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of GREENWOOD HILLS, Section 5 Resubdivision, pending compliance with departmental requirements, granting a variance on the signature requirements of the adjoining owners.

C8s-70-130 Wilson Subdivision, Resubdivision
Warren Street

This is the first appearance of this plat before the Commission, all departmental requirements have been met. The problem involved is that with the vacation of both sides of Wade Avenue, this is a dead-end street, which under the normal requirements of the Ordinance requires a cul-de-sac. In this case the staff recommends a variance not to require the cul-de-sac or turn-around due to topographic reasons and the fact that only three homes use this road for access. The staff recommends to grant the variance and approval of this plat. The Commission then

VOTED: To GRANT a variance on cul-de-sac requirement, due to topographical conditions and low density use, and APPROVE the short form plat of WILSON SUBDIVISION, Resubdivision.

ADMINISTRATIVE APPROVAL

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

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

<u>C8s-70-125</u>	<u>Brown Lane Addition Resubdivision Lot 1</u>
	<u>Brown Lane</u>
<u>C8s-70-128</u>	<u>Vintage Hills, Section 4, Resubdivision</u>
	<u>Lynridge Drive</u>

C2-70-4(b) ZONING ORDINANCE: Interim Revisions

Consideration of setting of hearing on proposed mobile home park regulations

Mr. Osborne advised the Commission that he had discussed mobile home regulations with personnel involved in this area in the cities of Dallas and Houston, Texas and Boulder and Denver, Colorado, in the past few weeks. There is a strong recommendation that a dual ordinance is needed; a zoning regulation dealing with mobile homes, with the other part of the regulation a development code, dealing with construction and basic development requirements. It is felt that the construction requirements should not be contained in the Zoning Ordinance. Also, the Health Department has just submitted their revised recommendations regarding septic tanks outside the City limits. Reasonable control and regulation of mobile home parks outside the City is of vast importance, as there are five mobile home developments being built outside the City for every one development being constructed inside the City. This Ordinance will be in conjunction with the Subdivision Ordinance and by policy situation related to the availability or provision of utilities to outlying areas which are to be developed into mobile home parks. The City may regulate outlying development through the water or electric services, or by a policy statement with regard to other conditions, i.e., circulation patterns, adjacent land uses, sewage disposal or overall sanitation. The zoning provisions and the construction requirements are almost complete for this Ordinance; however, the matter of a policy statement is directly involved with the City Manager's recommendation to the Council on an issue of policy, as to how the Master Plan is effected by the City in areas outside the City. This must be discussed with the City Manager before inclusion in the Ordinance. This Ordinance should be available to the Commission in September.

The Commission briefly discussed various aspects of mobile home development; including requirements for tie-downs and skirts, sturdiness and tolerances to winds of these units and the differentiation between mobile homes and modular units.

They then

VOTED: To further consider the mobile home park regulations in September.

C2-70-4(d) ZONING ORDINANCE: Interim Revisions

Consideration of setting of hearing on proposed flood hazard regulations

The Director of Planning, Hoyle M. Osborne, discussed this matter before the Commission. At the previous month's meeting of the Commission an interim report was presented, giving a preliminary draft of proposed flood hazard regulations dealing with zoning regulations pertaining to the flood plains. Work has not been completed on a final draft at this time, but it is felt that it will be in published form by Friday, August 14, 1970. The basic structure of the initial draft has been followed; the utilization of the floodway and the floodway fringe as regulatory areas; the floodway based on horizontal dimension of the 25-year flood probability and an elevation based on a 100 year flood probability; the floodway fringe being based on the horizontal dimension of the

C2-70-4(d) ZONING ORDINANCE: Interim Revisions--contd.

