

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- November 9, 1971

The meeting of the Commission was called to order at 6:15 p.m. in the Council Room, Municipal Building.

Present

S. P. Kinser, Chairman
C. L. Reeves
M. J. Anderson
Alan Taniguchi
Walter Chamberlain
Bill Milstead
Jack Crier

Absent

Fritz Becker

Also Present

Richard Lillie, Director of Planning
Jack Alexander, Assistant Director of Planning
Dr. John Sessums, Director of City-County Health
Walter Foxworth, Supervising Planner
Jerry Harris, Assistant City Attorney
Don Wolfe, Assistant City Attorney
Tracy Watson, Planner II
Roy Headrick, Planner I
Andrea Winchester, Secretary II

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of November 1, and 2, 1971.

Present

Jack Goodman, Chairman
*Walter Chamberlain
*S. P. Kinser
C. L. Reeves
**Jack Crier

Also Present

Jack Alexander, Asst. Dir. of Planning
*Jerry Harris, Asst. City Attorney
*Tracy Watson, Planner II
Al Baker, Zoning Administrator
Andrea Winchester, Secretary II

*Present only on November 1, 1971.

**Present only on November 2, 1971.

C14-71-211 Harold Brumly: A to B
 1106 East 32nd Street

STAFF REPORT: This is a continuance of the October 4th public hearing. The subject tract is located on the north side of East 32nd Street, which is a fifty-foot residential street, and east of Interstate Highway 35. The tract contains 14,238 square feet, with sixty feet of frontage on East 32nd Street and a depth of 339 feet. It is proposed for apartment development.

The land use adjacent to this tract on the east side is an office and home used by Brown Schools with a parking area on the lot to the east. Across the street to the south are single-family units, and all usage to the south and east is also single-family. Lots fronting on Interstate Highway 35 are generally of a commercial, office or residential nature. Zoning along Interstate Highway 35 is "C" Commercial with "B" Residence adjacent to this tract. North and south from the subject tract to the east is "A" Residence. An application on the property to the east of the subject tract was from "A" Residence to "O" Office and "B" Residence in 1968. This application was subsequently withdrawn after a Board of Adjustment ruling which rendered rezoning unnecessary.

The staff recommends that this application be denied. The existing structure on the lot adjacent to the west appears to be encroaching onto this property so that if the proposed apartments are attached to the existing structure there will be no room to provide access to any required off-street parking. Due to the apparent encroachment of the existing structure, if the proposed apartments are not connected to it, new construction would constitute an apartment dwelling group, which requires a minimum of one acre of land. This site would require Board of Adjustment action to permit an apartment dwelling group. If granted, this case could set a precedent by permitting more intensive zoning on property that does not front on Interstate Highway 35, and would be an intrusion into an "A" Residence area. In addition, this case has appeared before the Zoning Committee on October 4th, at which time a revised site plan was required; to date this site plan has not been received.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

Anne Shirriffs: 1107 East 32nd Street
 Al Bauerle: (representing applicant)

Against

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Al Bauerle represented the applicant and stated that the intended use is a normal extension of the apartments to the west owned by Dr. Brumly. He presented a revised site plan of the property as requested by the Commission. The site

C14-71-211 Harold Brumly--Contd.

has been surveyed and the trees on the property are shown, six additional parking spaces have been provided. He reported that Mr. Lonnie Davis of the Building Inspection Department, indicated that there was no reason for a building not being built on this site.

Arguments Presented AGAINST:

Mrs. Anne Sherriffs, who owns four pieces of property to the south of the subject tract, pointed out that parking in the area is critical. When cars are parked on both sides of 32nd Street it is difficult for emergency vehicles to get down the street and into the street from the frontage road. She pointed out to the Committee that there is only a thirteen-foot driveway entrance to the back section of the apartments.

Arguments Presented in REBUTTAL:

Mr. Bauerle reaffirmed his statements made during his previous address to the Committee. He pointed out that the tract abutts "B" Residence and "C" Commercial zoning on the west and office usage on the east.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the information on this request. The applicant has fulfilled every requirement asked of him. There is a precedent for the zoning, apartments are the best use for the property and this site plan gives a chance to increase the parking area. The members concluded that this request should be granted, subject to five feet of right-of-way on East 32nd Street.

AYE: Messers. Reeves, Chamberlain and Kinser
NAY: Mr. Goodman

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Harold Brumly for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1106 East 32nd Street be GRANTED, subject to five feet of right-of-way on East 32nd Street.

