

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- October 13, 1970

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

Present

S. P. Kinser, Chairman  
Jack Crier  
Bill Milstead  
Fritz Becker  
Jack Goodman  
Alan Taniguchi  
Walter Chamberlain

Absent

M. J. Anderson  
C. L. Reeves

Also Present

Hoyle M. Osborne, Director of Planning  
Richard Lillie, Assistant Director of Planning  
Walter Foxworth, Supervising Planner  
Mike Wise, Associate Planner  
Caroline Schreffler, Administrative Secretary

MINUTES

Minutes of the meetings of June 9, 1970, and September 21, 1970 were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meeting of October 5, 1970.

Present

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

Also Present

Hoyle M. Osborne, Director of Planning  
Richard Lillie, Asst. Director of Planning  
Walter Foxworth, Supervising Planner  
Mike Wise, Associate Planner  
Caroline Schreffler, Administrative Secretary

PUBLIC HEARINGS

C14-70-168      Richard Baker: Int. A, Int. 1st to GR, 1st (Tr. 1) and B, 1st (Tr. 2)  
Tract 1: 1014-1126 Rundberg Lane  
Tract 2: Rear of 1014-1126 Rundberg Lane

STAFF REPORT: This application covers two tracts of land located along Rundberg Lane. Tract 1 contains 5.3 acres and Tract 2 has 12.7 acres for uses consistent with such zoning. Interim "A" Residence zoning developing with single-family homes exists in Northcape subdivision to the north and west. That property to

C14-70-168 Richard Baker--contd.

the east is undeveloped and is in the County. The State Farm Insurance tract to the west and across Rundberg Lane is zoned "GR" General Retail. The Planning Commission's recommendation on the Nash Phillips-Copus property at Cameron Road and Rundberg Lane was "LR" Local Retail and "GR" General Retail.

This zoning would be an encroachment into the Northcape Subdivision development and not consistent with the preliminary plan for this area. Traffic would be generated to this area both from Rundberg Lane internal residential collector street to the north. A tract of 131 feet in width exists along the east property line, adjoining a junior high school. This tract is outside the City limits. It will likely be used for single-family or duplex development. The preliminary plan proposes residential lots in the subject tracts to back to Rundberg Lane, a major arterial street, and front to a minor residential street. Commercial zoning should not be encouraged along Rundberg Lane but only at the intersections of the major arterial streets of Cameron Road and I. H. 35. The staff's recommendation is to deny the request.

## TESTIMONY

## WRITTEN COMMENT

Petition with 130 signatures	AGAINST
Flannigan Whitfield: 9600 Hansford	AGAINST
Ian R. Little: 625 Paopua Loop; Kailua, Hawaii	AGAINST
Alvin M. & Mary E. Welbes: 9403 Hansford Drive	AGAINST
J. B. Randolph: 9717 Dallum	AGAINST
James M. Haynes: 9601 Hansford	AGAINST
Max R. Allen: 9509 Dallum	AGAINST
Samuel J. Bloom: 9502 Dallum Drive	AGAINST
R. G. Revisore: 1007 Collingsworth	AGAINST
Tom Stephens: 9606 Dallum	AGAINST
Mrs. Evelyn Porter: 9709 Dallum	AGAINST
Neil Carroll: 9511 Dallum Drive	AGAINST
Mrs. John W. McConnell, Jr.: 9501 Hansford	AGAINST
Latralle Thompson: 9601 Dallum Drive	AGAINST
Mary E. Barry: 9605 Dallum	AGAINST
Robert R. Eitze: 9510 Dallum Drive	AGAINST
A. K. Sprinkles: 9408 Dallum Drive	AGAINST
Charles W. Davis: 9713 Dallum Drive	AGAINST
D. M. Dawson: 9702 Dullum Drive	AGAINST
Mrs. M. F. Satterwhite: 9507 Hansford	AGAINST
Herman Hitzfeld: 9603 Hansford	AGAINST
William P. Wideman: 9412 Hansford	AGAINST
Frank C. Harris: 9410 Dallum Drive	AGAINST
William R. Lancaster: 9405 Dallum Drive	AGAINST
Ronald Castleberry: 9410 Hansford	AGAINST
Mavis Dallas: 9503 Dallum	AGAINST
Mr. & Mrs. Don E. McKenzie: 9407 Hansford Drive	AGAINST
Jerry D. Tawater and Kay Tawater: 9607 Dallum	AGAINST
Gerald W. Russell: 9411 Hansford Drive	AGAINST

586

C14-70-168 Richard Baker--contd.

Gary L. Willey: 9508 Dallum Drive	AGAINST
H. E. Nelson: 9505 Dallum	AGAINST
George DeVilleneuve: 1003 Collingsworth	AGAINST
Jose R. Cuellar: 9506 Dallum Drive	AGAINST
Leon Douglas: 9504 Dallum	AGAINST
Mr. & Mrs. James A. Blain: 9808 Dallum Drive	AGAINST
Mr. & Mrs. D. Robbins: 9709 Hansfd Drive	AGAINST
William R. Murphy: 9401 Dallum Drive	AGAINST
Donald W. Patric, M.D.: 1005 Collingsworth	AGAINST
Patrick O. Higgins: 9407 Dallum	AGAINST
Robert Plante: 9402 Dallum Drive	AGAINST
Lt. Col. & Mrs. Walter J. Ford: 9604 Hansford	AGAINST
Mr. & Mrs. John A. Mead: 94700 Dallum Drive	AGAINST
Joan Neely: 9503 Dallum	AGAINST
Howard R. Guess: 9600 Dallum	AGAINST
Gaylord E. Child: 9604 Dallum Drive	AGAINST
Dan W. Whiting: 9501 Dallum Drive	AGAINST
O. W. Huffman: 9603 Dallum Drive	AGAINST
Joan C. Dalton: 9505 Hansford Drive	AGAINST
Mr. & Mrs. William Overfelt: 9504 Hansford Drive	AGAINST
Mrs. Gilbert B. Guena: 9413 Hansford Drive	AGAINST
James E. Shelton: 9809 Hansford Drive	AGAINST
Major and Mrs. Stewart Perry: 9607 Hansford	AGAINST
Robert A. Russell: 9605 Hansford Drive	AGAINST
William R. Stiffler: 9606 Hansford Drive	AGAINST
Mr. & Mrs. Charles Jones: 9502 Hansford	AGAINST
Winfred E. Trimble: 9507 Dallum Drive	AGAINST
Robert L. Claussen: 9409 Hansford	AGAINST
Richard N. Riecke: 9506 Hansford Drive	AGAINST
Don Dickinson: 9405 Hansford Drive	AGAINST

PERSONS APPEARING AT HEARING

Richard Baker (applicant)	
Mr. & Mrs. Boyce Hornberg: 9400 Dallum	AGAINST
Mr. & Mrs. Don Dickinson: 9405 Hansford Drive	AGAINST
Pat Higgins: 9407 Dallum Drive	AGAINST
Mr. & Mrs. Samuel Bloom, Jr.: 9502 Dallum Drive	AGAINST
Mr. & Mrs. R. L. Claussen: 9409 Hansford	AGAINST
Joan Neely: 9503 Dallum	AGAINST
Gilbert B. Guerra: 9413 Hansford	AGAINST
Mr. & Mrs. C. R. Jones: 9502 Hansford	AGAINST
Lynnell Russell: 9411 Hansford	AGAINST
Norma Lee Overfelt: 9504 Hansford Drive	AGAINST
Robert Plante: 9402 Dallum	AGAINST
Mr. & Mrs. R. R. Eitz: 9510 Dallum	AGAINST
Mr. & Mrs. Gary L. Wilfley: 9508 Dallum	AGAINST
Marie Allen: 9509 Dallum	AGAINST
Carolyn Douglas: 9504 Dallum	AGAINST
Mr. & Mrs. Richard Riecke: 9506 Hansford	AGAINST

C14-70-168 Richard Baker--contd.