100-year flood probability and the elevation of the 100-year probability. The basic distinctions are that the floodway would be available only for open uses or non-occupied structures, such as roadways, bridges, culverts, etc., as this is the area where the majority of flood water would be carried at high velocity, and would damage normal structures such as houses and commercial buildings. Within the floodway fringe or plain, construction would be permitted on a special permit basis for a variety of uses. These would be overlay zones occurring in conjunction with existing zoning. For example, apartment construction would be permitted in a "B" district the flood plain if elevated on fill or piers. At the present time the Corps of Engineers has been contacted to clear up the conditions relating to piers such as size, number, span and "clearance" as this needs to be clearly identified within the Ordinance structure to preclude obstruction of the flood plain. It is recommended that the Commission set a special meeting within a week to further discuss this Ordinance before setting a public hearing. The Water Development Board has raised questions concerning the interpretation of the State and Federal Statutes and particular administrative regulation of these matters, one being the possibility that another resolution by the Council may be required in order to obtain Flood Plain Insurance. This resolution would specifically identify the drainage ways and streams and the staff recommends the following be included:

- Blun Creek
- Big Walnut Creek
- Little Walnut Creek
- Williamson Creek
- The Colorado River from Mansfield Dam to Onion Creek
- Boggy Creek including Tannehill and Fort View Branches
- Shoal Creek
- Waller Creek
- East Bouldin Creek
- West Bouldin Creek
- Onion Creek
- Country Club Creek

There is some question at this time as to how extensive these studies would be concerning the large drainage areas of some of these creeks.

In reviewing this Ordinance with Mr. Milstead, Vice Chairman of the Commission, and Mr. Graves, Drainage Engineer for the City, it has been indicated that it would be desirable to have technicians give information on the availability of data on specific floodprone areas; as this would be desirable to have at the time of the submission of the final draft in order to identify these areas for the benefit of the Commission. It is felt that some indication by the technicians of the approximate flood levels is necessary in attempting to evaluate the regulatory provisions and their impact.

Mr. Milstead stated that at the previous meeting it was understood that the only detailed information available was on Barton Creek, and that information on the other waterways would take some time to acquire. It was generally agreed to go ahead with hearings, using the information available to ascertain the extent and effect of any action of the Commission. Detailed information is not essential at this time, but the Commission should know generally the height

C2-70-4(d) ZONING ORDINANCE: Interim Revisions--contd.

of the flood plain. The Commission has a responsibility to reach a decision and the deadline for filing for Flood Plain Insurance with the Federal Department of Housing and Urban Development is December 31, 1971. It is felt that sufficient information can be developed by the middle of September, and it is hoped that a special hearing can be held at that time.

Mr. Goodman stated that it was his understanding that the Commission was going to adopt a generalized Flood Plain Ordinance, and then as the detailed information became available, hearings would be held on individual tracts of land.

Mr. Osborne stated that he felt that by Tuesday, August 18, 1970, he could inform the Commission of the date the staff would be prepared with information for their consideration at a meeting.

After brief discussion, the Commission then unanimously

VOTED: To appoint Mr. Milstead to poll the Commission to set a date for a meeting on the proposed flood hazard regulations, at such time as sufficient material has been developed by the City staff for their consideration.

C9-70-7 CONSIDERATION OF PRELIMINARY BARTON CREEK PLAN

Mr. Osborne presented the following statement to the Planning Commission, first stating that it is an amended from that given to the Zoning Committee. This statement has been discussed with Mr. Milstead, Vice-Chairman.

"The Planning Commission has reviewed the preliminary plan for that portion of Barton Creek below the planned crossing of the MoPac Boulevard bridge as developed by the Parks and Recreation Department with the participation of the Planning Department and a number of other departments and agencies. The Commission recognizes the preliminary nature of the 'Barton Creek Plan'; however, it wishes to commend the basic plan, noting that it indicates the future acquisition of the main portion of the creek valley and the establishment of development controls on the balance of the area and on the surrounding plateaus. The rapidity of development and other changes in Austin does not always allow for the completion of a plan prior to beginning its implementation, and the Commission urges the City Council to: (1) recognize this preliminary plan and (2) provide for acquisition of those tracts subject to early development or those tracts acknowledged to have an inherent part in the plan."

The Commission then

VOTED: To approve this statement and to send it with their recommendation to the City Council.