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

C14-71-235 John D. Giddings: A, 1st to B, 2nd
200-204 West 31st Street

STAFF REPORT: The subject tract is located on the northwest corner of the intersection of Cedar Street (a fifty foot right-of-way residential street), and West 31st Street (a sixty-foot right-of-way residential street). The tract is comprised of two lots having a total of 20,824 square feet. The property is bounded on two sides by street right-of-way, on a third side by an alley and on the fourth side it abuts four developed single-family lots. The proposed

C14-71-235 John D. Giddings--Contd.

use is for apartment development.

The land use and zoning to the east and south of the property is apartment development. To the north and west the land is developed and zoned single-family residential. The "A" Residence zoning is all First Height and Area and the "B" Residence zoning is all Second Height and Area. The staff recommends that this request be granted as requested, subject to a privacy fence along the northern boundary. The subject tract is bounded on two sides by "B" Residence, Second Height and Area zoning and use. West 31st Street is a sixty-foot right-of-way street, and Cedar Street is a short stub street ending at the subject property's northern boundary. The Whitis Street/ West 31st Street "loop" is closed to further expansion and encroachment further north is unlikely, and in fact should not be permitted.

TESTIMONY

WRITTEN COMMENT

Mr. and Mrs. J. L. Telford: 3105 Whitis Avenue	AGAINST
Robert C. Harrington: 3107 Hemphill Park	AGAINST
Mrs. C. R. Kelly, Sr.: 3100 Whitis Avenue	AGAINST
Thomas Thomas: 114 Laurel Lane	AGAINST
Stella Hafheinz Estrole: P.O.Box 1987:	NO OBJECTION
Petitions bearing 132 signatures	AGAINST

PERSONS APPEARING

Thomas Thomas: 114 Laurel Lane	AGAINST
Robert M. Crunden: 117 Laurel Lane	AGAINST
Amy J. Parks: 208 West 31st Street	AGAINST
Mrs. Myrtle Goetz: 204 West 31st Street	AGAINST
Mr. and Mrs. J. L. Telford: 3105 Whitis Avenue	AGAINST
Mr. and Mrs. Fred M. Bullard: 206 West 32nd Street	AGAINST
Mrs. Philip Worchel: 121 Laurel Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Giddings, the applicant, pointed out that "B" Residence zoning exists on three corners of the intersection and that his request is a logical extension of zoning in the area. The need for apartments in this neighborhood close to the University campus is increasing. He stated that there is no access to this property from the north abutting the "A" Residence property, and that he would provide parking on the tract. In his opinion any parking problem in the area is caused by the use of old homes for multi-family dwellings that do not provide enough parking space.

Arguments Presented AGAINST:

Eight area residents spoke in opposition to this request for zoning change. Two petitions were presented; one petition bearing the signatures of area

C14-71-235 John D. Giddings--Contd.

residents, the other signatures of their friends and interested citizens in opposition to this zoning change. The area residents presented many oppositions to the request. Apartments on this lot would only compound the present parking problem as students not only park here during the evenings but during the day while in classes. Sometimes homeowners cannot get out of their driveways. Parking on both sides of the streets presents a fire hazard as the emergency vehicles cannot get down the streets. The intersection of Speedway, University Avenue and 31st Street is quite dangerous due to the incline and the parked cars along all streets. It is the general consensus of the area residents that there are plenty of apartments in the area, some of these apartments and dorms are not occupied to their fullest capacity. According to a report presented by Mrs. Telford the University plans to hold the enrollment of the University down in the future; therefore there is no need for further apartment development in this area. The lot in question has many beautiful trees and these trees are needed as this lot is on a rise and water drains off of it. The residents of this neighborhood have invested considerable amounts of money in their homes and the area is becoming more and more owner-occupied. All of the residents urge the Commission to leave the lot as it is, in order for people wishing to live close to the University can do so without giving up their peaceful and beautiful surroundings.

Arguments Presented in REBUTTAL:

Mr. Giddings intends to build twenty-four one-bedroom apartments on the lot and intends to preserve as many trees as possible. In his opinion the residents on Laurel Lane will not be affected by the apartments and the value of the entire area would increase as the old homes are more likely to become slum areas than a new apartment building.