Mr. & Mrs. William R. Lancaster:	9405 Dallum	AGAINST
Robert A. Russell:	9605 Hansford	AGAINST
Mr. & Mrs. W. E. Trimble:	9507 Dallum	AGAINST
Mr. & Mrs. Jim Haynes, Jr.:	9601 Hansford	AGAINST
Mr. & Mrs. Tom Stephens:	9606 Dallum	AGAINST
Mr. & Mrs. John B. Randolph:	9717 Dallum	AGAINST
Mr. & Mrs. A. M. Welbes:	9403 Hansford	AGAINST
Neil Carroll:	9511 Dallum Drive	AGAINST
Howard Guess:	9600 Dallum	AGAINST
Mr. & Mrs. Russell Thompson:	9601 Dallum	AGAINST
C. W. Davis:	9713 Dallum	AGAINST
Mr. & Mrs. Charles Englishbee:	9705 Hansford	AGAINST
Mr. & Mrs. Charles S. Wiltsee:	9903 Hansford	AGAINST
Frank C. Harris:	9410 Dallum	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, pointed out that even though this property is zoned Interim "A" Residence, consideration should be given to some of the changes that have occurred since 1962. There is property zoned "C" Commercial along I.H. 35, and immediately south and west on Rundberg Lane lies the 30 some-odd acre tract of land purchased by the State Farm Insurance Company which will go under contract in the next few months and has been re-zoned "GR" General Retail. The corner of Rundberg Lane and I. H. 35 is presently not zoned, but will go "GR" General Retail. To the east of the property and across Rundberg there is a mobile home park under construction. To the east of the property at Cameron Road, Nash Phillips-Copus is developing Windsor Hills and has requested "GR" General Retail. This application has been recommended by the Planning Commission to the City Council. One hundred and fifty feet to two hundred feet west of the Nash Phillips-Copus property and lying 131 feet east of the subject property is a tract of land that the Austin Independent School District has purchased for the purpose of building a junior high school which will handle 900 to 1200 students and will be bounded by a 60 foot street.

Mr. Baker felt that the strongest argument against this change in zoning would be that apartments would generate more traffic, but the traffic is more palatable for people living in apartments than it would be in single-family residences due to the fact that a junior high school is being built.

## Arguments Presented AGAINST:

Mr. Don Dickinson, 9405 Hansford Drive, appeared in opposition to the proposed zoning change stating that they were told that quality homes were going to be built in the nearby area which prompted more to buy homes and others to upgrade their homes. As potential homebuyers, they were told in 1966 that Heritage Hills Elementary School was to be built on the same property as State Farm Insurance

C14-70-168 Richard Baker--contd.

Company. He stated that they did not anticipate retail businesses being built so near their homes.

Mr. Pat Higgins, 9407 Dallum, opposed the proposed zoning change due to the fact that Rundberg Lane has such a traffic problem. In 1968, a study was made indicating 1,580 vehicles passed on Rundberg every day. Since April of 1969 a 74 per cent growth rate has been experienced in residential development in the neighborhood of Northcape. This growth factor in the homes has swelled the 1968 vehicle count to 2,749. In November of 1969, Northcape was classified as a hazardous area. The Austin Independent School District has provided a bus service for the children, not because of the distance from the school, but because of the dangerous traffic conditions around Rundberg Lane. Another study showed that the average resident makes 6.4 automobile trips per day. At present, there are 75 families living in Northcape and they must all exit at Hansford. The Austin Development Association stated the average apartment has 2.8 cars giving a projected increase of 1400 automobiles.

Mrs. Joan Neeley, 9503 Dallum, is concerned over the safety of her children and for this reason is opposed to the proposed zoning change. She also stated, as Mr. Higgins pointed out, that the area qualified for bus service to Bannister Elementary School, not because of distance but because of hazardous traffic conditions on Rundberg Lane and they are now faced with the same situation again with the proposed junior high school. She stated that there are 193 children living on two streets and she questioned their safety in the event of 1400 additional cars from high density apartments feeding through the area.

Mr. Robert Claussen, 9409 Hansford Drive, spoke for the many people at the hearing who opposed the zoning change. They felt that the traffic generated by 50 to 75 single-family residences would be more desirable than the proposed 600 to 700 apartment dwelling group.

Mr. Tom Curtis, attorney appearing on behalf of the protestors, stated that high density zoning is to be expected abutting busy intersections such as Cameron Road and Rundberg Lane. He stated that to zone this tract which is one-half mile from a busy intersection would be strip zoning. Mr. Curtis also pointed out that if this zoning is granted, Collingsworth Street would be cut off with no indication of the facility to handle traffic from the proposed 500 apartments and introduced photographs of residential development in the area. A petition was presented by Mr. Curtis, stating that it contained signatures of 67 out of the 75 property owners living in the area who oppose the proposed zoning change.

Arguments Presented IN REBUTTAL:

Mr. Baker stated that traffic does create a problem for single-family residence property owners and undeveloped tracts of land. It has been very difficult over the past four or five years with the way the City of Austin has grown to determine whether or not the development of apartment complexes is the best utilization of the property where traffic has increased on a major thoroughfare.

C14-70-168 Richard Baker--contd.

Over a number of years, in the development of the City of Austin, this has proved quite satisfactory. The State Farm Insurance Company will be officing 3000 to 5000 people and for this reason, it is desirable to have a high-density residential development near this location giving the people access to a major thoroughfare to get them to and from work as quickly as possible.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that although there is a mobile home park to the southeast, the State Farm Regional Office tract to the southwest and various development along Fiskville Road to the west, granting the requested zoning would compound the problems in the area. Therefore, this request should be denied, as an intrusion into a developing single-family residential area.

At the Commission meeting the staff reported that the applicant had requested withdrawal of this application and recommended that the request for withdrawal be submitted to the City Council. The Commission then unanimously

VOTED: To recommend that the request of Richard Baker for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area (Tr. 1) and "B" Residence, First Height and Area (Tr. 2) for property located at (Tr. 1) 1014-1126 Rundberg Lane and (Tr. 2) Rear of 1014-1126 Rundberg Lane be DENIED, and recommended that the request for withdrawal be accepted.