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

NAY: None

ABSENT: Mr. Kinser

ABSTAINED: Mr. Chamberlain

C10-70-1(m) STREET VACATION

Portion of George Avenue located between Shoalcreek Boulevard and West 39½ Street

The staff reported that this request for street vacation at this location has been cleared by all departments, and is recommended by the Planning Department. The Commission unanimously

VOTED: To recommend that the portion of George Avenue located between Shoalcreek Boulevard and West 39½ Street be VACATED.

C10-70-1(n) STREET VACATION

Portion of Mills Avenue between West 35th Street and West 38th Street

The staff reported that this is the Legal Department's advice as the proper procedure on this matter. The nature of the agreement with the Austin Doctors' Building Corporation is that this section of land adjacent to the existing 35th Street cut-off is a dedicated area. It is the determination of the City at this time that the land will not be needed for right-of-way and it should be conveyed to the Austin Doctors' Building Corporation, subject to departmental requirements. This request has been reviewed and approved by the Arterial Committee and other staff members concerned with street and arterial development, including the Planning Department. The Commission then unanimously

VOTED: To recommend that the portion of Mills Avenue between West 35th Street and West 38th Street be VACATED.

C10-70-1(o) STREET VACATION

The remaining area of Lots 7, 8, 18 and 19, Block 16, Glenridge Subdivision not needed for right-of-way for West 35th Street Cutoff.

This area has been reviewed during the past several years in connection with other street vacations in the area. This request was received late and has not been reviewed by all departments. This cannot become a connector street as it runs into the bridge abutment on Shoal Creek. Mr. Robert Sneed, attorney, stated that 37th Street has been vacated between Mills and Crawford Avenues. The Commission then unanimously

VOTED: To recommend that the remaining area of Lots 7, 8, 18 and 19, Block 16, Glenridge Subdivision be vacated, subject to departmental requirements, which include utility easements.

R141 PLANNING COMMISSION: Rules and RegulationsConsideration of proposed amendment to the Planning Commission Rules and Regulations

Mr. Osborne reported to the Commission that he has been asked by the Homebuilders' Association Subdivision Committee to meet with them to review and consider this amendment concerning the submission of final plats for sections of a preliminary plan. The amendment is as follows:

The following addition to the rules and regulations is recommended for clarification of the Subdivision Ordinance provisions and the policies of the Commission and Department.

The situation is one in which there is some confusion over the matter of the status of blocks or tracts of land that have been shown in a formal Preliminary Plan but where no final plat has been approved for those blocks or tracts. The acceptance by the City of a final plat on a portion of a preliminary plan has left the inference that the "unsubdivided" portions are subject to provision of services and the issuance of a building permit on a "tract" basis. In many instances, this results in an alteration of the intent of the preliminary plan and in some instances out-right conflict with the preliminary plan.

The intent of the Ordinance is to have a schematic plan on the entire tract and a preliminary plan on that portion to be subdivided by actual final plat. The Department and Commission have accepted "preliminary plans" on entire tracts and permitted the submission of final plats by sections. It is recommended that the following be added to the Commission's Rules and Regulations:

Submission Of Final Plats For Sections Of A Preliminary Plan

With regard to the procedure set forth in Section 23.12 concerning a schematic layout and the preliminary plan for that portion first to be subdivided, the Commission may accept a preliminary plan for the entire tract of land and may permit the submission of final plats for sections or portions of the entire tract. In accepting a final plat for a portion of a preliminary plan, the Commission shall require the following: (a) No area tract, block or portion not included in a final plat shall be eligible for new or additional utility services or for the issuance of a building or other construction permit; (b) The subdivider shall submit to the Commission, in conjunction with the submission of the preliminary plan or the submission of the first final plat for a portion of the tract covered by the preliminary plan, a proposed schedule for the platting of the entire tract by sections or phases plus a statement of the timing and methods of complying with the requirements for improvements of streets, sidewalks, utilities, drainage facilities and bridges. In the event the Planning Department or any other Department of the City has any question about the arrangements for the future subdivision of the remaining unsubdivided portions or the installa-

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tion of required improvements, the matter shall be referred to the Planning Commission for consideration and action based on the progressive and reasonable development of land and the subdivision fiscal policies of the City.

ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

Hoyle M. Osborne
Executive Secretary