COMMENTS AND ACTION BY THE COMMITTEE

The committee discussed the information presented and a breakdown of the petition was given. Of the fifty signatures on the petition from area residents, twenty-one are on 32nd Street; eight are on Hemphill Park; eleven are on Laurel Lane; four are on 33rd Street with six from within a block of the subject tract. Mr. Reeves stated that this was a continuation of existing zoning. The members concluded that this request should be denied as a detriment to the neighborhood insofar as accessibility and circulation are concerned.

AYE: Messrs. Chamberlain, Goodman and Kinser
NAY: Mr. Reeves

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of John D. Giddings for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 200-204 West 31st Street be DENIED.

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

C14-71-240 Robert T. Davis: O to GR
1300-1304 San Antonio Street

STAFF REPORT: The subject property is located at the northwest intersection of San Antonio Street and West 13th Street (both are commercial streets with eighty feet of right-of-way, and contains 7,040 square feet. The applicants propose to develop a restaurant at this location. The tract is within a 1955 area study recommending "O" Office zoning for that area between Guadalupe Street and Rio Grande Street, except for "C" Commercial zoning on the lots east and west on Guadalupe Street. The area of "O" Office zoning extends north and south from 12th to 15th Streets. Since the study, the area has developed in accordance with study findings.

At the request of the Planning Commission, the area bounded by 12th Street, West Avenue, 19th Street, and San Antonio Street was restudied within the past two weeks for clarification as to whether or not changes have occurred within the area which would justify modification or revision of the previous study recommendations.

Mr. Jack Alexander, Assistant Director of Planning, presented information on the area bounded by West 19th Street, San Antonio Street, West 12th Street and West Avenue. The study area is presently zoned "O" Office except for "C" Commercial along 19th Street and three other small areas. The area to the east of the study is zoned "C" and "C-2" Commercial for commercial uses and the area to the west is zoned mostly "A" and "B" Residence. Since 1967 there have been only five cases within the study area and one case was to "O" Office consistent with the Area Study of 1955. Cases requesting commercial zoning between West 12th Street and West 19th Street were either withdrawn or denied due to strong opposition. The study area is close to the University of Texas and the State office complex and is presently providing housing for students and State employees, as well as providing office space. North of 15th Street has developed as a commercial area while south of 15th Street the area has developed as office and related uses. In 1955 the Planning staff made an Area Study and recommended "O" Office zoning for this area and this has been the trend in development since that time. Fifteenth and Twelfth Streets are both through major arterial streets and are not developed with commercial uses. The north-south street system is off-set at 19th Street. Nineteenth, Fifteenth and Twelfth Streets are the only through east-west streets.

The staff recommends that the area bounded by San Antonio Street, West 12th Street, West Avenue, West 19th Street, Rio Grande Street and the alley south of 19th Street be zoned "O" Office except for the lots already zoned "C" Commercial. Multi-family and office uses have developed within this area with the understanding that commercial uses would not be allowed to intrude since the 1955 area study. There is a need for the type of housing that exists in this area for University students, State employees and elderly people. This is especially true since the State has removed many of the older homes in the Capitol area and due to the rapid growth of the University and the increase in State employment. Commercial uses depend on better traffic movement than exist in this area. There is ample space for commercial growth along the through streets. A need exists for office space related to State government activities and a strong neighborhood opposition exists to

C14-71-240 Robert T. Davis--Contd.

commercial development. Some of the uses allowed in "GR" General Retail zoning that would be detrimental to residential and office areas such as automatic laundries, auto repair shops and commercial billboards. The staff recommendation is to deny this request, as consistent with the area study.

TESTIMONY

WRITTEN COMMENT

Robert T. Davis (applicant)	
Dr. C. Leonard Dolce: 502 West 13th Street	FOR
C. T. Uselton: P. O. Box 9403	FOR
R. H. Johnson: P. O. Box 1237	FOR
James P. Nash: P. O. Box 1237	FOR
Julia Ann Kniker Echols: 4001 Avenue H	AGAINST
Janice Kniker Lee: 4001 Avenue H	AGAINST

PERSONS APPEARING

Robert T. Davis (applicant)	
E. T. Preston (representing applicant)	
Dr. and Mrs. J. P. Alexander: 502 West 13th Street	AGAINST
William C. Davidson, Jr.: 305 East 7th Street	FOR
Susana Solis: 1212 Guadalupe Street	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bill Davidson, an attorney, represented the applicant, stating that the exterior of the house would be maintained with no neon signs or other commercial distractions. A parking area has been secured and approved by the Board of Adjustment for off-street parking behind the house for thirty cars. These spaces would be adequate for the seating capacity of 120 planned for the restaurant. In the applicant's opinion the area is in transition and there is a need for a restaurant in the neighborhood. The applicant is agreeable to a restrictive covenant whereby the lot would revert to "O" Office zoning if the building should ever not be used for a restaurant, in fact a restrictive covenant has been drawn up in accordance with Mr. Don Butler, City Attorney.