C14-70-169 Helen D. Nohra: A to B  
4213 Avenue G

STAFF REPORT: This application is on an area of 26,000 square feet to be used as a college fraternity house. The majority of the area between 38th and 45th Streets and between Speedway and Duval Streets is "A" Residential zoning and developed with single-family residences. On several lots to the east at 43rd Street and Avenue H, "B" Residence and "GR" General Retail zoning exist. That property has been zoned since March, 1966 and is still undeveloped. A parking lot and several single-family residences exist on that property. The zoning for this area between Duval and Speedway Streets has been recommended as "A" Residence in the 1967 area study by the Planning Commission. Last year a similar request for "B" Residential was denied just one block south. The present use of the property as a boarding house is in conflict with the Zoning Ordinance. The staff recommends this application be denied as it is not consistent with the area study and is an intrusion into a well-established single-family neighborhood.

#### TESTIMONY

#### WRITTEN COMMENT

Petition with 84 signatures  
Beatrice G. Hunter: 206 East 43rd Street  
Earl O. Wukasch & Eugene Wukasch:

AGAINST  
FOR  
FOR

590

C14-70-169      Helen D. Nohra--contd.

David E. Counts: 4210 Avenue G	AGAINST
Mr. & Mrs. Forest C. Edwards:	FOR
Miguel E. Gonzalez-Gerth: 4109 Avenue G	AGAINST
Mrs. B. B. Arledge	AGAINST

PERSONS APPEARING AT HEARING

W. R. Cavett (representing applicant)	
Miguel Gonzalez-Gerth: 4109 Avenue G	AGAINST
Mrs. M. S. Gonzalez: 4114 Avenue H	AGAINST
Wayne Wood: Avenue G	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was represented by Mr. W. R. Cavett, who explained that the residence in question is a rather large single-family home built 40 years ago. It is a two-story, seven bedroom, seven bath house, which is no longer usable for most families because of its size and improvements. It is felt that Hyde Park is a changing area, with 52 per cent of the area rental property at this time. Most of the homeowners are older people who have always lived there and do not wish to move. This request is not for construction or additional building; it is merely a request to make this boarding house legal, rather than illegal. While the area study designated this a single-family area, it is being used primarily for rental. For example, directly across the street from the tract being considered is a large house with four mailboxes on the front porch. In past development in the City, businesses follow areas of high traffic. Speedway and 43rd Streets are high-traffic streets. Two blocks to the east is a small business center, to the north is a post office and a small community center. It is felt that this is a reasonable request as the tract abuts 43rd Street; it is between two business areas, with more businesses likely to develop on 43rd Street; and the fact that the building has been converted to a rooming house and is now being operated illegally. The proposal is for the establishment of a chapter house for a small fraternity, which would house 16 to 18 fraternity members. The area would be well-maintained and an asset to the neighborhood.

Arguments Presented AGAINST:

Mr. Miguel Gonzalez-Gerth, 4109 Avenue G, stated that the last thing he wanted in his neighborhood was a fraternity house, and that the granting of "B" Residence zoning would set a precedent for the Hyde Park area. While 38th, Speedway and Duval Streets are high traffic, 43rd Street is not. The commercial development to the east has existed to serve the surrounding area for many years. The proposed zoning is a drastic change of usage in the area, will create traffic and off-street parking problems, and will cause noise and air pollution. It is felt that the Hyde Park area should be protected from such intrusion. It is not the fault of the City that this use is at present in violation of the City codes; rather, the City should have stricter enforcement of these codes. Mr. Gonzalez-Gerth presented a petition against this change in zoning signed by 70 resident property owners in the area.

C14-70-169 Helen D. Nohra--contd.

Mr. Wayne Wood, a nearby resident, wished to voice his opposition to this zoning change, stating that the present commercial development came in under the grandfather clause, and should not influence this decision. He does not want the neighborhood to deteriorate.

#### Arguments Presented IN REBUTTAL:

Mr. Cavett stated that there is no doubt that the change in zoning would alter the character of the neighborhood; however, the type of persons living in the house should be better citizens than those living in the house for the past few months. At the most, only two or three automobiles would be added to those already there and it is felt that there would be no appreciable addition to noise and air pollution. It would be better for the City to make this usage legal rather than illegal; the house is not usable for a family residence.

Mr. Cavett stated that he lives in Hyde Park and will be affected by this change. This area is changing and is primarily a rental area.

#### COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves requested information from the staff concerning the area streets. Speedway is a collector street with 90 feet of right-of-way; 43rd Street has 80 feet of right-of-way; Avenue G has 80 feet of right-of-way; Duval Street is two blocks to the east of the site; and Speedway Street is two blocks to the west. There are no traffic problems foreseen in the area.

The Committee reviewed the information and discussed the fact that Hyde Park is primarily a low-density residential neighborhood and should be protected. However, "B" Residence zoning exists across the street on 43rd Street, and a majority concluded that this request should be granted, as the proper zoning for the property.

The Commission concurred with the Committee recommendation and then

VOTED: To recommend that the request of Helen D. Nohra for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4213 Avenue G be GRANTED.

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



C14-70-170 Mrs. Linalice Carey: A to B  
4007-4009 Avenue B

STAFF REPORT: This application is a tract containing 9,705 square feet to be used for apartments. "A" Residence and "B" Residence zoning, single-family residences and apartments are located throughout this area. This application falls within the area suggested for "BB" Residential and "B" Residential zoning where streets are adequate by the 1967 area study. The staff recommends this request as Avenue B is adequate.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Mrs. Linalice Carey (applicant)

#### SUMMARY OF TESTIMONY

Mrs. Linalice Carey spoke for her request, stating that this application is on her home, which is an older structure with a roomy attic, which she wishes to convert to an apartment with bath.

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, as consistent with current zoning changes in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Linalice Carey for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4007-4009 Avenue B be GRANTED.

C14-70-171 Gene H. Walter: A to O  
1201 Larkwood Drive

STAFF REPORT: This application covers a lot at the intersection of Cameron Road and Larkwood Drive containing 7,434 square feet, with proposed usage for an antique shop. "A" Residence zoning and well-maintained single-family homes are located along Cameron Road, and in the area east of Cameron Road. Commercial zoning exists on the Capital Plaza Shopping Center property across Cameron Road to the west. A 1969 request for "O" Office zoning two lots to the south was not recommended, and was subsequently withdrawn. The staff recommends that this application be denied for the same reasons as on the application last year. More intensive zoning should not be encouraged on the east side of Cameron Road.

C14-70-171 Gene H. Walter--contd.

This would be an intrusion and an encroachment into a very well-developed and maintained single-family residential neighborhood. If granted, subject to ten feet of right-of-way on Cameron Road and five feet of right-of-way on Larkwood Drive.