Arguments Presented AGAINST:

Mrs. J. R. Alexander, whose husband has the doctor's office next door, spoke in opposition to the request with the parking problem being her main complaint. In her opinion thirty parking spaces would not be adequate and the additional parking could not be handled very well on the area in question. The customers of the restaurant would take spaces belonging to the doctor's offices during the lunch hour leaving no place for employees or clients to park upon returning from lunch. The back door of a restaurant is objectionable and would open up into the doctor's parking area. She inquired as to where the restaurant help would park.

C14-71-240 Robert T. Davis--Contd.

Arguments Presented In REBUTTAL:

Mr. Davidson stated that the parking area is 138 feet by 64 feet with an entrance from 13th Street. The restaurant would be open from 11:30 a.m. to 2:30 p.m. and again at 6:00 p.m. for dinner. There are now parking lots on three corners in the area where employees could rent parking spaces. Mr. Davidson requested that a letter from an area dentist be read to the Committee; the letter was read and put in the file of the Planning Department.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the information presented and were unable to agree on a recommendation. On a motion to grant the request, as the area is in transition, the following tie vote resulted

AYE: Messrs. Kinser and Chamberlain
 NAY: Messrs. Reeves and Goodman

The Commission reviewed the information and then

VOTED: To recommend that the request of Robert Davis for a change of zoning from "O" Office, Second Height and Area to "GR" General Retail, Second Height and Area for property located at 1300-1304 San Antonio Street be DENIED.

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

C14-71-251 Roy A. Butler: B to C
 716 Henderson Street
 901-905 West 9th Street
 617-701 Wood Street

STAFF REPORT: This application was submitted for four tracts of land totaling 42,365 square feet in area for the purpose of expanding an automobile sales dealership. Tract No.4 (shown on map as 701-707 Henderson Street) is already zoned "C" Commercial, 2nd Height and Area and need not be considered with this application. Tract No.3 (715-717 Henderson Street) has had "C" Commercial, 2nd Height and Area zoning since 1969, subject to five feet of right-of-way. When this right-of-way is offered, a deed will be prepared by the Legal Department; when the deed is signed by the owner of the lot, the Ordinance may be passed by the City Council, with no further public hearings necessary.

The only two tracts which need to be considered in this application are Tract No.1 (716 Henderson Street, 901-905 West 9th Street) and Tract No.2 (617-701 Wood Street). Tract No.1 is at the intersection of West 9th Street, a sixty-foot right-of-way street, and Henderson Street, a fifty-foot right-of-way street. Tract No.2 is between West 6th Street and Shoal Creek on Wood Street, a fifty-foot right-of-way dead-end street. Both tracts are within an area bounded by West 6th Street; West 9th Street; Lamar Boulevard and Shoal Creek. There are no street crossings on Shoal Creek. The area

C14-71-251 Roy A. Butler--Contd.

forms a contiguous pocket of predominantly commercial uses. Zoning of the area is predominantly "C" Commercial, 2nd Height and Area, with "B" Residence, Second Height and Area zoning generally along a strip adjacent to Shoal Creek. There are three lots within the "C" Commercial area zoned "B" Residence or "LR" Local Retail.

The staff recommends that this application be granted, subject to five feet of right-of-way along Henderson Street from Tract No.1. The area bounded by West 6th Street, West 9th Street, Lamar Boulevard and Shoal Creek is a closed area and is in general commercial use at this time. Expansion of "C" Commercial, Second Height and Area zoning is compatible with existing zoning and use, and would not set a precedent for more intensive zoning east of Shoal Creek. It should be noted that 9th Street is to be widened to eighty feet of right-of-way and extended from West Avenue across Shoal Creek; the City presently owns most of the right-of-way east of Shoal Creek.