## TESTIMONY

## WRITTEN COMMENT

Joe P. Kitchens: 1202 Larkwood Drive	AGAINST
Floyd V. Pritchett: 1206 Ridgemont Drive	AGAINST
Mrs. Charles Balagia: 1204 Ridgemont	AGAINST
William L. Ginn, Sr.: 1207 Larkwood	AGAINST
Charles Donald Shader: 1205 Larkwood Drive	AGAINST
Thomas L. Millsap: 1207 Ridgemont Drive	AGAINST

## PERSONS APPEARING AT HEARING

Lyndon L. Stuckey: 1205 Cloverleaf Drive	AGAINST
H. L. Moore: 1313 Ridgemont Drive	AGAINST
Mr. & Mrs. Chas. E. McBride: 1204 Cloverleaf	AGAINST
George A. Webb: 1201 Ridgemont Drive	FOR
Geraldine Stuckey: 1205 Cloverleaf Drive	AGAINST
Mrs. Hattie Gilbert: 1202 Cloverleaf Drive	AGAINST

## SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Mr. Lyndon Stuckey, 1205 Cloverleaf Drive, spoke against this request. He stated there is no parking area for this proposed business, as Cameron Road has heavy traffic and the site across the street is overcrowded. He feels that the deed restrictions are now more important than when they were made and that this request should be turned down as was the request made last year.

Mr. Foxworth stated that this neighborhood is deed restricted.

Mr. William L. Gann, 1207 Ridgemont Drive, requested rejection of this proposal. He feels that Cameron Road should be the boundary line for other than residential zoning, and that once the precedent is set, the deterioration of this nice neighborhood will follow.

## 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.

594

C14-70-171 Gene H. Walter--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Gene H. Walter for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1201 Larkwood Drive be DENIED.

C14-70-172 Gene Naumann and Henry Wendlandt, Jr.: A to GR  
1144-C - 1100-D Springdale Road

STAFF REPORT: This request is on a tract of land containing .9 acres, with the proposed use an auto garage. "GR" General Retail, "C" Commercial and "D" Industrial zoning exist along Springdale Road to the north. The tracts zoned "GR" General Retail and "D" Industrial are still undeveloped. "B" Residence exists between the subject property and Mercer Drive and is developed with a moderate income housing project. A similar project exists to the south on the tract zoned "C" Commercial. "A" Residence zoning and land use exist to the south on Munson Street and east of Springdale Road. With the development of the two apartment projects, the predominant residential land use in the area, and the still undeveloped status of existing commercial zoning, the staff recommends this request be denied and that "B" Residential be granted.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. J. C. Awalt: 3704 Munson AGAINST

PERSONS APPEARING AT HEARING

Gene Naumann (applicant)	
Charles Pankey: 4600 Munson Street	AGAINST
Mildred Taylor: 4604 Munson	AGAINST
Mr. Pete Sanchez: 4606 Munson Street	AGAINST
Jesse Gil: 1143 Springdale Road	AGAINST
Thomas James: 3011 Conway	FOR

Arguments Presented FOR:

Mr. Gene Naumann explained to the Commission that this request is to relocate a garage being moved due to urban renewal activity. "D" Industrial, "C" Commercial zoning and many apartments are located near this site. Two blocks to the south on Airport Boulevard are Humble Oil Company and Sinclair Refinery warehouses. A house is on the property at the present time and only the north 50 feet of the lot will be used as a garage. The prospective tenant would like to have the property by the fifth of the month.

Arguments Presented AGAINST:

Mr. Charles Pankey, 4600 Munson Street, stated that he has made his home for eight years on the corner lot just down the street from this property under

C14-70-172      Gene Naumann and Henry Wendlandt, Jr.--contd.

consideration. He and his neighbors oppose general retail zoning in this area, due to the already congested traffic conditions and the fact that adequate facilities exist on Airport Boulevard and Springdale Road nearby. Mr. Pankey stated that because of his race, he was not able to purchase property in other sections of the City. He feels that this area should be protected, and single-family development encouraged through "A" Residential zoning.

Arguments Presented IN REBUTTAL:

Mr. Naumann stated that it is his understanding that Springdale Road is to be widened, which will make it even more desirable for retail property. Mr. Foxworth stated that plans call for the widening of Springdale Road to 80 feet of right-of-way. It is a designated major arterial street. The 15th Street Crosstown Expressway will tie in with Springdale Road at East 12th Street.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, due to the proximity of commercial development and zoning in the area.

The Commission concurred with the Committee recommendation and

VOTED:      To recommend that the request of Gene Naumann and Henry Wendlandt, Jr. for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1144-C - 1100-D Springdale Road be GRANTED.

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

C14-70-173      O. D. Ponder, Jr.: A to LR (as amended):  
5212 Avenue H

STAFF REPORT: This application is on a tract containing 6,250 square feet, with proposed use a sanitizing chemical company. "LR" Local Retail and "C" Commercial exist along East 53rd Street. "LR" Local Retail is established to the rear of this site. This area is a single-family residential neighborhood. Extension of existing "C" Commercial zoning is not encouraged. Intensive zoning on the interior of this neighborhood would be an encroachment and should be denied. The last "LR" Local Retail and "C" Commercial zoning was granted in 1957 and has never been utilized. If granted, subject to five feet of right-of-way on Avenue H.

TESTIMONY

WRITTEN COMMENT

Charles J. Young: 5214 Avenue H  
William D. Sowell: 5209 Avenue G

FOR  
AGAINST

596

C14-70-173      O. D. Ponder, Jr.--contd.

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the applicant requested that the requested zoning be amended to "LR" Local Retail. The Commission then unanimously

VOTED:      To recommend that the request of O. D. Ponder, Jr. for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area (as amended) for property located at 5212 Avenue H be GRANTED, subject to 5 feet of right-of-way on Avenue H.

C14-70-174      Thomas James: A to O  
                    2936 East 12th Street

STAFF REPORT: This zoning request, covering 10,672 square feet of land, is for office development. "C" Commercial zoning and land uses are established along East 12th Street. A more intensive request for "LR" Local Retail zoning has recently been granted on the adjoining lot to the west. The requested zoning conforms to the existing zoning pattern. The staff recommends this request.

TESTIMONY

WRITTEN COMMENT

James O. Hayden: 3014 East 13th Street  
Charles L. Harris: 2940 East 12th Street

AGAINST  
AGAINST

PERSONS APPEARING AT HEARING

Thomas James (applicant)

SUMMARY OF TESTIMONY

Mr. Thomas James, 3011 Conway Street, explained to the Commission that he had originally bought this property for his residence, but the area has changed to commercial use.

Mr. Reeves stated that with the zoning surrounding this site, "LR" Local Retail is the logical zoning for this tract. Mr. Goodman agreed with Mr. Reeves and pointed out that the applicant will have to apply for a change in zoning if any

597

C14-70-174 Thomas James--contd.

use other than office development is desired. The applicant stated that he did not understand that "O" Office zoning was as restrictive as it is and requested withdrawal of this application in order to make application for "LR" Local Retail zoning.

The staff informed the applicant of the procedure for requesting withdrawal of a zoning application.

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 withdrawn, in order that the applicant may apply for "LR" Local Retail zoning.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Thomas James for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 2936 East 12th Street be WITHDRAWN.

C14-70-175 ALTENHEIM a division of Lutheran Social Service, Inc.: A to B  
4009-4015 Avenue H  
401-403 East 41st Street

STAFF REPORT: This application is on a tract of 21,000 square feet located at the corner of East 41st Street and Avenue H and is for the purpose of enlarging ALTENHEIM, a non-profit religious nursing home, from an eleven-bed institution to a thirty-bed institution. This neighborhood has "A" Residential zoning and is developed with single-family residences. There are very few exceptions or intrusions of zoning or more intensive land use in this area. This application is within the 1967 Area Study where "A" Residential zoning is the maximum recommended. There are deed restrictions in that area south of 40th Street and west of Duval Street. The staff therefore recommends this case be denied. East 41st Street is a dead-end street at this point.

TESTIMONY

WRITTEN COMMENT

Mrs. F. L. Weigl: 4107 Avenue H  
Jefferson G. Smith: 4009 Avenue G  
Evelyn L. Taylor: 4112 Avenue H  
Mrs. Ada Deen: 4011 Avenue G  
Petition with 88 signatures

AGAINST  
AGAINST  
AGAINST  
FOR  
AGAINST

598

C14-70-175 ALTENHEIM a division of Lutheran Social Service, Inc.--contd.

PERSONS APPEARING AT HEARING

Robert Miller (representing applicant)  
Miguel Gonzales-Gerth: 4109 Avenue G  
Wayne Wood: Avenue G

AGAINST  
AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Miller represented Lutheran Social Service, stating that ALTENHEIM has operated an old folks home at this location for forty to forty-five years, with eleven people living there. It is no longer economically possible to operate with this small number and they wish to increase their capacity to thirty people. This addition would not affect the character of the neighborhood which they would object to as having a detrimental effect on their operation. The traffic in the area would not be changed by this addition.

Arguments Presented AGAINST:

Mr. Miguel Gonzalez-Gerth, 4109 Avenue G, stated that he opposes this change in zoning because it sets a precedent. The residents of the immediate area are not against the home or the addition to it; they are against the change in zoning. It was requested that this use be allowed under a special permit, variance or an annex be built on another lot; the applicants own another lot just to the north of the home. The character, essence, cohesion and historical value of this Hyde Park area deserve protection. Mr. Gonzales-Gerth feels that the figure quoted of 52 per cent rental property in the area is wrong; however, even if that is correct the other 48 per cent of the residents deserve the protection of "A" Residential zoning as in the past. A petition signed by 70 residents opposing this change of zoning on this tract was presented to the Commission. Mr. Gonzales-Gerth read the following petition to the Commission signed by 26 area residents:

"We, the undersigned resident property owners of Hyde Park, respectfully request that 1) YOU INTERCEDE WITH THE CITY COUNCIL regarding its support and protection against any imminent change in zoning in this area. We have been advised that the Planning Department has consistently recommended against any change from "A" Residence within the bounds set by Speedway and Duval and 38th and 45th Streets, looking upon this as an area study with no change in zoning. This is indeed a residential area with a respected tradition and a historical background, including Shipe Playground, the Elizabeth Ney Museum and other 19th century structures considered noteworthy by the Austin Heritage Foundation. To allow any change in zoning, and the subsequent building of high density apartment facilities of little value and uncertain construction, would not only prove detrimental to the resident property owners of the community but would ultimately result in the unwarranted subversion of an old yet stable urban section of the city, which should instead be protected and encouraged to remain as it is, except for further improvement of existing structures and thoroughfares. The time has come when cities such as Austin (and Austin is the State Capital) should find it extremely advisable to preserve much that is worth while in their communities just as they are, instead of allowing the subversion of irreplace-

C14-70-175      ALTENHEIM a division of Lutheran Social Service, Inc.--contd.

able structures and playgrounds, only to resort later to so-called urban renewal after an area has degenerated into a slum.

We, the undersigned resident property owners of Hyde Park, therefore, also request that 2) YOU INTERCEDE WITH THE CITY COUNCIL in order to look into the possibilities of enhancing the present recommendation of the Planning Department by declaring Hyde Park an "A" Residence zoning area to be actively supported in all efforts to preserve its character, which is that of a historically significant section of the city of Austin."

Mr. Wayne Wood spoke against this request, stating that he lives a block from this site under consideration and feels that a zoning change will cause the deterioration of the neighborhood.

#### COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves requested information as to the logic of the area study recommendation for this site. The staff reported that in 1967 the Commission requested an area study on the geographic area bounded by San Jacinto Street, Duval Street, 45th Street and Guadalupe Street, as to its long range use. The study indicated that the southern portion of the land from San Jacinto Street to 38th Street was near the University and had been developed with apartments for a number of years, with zoning requests being granted by the Council. It was recommended that where streets were adequate, "B" and "BB" Residence zoning could be granted. In studying the area north of 38th Street, it was found that in the area west of Speedway Street to 45th Street and Guadalupe Street the precedent for higher intensity of use had been set by the Council through zoning and this area also was recommended for "B" and "BB" Residential zoning where streets are adequate. In the area east of Speedway to Duval it was found that although frontage on Speedway and Duval had been zoned "B" and "BB" Residential for many years, the area between these two major streets had retained its single-family residential character and had not been encroached upon by more intensive zoning, consequently in this area from 38th Street north to 45th Street, the recommendation was that "A" Residence zoning be maintained. Within this area the Shadow Park Subdivision, which is just south of this application, from 38th Street to 40th Street, has deed restrictions for single-family development only. A similar application on Avenue G was denied because of the area study recommendation. North of 45th Street, the area is zoned and developed single-family and is recommended for "A" Residence zoning, except for the extreme west end near Guadalupe. There are non-conforming uses and some illegal uses in this area.

Mr. Goodman stated that more intensive zoning exists to the south at Duval and 45th Street and on Avenue F and Avenue A.

Mr. Goodman suggested that this request could be handled as a use variance by the Board of Adjustment and the staff explained that in this type of case the Board does not have jurisdiction.



C14-70-175      ALTENHEIM a division of Lutheran Social Service, Inc.--contd.

Mr. Taniguchi requested information on the site and Mr. Miller explained that the old building in existence on the adjacent lot would be razed and an addition added to the present structure.

Mr. Miller stated that the residents of the area are not opposed to the Home. It is a good neighbor and will continue to be. The applicants do own the property across the street, but it would not be practical to use it for an annex, unless the street could be closed. This is a non-conforming, not illegal use and is strictly for the purpose of enlarging the present facilities.

The Committee reviewed the information and concluded that this request should be granted, as it will not contribute to traffic problems and will not change the character of the neighborhood.

At the Commission meeting, Mr. Lillie of the staff explained that this request is on a rest home which has been in existence for a number of years, and this change will allow expansion of their facilities.

The Commission concurred with the Committee recommendation and unanimously

VOTED:      To recommend that the request of ALTENHEIM a division of Lutheran Social Service, Inc. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4009-4015 Avenue H and 401-403 East 41st Street be GRANTED.

C14-70-176      Sam E. Dunnam, IV: A to GR  
Rear of 7600 Burnet Road

STAFF REPORT: This application is on a tract covering 13,129 square feet with area to be used with the proposed bank building to the north. Commercial zoning exists along Burnet Road. Proposed Northcross Drive will border this 13,000 square foot sliver of land on the south. This small piece of property results from the shifting of the street southward for a better intersection with Saint Joseph at Burnet Road. The bank property will be shifted southward also. The staff recommends this request as a logical extension of existing zoning, subject to final approval of the subdivision and the fiscal arrangements for Northcross Drive.