TESTIMONY

WRITTEN COMMENT

A. D. Riley: 505 Carolyn Avenue	FOR
Everett Frizzell Pontiac, Inc.: 1014 North Lamar	FOR
J. E. Magel, et al: 2701 Addison Avenue	NO OBJECTION
William E. Nickels: 1503 Bellaire Drive	FOR
Mrs. Emilia Rodriguez: 715 1/2 Henderson Street	AGAINST

PERSONS APPEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request was in conformance with the neighborhood and should be granted, subject to five feet of right-of-way along Henderson Street from Tract 1.

AYE: Messrs. Kinser, Chamberlain, Reeves and Goodman

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Roy A. Butler for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 716 Henderson Street and 901-905 West Ninth Street and for property located at 617-701 Wood Street be GRANTED, subject to five feet of right-of-way along Henderson Street from Tract 1.

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

ABSENT: Mr. Becker

C14-71-252 Conrad F. Wisian, Jr.: A to O
4007-4011 Manchaca Road

STAFF REPORT: The subject tract is comprised of two parcels of land totaling approximately 43,340 square feet, located on the east side of Manchaca Road (an existing eighty-foot right-of-way arterial street) between South Lamar Boulevard and Ben White Boulevard. Land use immediately surrounding the tract is single-family residential. West of Manchaca Road lots are standard size, about three lots per gross acre, and are not yet fully developed. East of Manchaca Road the lots are large, 3/4 acre to two acres, and are extremely deep, from 300 feet to 600 feet. The area is predominantly zoned "A" Residence. South of the tract at Fort View Road is "LR" Local Retail and "C" Commercial zoning. North of the tract is a small area of "O" Office zoning and further north are other large tracts of "O" Office zoning, some of which are developed with apartments rather than office uses.

The staff recommends that this request be granted as requested, subject to short form subdivision combining the two parcels into one tract, as these are not presently legal lots. Due to the large lot sizes on the east side of Manchaca Road, standard single-family development would be extremely difficult to accomplish. The existing zoning pattern of "O" Office to the north and varying degrees of commercial zoning to the south has established a pattern on the east side of Manchaca Road. Manchaca Road is an arterial street which can accommodate densities above single-family if curb breaks are limited.

TESTIMONY

WRITTEN COMMENT

Chet E. Altis: P. O. Box 3553	FOR
Robert L. Thompson: P. O. Box 3553	FOR
Mr. and Mrs. A. O. Willman: 2005 Prather Lane	AGAINST
John O. Steadman: 2006 Prather Lane	AGAINST
Mary P. Outon: 3908 Manchaca Road	AGAINST

PERSONS APPEARING

Conrad Wisian, Jr.: 4007 Manchaca Road (applicant)

SUMMARY OF TESTIMONY

Mr. Conrad Wisian stated that he is in agreement with the staff recommendation.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is in conformance with the surrounding zoning and land uses and should be granted, subject to a short form subdivision combining the two parcels as one tract.

AYE: Messrs. Kinser, Chamberlain, Reeves and Goodman

CP14-71-252 Conrad F. Wisian, Jr.--Contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Conrad F. Wisian, Jr. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4007-4011 Manchaca Road be GRANTED, subject to a short form subdivision combining the two parcels as one tract.

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

ABSENT: Mr. Becker

CP14-71-253 Frank Sifuentz: A to B
903 Montopolis Drive

STAFF REPORT: The subject tract is a single parcel of land having an area of approximately 17,290 square feet, located on the east side of Montopolis Drive (an existing seventy-foot right-of-way major collector street). This tract lies to the rear of a lot known as 903 Montopolis Drive and has no street frontage; it is only 45.5 feet wide and 380 feet deep. The proposed use is for retail store parking and apartment development.

Land use in the area is predominantly single-family residential. Two non-residential uses exist at the intersection of Felix Avenue and Montopolis Drive. There is no multi-family zoning or use in the area. The zoning is primarily "A" Residence, except at the intersection of Felix Avenue and Montopolis Drive and for a short distance south of Felix Drive along Montopolis Drive. The non-residential zoning is "GR" General Retail and "C" Commercial. Further north along Montopolis Drive are larger tracts of "GR" General Retail and "C" Commercial zoning. The staff recommends that this request be denied for the following reasons: higher density use would affect six lots or parcels of land, three of which are platted for single-family use; if this zoning is granted, it could set a precedent for intensive use of the large tracts east of Montopolis, creating a development pattern that the area is not designed to serve; in addition, the subject lot is substandard for any type of residential development due to its width.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

None

SUMMARY OF TESTIMONY

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

C14-71-253 Frank Sifuentz--Contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is an intrusion into an "A" Residence area and should be denied.