In answer to a question about St. Joseph Boulevard from Mr. Reeves, the staff pointed out that this street has a dedicated divided section, the northern portion being one-way west, the southern portion one-way east. Further to the east the street narrows to a 50 foot right-of-way and is called Morrow Street. A preliminary subdivision plan has been filed by the applicant on the southwest corner of Anderson Lane and Burnet Road which comes before the Subdivision Committee October 26th. Studies are being conducted by the Public Works and Traffic Departments to find a solution to lining up the street with St. Joseph Boulevard.

601

C14-70-176 Sam E. Dunnam, IV--contd.

TESTIMONY

WRITTEN COMMENT

Ivan Joe Wiley: 2508 Spruceleaf Circle	AGAINST
W. O. Sanders: 2506 Spruceleaf Circle	AGAINST
Fredolin J. Kaderli: 7511 Daugherty	FOR
Petition with 4 signatures	AGAINST

PERSONS APPEARING AT HEARING

Bob Hearon (representing applicants)	
Thad Bynum: 2504 Spruce Leaf Circle	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bob Hearon, represented the applicants, stating that this requested change was brought about by a change in the plans for the location of the North Austin State Bank site and the moving south of Northcross Drive. The zoning change requested is only for that portion of the land which would be north of Northcross Drive, if the subdivision plat is approved. This is a logical request to change the zoning of this narrow strip as it will be abutting "GR" General Retail zoning. Arrangements have been made to relocate the bank, contingent upon the approval of the subdivision plat. Both the bank and the subdivider feel that an intersection at Northcross Drive and St. Joseph Boulevard will be conducive to the best possible use for the property.

Arguments Presented AGAINST:

Mr. Thad Bynum, 2504 Spruce Leaf Circle, stated that when the property to the north of his property was zoned "GR" General Retail, the City Council left a 120 foot buffer zone of "A" Residence zoning. The proposed Northcross Drive is in violation of this buffer zone. A larger plat of this area shows that Northcross Drive will circle to the north to Anderson Lane and will serve only the property to the north which is zoned "GR" General Retail and will only enhance the developer's property. It is unfair to spend taxpayers' money for private benefit. Mr. Bynum feels that Burnet Road has developed commercially beyond the capacity of the City to handle, specifically the drainage ditch on the north side of his property, which normally would not have water in it except during periods of heavy rains, but which has contained stagnant and odiferous water for the past several months. The City Health Department has stated that this drainage comes from commercial operations on Burnet Road, primarily car washes and service stations. This situation should be considered in this decision. The area to the southwest of this application is a very quiet residential neighborhood. If the streets are opened up, the entire atmosphere will be destroyed. There is an elementary school just to the west of Spruce Leaf Circle and the opening of this street will present a hazard to the children. He suggested that this application

602

C14-70-176 Sam E. Dunnam, IV--contd.

be denied until the decision on the location of the street is resolved. Mr. Bynum presented a petition with four signatures to the Committee opposing this application.

Arguments Presented IN REBUTTAL:

Mr. Hearon stated that the location of the street will be considered by the Subdivision Committee. This request is contingent on that decision. The drainage area and the street live up to the intent of the buffer zone which exists all around the property and will not be disturbed. Not granting this request will result in a narrow strip of "A" Residential zoning north of the proposed location of Northcross Drive.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves pointed out that there is an existing drainage easement north of the residential property. The residents would have a drainage easement and a street between them and the bank.

Mr. Reeves stated that the street had already been physically roughed in some years ago. The applicant stated that no work had been done on it recently.

Mr. Foxworth explained that normally this application would be considered by the Commission before the next Subdivision Committee meeting. Mr. Reeves felt that no zoning recommendation could be reached until the decision on the street location is made.

The Committee reviewed the information and concluded that this request should be postponed until the Planning Commission meeting of November 10, 1970, pending the decision of the Subdivision Committee on the location of Northcross Drive.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Sam E. Dunnam, IV for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at the rear of 7600 Burnet Road be POSTPONED, until the regular meeting of the Planning Commission on November 10, 1970, pending the decision of the Subdivision Committee on the location of Northcross Drive.

C14-70-177 B. D. King: LR and GR to GR  
908-912 East 49 1/2 Street

STAFF REPORT: This application is on an area of 8,050 square feet, with proposed use a feed store. Commercial zoning and land uses are developed along Airport Boulevard. "GR" General Retail and "O" Office extend from Airport into the residential neighborhood within the first block. This application

603

C14-70-177 B. D. King--contd.

falls within the first block. "GR" General Retail and "O" Office are established across East 49 1/2 Street. The single-family neighborhood to the north and east is "A" Residential. The staff recommends the request as conforming to existing zoning in the immediate area subject to five feet of right-of-way on East 49 1/2 Street. The future development of higher density on the interior of this area dictates the need for this increased right-of-way to Airport Boulevard.

TESTIMONY

WRITTEN COMMENT

Mrs. Lorine Ross: 924 East 50th Street

AGAINST

PERSONS APPEARING AT HEARING

Woodrow Patterson (representing applicants)

SUMMARY OF TESTIMONY

Mr. Woodrow Patterson represented the applicants, stating that this request is a logical extension of the existing "GR" General Retail in the area. Due to the City's Urban Renewal program this feed store needs a new location. The granting of this request will leave "LR" Local Retail zoning on that portion of land next to Bennett Avenue. There is a problem, however, with the right-of-way requirement. Due to the size and location needed for this building, the plans show the parking area to be lacking a few feet. It is felt that the number of parking spaces required will not be needed by this business.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Foxworth explained that the short form subdivision on this property came before the Subdivision Committee three weeks previous to this meeting. The Subdivision Committee expressed concern and have referred this short form to the full Commission with instructions to the applicant to try to work out with the staff an acceptable plan to provide the right-of-way. At this time, no contact has been made with the staff to accomplish this.

The Subdivision Committee members were particularly concerned with the need for the widening of this street but recognized the problems in the applicant's case, and felt that further study was needed.

Mr. Patterson stated that a revised plan had been submitted to Mr. Gotcher, Building Inspection Department; however, there is still a shortage of one parking space. The applicant needs to have the building available by January, 1971. Mr. Reeves suggested that a Board of Adjustment variance might be in order; and suggested that the hearing on this application be held at this time, but a decision withheld until the Commission meeting, which would give the applicant time to work this problem out with the Planning Department.

C14-70-177      B. D. King--contd.

The Committee reviewed the information and concluded that this request should be referred to the full Planning Commission, to give the applicant time to work with the staff on the problem of right-of-way.

At the Commission meeting, the staff reported that right-of-way has been provided by the subdivision plat. The Commission then unanimously

VOTED: To recommend that the request of B. D. King for a change of zoning from "LR" Local Retail and "GR" General Retail, First Height and Area to "GR" General Retail, First Height and Area for property located at 908-912 East 49 1/2 Street be GRANTED.

C14-70-178      Wendlandt Estate: A to BB (as amended)

3100-3102 Warren Street  
3101-3103 Warren Street  
3304-3308 Maywood Avenue  
3303-3309 Maywood Avenue  
~~3305-3415 Pecos Street~~  
3011 West 35th Street

STAFF REPORT: This application is on an area of 7.5 acres with proposed construction for an apartment project. This area is presently zoned "A" Residential. Single-family and duplex residences are developed to the east, south and west. Camp Mabry is located to the north of West 35th Street and a grocery store is located at 35th Street and Pecos Street. A 96-unit apartment dwelling group is proposed for this site. Several applications have been denied by the City Council and withdrawn on this site in the recent past. The staff's recommendation is to deny "B" Residential zoning and grant "BB" Residential zoning subject to a subdivision providing the necessary right-of-way to bring Pecos Street up to a 60 foot street; 10 feet of right-of-way on 35th Street; the vacation of Maywood and Warren Streets as they affect the subject tract; the relocation and connection of Warren Street to Maywood Street south of the site, and a special permit. Ingress and egress to the development, except for emergency use, is from 35th Street. There is an emergency exit on Warren Street. Mr. Osborne stated that several factors must be considered on this application, this being the third hearing on this tract, and the fourth or fifth hearing on applications in this general area. Zoning is not always for growth, progress or betterment, but at times is to keep conditions from becoming worse. There is in this area a need for good quality rental housing. Generally in this section of the City rental property is limited. Many people prefer housing on which the upkeep is minimal, such as older people, younger people with a high degree of mobility and incoming people desiring to rent in an area of this type. Land values in this area of the City are very high. This tract is well situated in that it can be served by an arterial street. In addition, the development of MoPac Boulevard will relieve traffic problems in this area. This tract will be adequately served by utilities and sewer facilities. This tract is adjacent to limited "C" Commercial development, a moderate sized duplex development and is in the general proximity of Camp Mabry. This tract is suitable for single-family, duplex or multi-family housing; but the topographic characteristics, particularly the creek running through a portion of the tract, tends to inhibit the economical subdivision of the land for single-family or two-family lots. The cluster housing as

C14-70-178      Wendlandt Estate--contd.

proposed provides space for community yards, parking, recreation and open space area and internal circulation of the traffic. On the other hand, there is adjacent single-family development to the east and across Pecos Street to the west. Pecos Street is in very poor condition from 35th Street to Scenic Drive. It is undesirable to increase traffic on Pecos Street and 35th Street and the effect on the character of the neighborhood should be considered in consideration of this application. It is felt that this case proposes a suitable form of development of moderate density. The site plan has a limited amount of open space and there is little relationship to the creek. The proposal has adequate parking and a good relationship to the surrounding development, except for the east boundary, which is questionable. The internal traffic circulation problems are awkward but not impossible. This development should not contribute excessively to the traffic on Pecos and West 35th Streets. The traffic volumes on these streets are primarily created by the heavy development further north in the City. With these considerations in mind, and the departmental requirements as outlined, the staff would recommend both the zoning and the special permit for this application.

## TESTIMONY

## WRITTEN COMMENT

J.D. Finley & Rosalind W. Finley: 3200 West 35th	AGAINST
Col. F. W. Edmiston: 2803 West 35th Street	AGAINST
K. Dyo, M. D.: 3401 Timberwood	AGAINST
Mr. & Mrs. Jeffrey Wise: 3300 Jamesborough	AGAINST
Willis W. Pratt: 3001 West 35th Street	AGAINST
Mr. & Mrs. Floyd A. Boyce: 3316 Pecos Street	AGAINST

## PERSONS APPEARING AT HEARING

L. T. Byrd: 214 Austin National Bank Bldg.	AGAINST
William J. Wise: 3300 Jamesborough	AGAINST
Larry Niemann: 6120 Janey Drive	FOR

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Larry Neiman represented the applicants, pointing out to the Committee the surrounding usage in the area. This tract is bordered on the south by duplexes, on the north by 35th Street and a commercial area, and on the west and east by single-family development.

It is felt that this type of development will not contribute as much to the traffic congestion as would its utilization as duplexes which it is susceptible to while zoned "A" Residence. Due to the adjoining duplex development, the heavy traffic on 35th Street and Pecos Street and the commercial development on 35th Street, this tract is not desirable for single-family development.

C14-70-178      Wendlandt Estate--contd.

Mr. Gene Naumann appeared in favor of this request, stating that he owned the U-Tote-Um store nearby and is a homeowner in the area, and felt that it is not economically feasible to develop the tract under consideration for single-family use. It is preferable to have a well-planned apartment project rather than duplexes.

Mr. Tony Byrd appeared before the Committee, stating that last year 95 per cent of the homeowners in the West Austin area favored requesting the City Council effect a roll back to "AA" Residential zoning of all property in that section of the City. This effort failed due to the expense involved. This request set the following boundaries: 35th Street on the north; River Road on the south; Hillview Street on the east and the Colorado River on the west. One hundred seventy eight residents signed the affidavit for this request. The residents do not want duplexes, nor apartments, which would add to the traffic on Pecos and 35th Streets. These signatures represent only the residents inside the boundaries outlined above; it is felt that 99 per cent of the people in the West Austin area, excluding the residents on Exposition Avenue, are against this application.

## COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi requested information concerning the possibility of a sidewalk being provided on Pecos Street, as pedestrian gates are provided. The applicant stated that very little pedestrian traffic is anticipated, but the gates were recommended by the Planning Department as access from Pecos Street.

Mr. Reeves stated that in a previous application for the location of 35th Street and Exposition Avenue, it was pointed out that traffic is expected to decrease in the next ten years, rather than increase. He requested of the staff an opinion as to whether the increased traffic due to this proposed development would be injurious to the health, welfare and safety of the general public.

Mr. Osborne stated that the primary traffic problem in this area is peak hour traffic. Pecos Street at 35th Street is a cumbersome intersection. It is felt that with the clearing of vegetation at the site of the driveway for this development on 35th Street, adequate sight distance from both directions will be achieved. The speed of the traffic is more of a problem than the volume of the traffic at this location. With regard to noise created by the project, the playareas and swimming pool are encircled by buildings and should not be a problem. Lighting and signs are acceptable to the staff. Mr. Neimann stated that the applicants would work with the staff on the possibility of deleting one of the units in the project.

Mr. Taniguchi stated that if this proposal is the best use for the property, the limiting of ingress and egress to one street creates a bad situation for internal circulation. Consideration should be given to the future development of Pecos Street for the handling of heavy traffic. Mr. Osborne stated that with the development of MoPac Boulevard, the increase in traffic on Pecos Street will be nominal, with the possibility of reduced traffic. The wide driveway to this project and the clearing of the area should be adequate to serve the project.

607

C14-70-178 Wendlandt Estate--contd.

Mr. Reeves stated that the granting of the requested zoning on that area not covered by the Special Permit would enable the owner to construct apartments on that tract of land abutting Pecos and 35th Streets. The applicant stated that this area is on a creek bed and it is impractical to open an access to Pecos Street. Mr. Neimann conferred with the applicant and stated that it is agreeable to them to withdraw all land not included in the Special Permit application with future development of the tract to be handled by a zoning request and a Special Permit.

The Committee reviewed the information and concluded that this request should be granted (as amended) on the area covered by the Special Permit only and subject to subdivision, as appropriate zoning for the tract.

At the Commission meeting, Mr. Lillie of the staff identified the tract boundaries, and explained the Committee's recommendation that the zoning be granted only on the area of the special permit.

Mr. Milstead requested information on the 35th Street entrance and the staff stated it would be a boulevard driveway, with access only on 35th Street.

After brief discussion, the Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Wendlandt Estate for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 3011 West 35th Street; 3100-3102 Warren Street; 3101-3103 Warren Street; 3304-3308 Maywood Avenue; 3303-3309 Maywood Avenue and 3305-3415 Pecos Street be GRANTED (as amended) on the area covered by the special permit only and subject to subdivision.

C14-70-179 O. R. McCaslin: A to C  
503 West 38th Street

STAFF REPORT: This application is on an area of 6,300 square feet, which is to make the property consistent with abutting zoning and for utilization as "C" Commercial property. Commercial zoning exists along Guadalupe Street, with "BB" and "B" Residence zoning established throughout this neighborhood east of Guadalupe. This application is located within the 1967 Area Study recommending "BB" and "B" Residence zoning as maximum where streets are adequate. West 38th Street is not presently adequate. Commercial uses should not be encouraged to extend east on 38th Street due to the predominantly residential use. The staff therefore recommends this request be denied and "B" Residence zoning be granted, subject to 5 feet of right-of-way on 38th Street.

TESTIMONY

WRITTEN COMMENT

A. P. Loney, Sr.: 712 Keasbey  
Traffon and Son: 3700 Guadalupe

FOR  
FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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



608

C14-70-179 O. R. McCaslin--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended the granting of "B" Residential as consistent with the zoning in the area, subject to departmental requirements on right-of-way on West 38th Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of O. R. McCaslin for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 503 West 38th Street be DENIED, but recommended that "B" Residence, First Height and Area be GRANTED, subject to 5 feet of right-of-way on 38th Street.

C14-70-180 Fred Calvert: Int. A, Int. 1st to B, 1st  
4514-4515 Witham Lane

STAFF REPORT: The site under consideration contains 22,310 square feet to be used for apartment development. The area to the north and including this property is within the 400-acre area study completed earlier this year. "D" Industrial zoning has been approved by the City Council for this property pending individual completion of right-of-way requirements. This particular property also falls within a 50 foot building setback of the original zoning study. This setback was to protect the single-family residential subdivision developed to the south. To recommend apartment zoning or to do away with the 50 foot building setback would destroy the only protection afforded the adjoining homeowners of this large industrial area. Multi-family development resulting in increased traffic should be discouraged in the single-family subdivision to the south. Witham Lane offers the only ingress and egress to this property. This tract is presently unsubdivided. It was sold prior to zoning consideration in 1970.

The staff suggests three possible alternatives to the Committee:

1. Leave "D" Industrial with 50 foot setback (or a somewhat reduced setback)
2. Rezone to "A" Residential permitting cul-de-sac and two duplex units.
3. Rezone to "BB" Residential, permitting cul-de-sac and twelve units. A variance would be required on east lot.

TESTIMONY

WRITTEN COMMENT

John Felter: 3008 West Avenue

FOR

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

609

C14-70-180 Fred Calvert--contd.

## SUMMARY OF TESTIMONY

Mr. Dick Baker, representing the applicant, stated that in August of 1970 a large area of about 400 acres was annexed by the City and a zoning application was brought in to change the land from Interim "A" Residence to "D" Industrial. Mr. Calvert, the applicant, had contracted to purchase a tract of land approximately 319 feet by 75 feet which was part of the area designated "D" Industrial. He discussed his proposed development with the Planning Department at that time and felt that the zoning would have no effect on his plans; consequently, he did not attend the zoning hearings and only found out after it had been approved by the City Council that a 50 foot setback had been imposed on the land. This leaves the applicant with a buildable area on the lot approximately 10 feet in depth and 319 in width. He wishes to have "B" Residence zoning so that the land may be utilized for multi-family construction. This "B" Residence zoning would, in effect, be a buffer between "A" Residence and "D" Industrial zoning, rather than the 50 foot setback, which could possibly be used for industrial parking. Mr. Calvert owns two of the four lots in the subdivision to the south, adjoining the tract under consideration, and is making efforts to purchase the other two lots. If this can be done, he will probably close the street which goes into the tract and make it a private drive. Mr. Baker was under the impression that the staff did not oppose "B" Residence zoning for this area at the time it was brought before Council. The street which the traffic generated by the proposed development will be using has 50 feet of right-of-way. If the 50 foot setback is not amended, the use of this lot is destroyed. Mr. Calvert contracted to purchase this lot six months prior to the zoning of this land to "D" Industrial, and was not aware of the 50 foot setback. The applicant is merely trying to find a compatible use for this particular tract of land in connection with the surrounding development. It is felt that the zoning requested would be the best possible use for the land.

Mr. Taniguchi asked the staff for explanation of the "D" Industrial zoning and Mr. Osborne stated that the City Council had granted "D" Industrial zoning and required that street needs be satisfied prior to the Council's passage of the Ordinance permitting development. One additional condition required by the Council was the establishment of a 50 foot building setback line along the north property line of Greenwood Hills subdivision. This line was predicated on this tract being one large tract. Mr. Osborne stated that the staff could recommend "BB" Residential zoning on this request so that the land may be used. A cul-de-sac would be required on the site, which would leave space for eight units to be developed, such as two four-unit buildings. "B" Residential zoning would allow twelve units, which the staff feels is too intensive usage adjacent to single-family development. The problems involved here are the intensity of the development and the cul-de-sac requirement. At the present time the property is zoned "A" Residential, but if the Ordinance is brought in it will be "D" Industrial; with industrial traffic in relation to the permitted parking.

Mr. Baker pointed out that there is a very real economic problem in the development of this tract, as the cul-de-sac will take out a large portion of the land available. "B" Residential zoning would allow twelve to fourteen units, which the applicant feels would make the development of the cul-de-sac economically feasible,

610

C14-70-180 Fred Calvert--contd.

especially if he can acquire the remaining two abutting lots. As far as traffic generation is concerned, it is felt that this type of development will generate less traffic than if it is used for industrial parking.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Foxworth of the staff pointed out to the Committee that if the applicant acquired the other two of the four abutting lots to the site, he will probably vacate the street, then with the tract under consideration, the vacated street and the four lots he will re-apply for "B" Residence zoning on a single-family street. This decision will set the precedent for development of this site. Mr. Reeves stated that he felt that a property owner should be left with an economic use for his property.

The Committee reviewed the information and concluded that residential use of this property is more desirable than industrial or parking use, and for the highest and best economic use of this property, this request should be granted and the 50 foot setback be eliminated on the subject tract. This recommendation is subject to departmental requirements on termination of Witham Lane.

At the Commission meeting, Mr. Milstead asked if the nearby property owners had been notified of this hearing and the staff stated that they were notified.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Fred Calvert for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at 4514-4515 Witham Lane be GRANTED, and the 50 foot setback be eliminated on the subject tract, subject to departmental requirements on termination of Witham Lane.