AYE: Messrs. Chamberlain, Goodman and Reeves
ABSTAIN: Mr. Kinser

The Commission reviewed the information and

VOTED: To refer the request of Frank Sifuentz for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property at 903 Montopolis Drive back to the Zoning Committee.

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

C14-71-254 Altenheim, a division of Lutheran Social Service: A to B
4101-4105 Avenue H

STAFF REPORT: The subject tract is located at the northeast corner of the intersection of Avenue H, which has sixty feet of right-of-way, and East 41st Street, which has sixty feet of right-of-way. It is comprised of two lots totaling 17,187 square feet. The property lies in the middle of the block, as East 41st Street is not a through street. The proposed use is for the expansion of an existing retirement home. The area is predominantly single-family use and zoning. There is "B" Residence zoning along lots fronting on Duval Street and to the south of this tract on Avenue H. The area east of Avenue H is zoned "A" Residence. Applications included that portion of East 41st Street west of Avenue H. An application to vacate this street section was denied by the City Council on October 28, 1971.

The staff recommends that this case be denied. The subject tract lies within a 1967 area study where "A" Residence zoning was the maximum recommended. The area on the west side of Avenue H and extending to the west to Avenue E is a well-established "A" Residence zoned area. The original case for "B" Residence zoning on Avenue H was recommended by the staff to be denied. As the East 41st Street vacation was denied by the City Council, approval of this zoning change would not constitute an extension of existing zoning, but would be a separate tract of "B" Residence zoning and could set a precedent for further intrusion into the "A" Residence zoned area.

TESTIMONY

WRITTEN COMMENT

Miguel Gonzales-Gerth: 4109 Avenue G
Myrtle Ray Birdwell: 4104 Avenue H
Jefferson G. Smith: 4009 Avenue G
Mrs. Clara V. Ekstrom: 4012 Duval

NO OBJECTION
AGAINST
AGAINST
AGAINST

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 C14-71-254 Altenheim, a division of Lutheran Social Service--Contd.

Mrs. O. H. Cowan, et.al.:	404 East 46th Street	AGAINST
Mrs. F. Lee Weigl:	4107 Avenue H	AGAINST
Charles August Schnabel, Sr.:	5202 Turnabout Lane	FOR
Glen Mellenbruch:	909 Duncan Lane	FOR
Mrs. Nancy H. Bledsal:	4110-A Duval Street	AGAINST
Mr. and Mrs. Clyde Rhodes:	4115 Avenue H	FOR
D. R. Peevey, O.D.:	4006 Duval Street	AGAINST
W. Luther Estes:	4111 Avenue H	FOR
Pete Gustaf Carlson:	4016 Duval Street	AGAINST
Mrs. M. S. Gonzales:	4114 Avenue H	AGAINST

PERSONS APPEARING

Pastor Gus Riggert:	8222 North Lamar Boulevard #58A	(representing applicant)
Thor D. Hallen:	4606 Caswell Avenue	AGAINST
Mrs. O. H. Cowan:	704 East 46th Street	AGAINST
Clarence V. Ekstrom:	4012 Duval Street	AGAINST
John H. Johnson:	502 East 41st Street	AGAINST
Miss Kathalie Ekstrom:	4012 Duval Street	AGAINST
Victor Smith:	7401 Eastcrest Drive	NO OPINION
Mr. and Mrs. Ted Parsons:	1513 Richcreek Road	NO OPINION

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Pastor Gus Riggert, representing the applicant, stated that the present home is not bringing in enough money and needs to be expanded with some retirement units in order to keep it going. The nursing home has always been kept neat and is an asset to the neighborhood. If this request is denied the home will probably have to close down in the next year.

Arguments Presented AGAINST:

Three area residents spoke in opposition to this zoning change request. They were most concerned with the thought that the applicant might try to have 41st Street vacated again if a zoning change is acquired across the street. Two people requested that a site plan be submitted on what is proposed for the property as they are worried about the blocking of the alley and a communal drive on the north property line. This drive could be blocked if the applicant built too close to the property line.

Mr. Reeves wanted to be sure that the area residents understand that if the home has to close down a future buyer might put apartments on the property as it is already zoned "B" Residence.

Arguments Presented In REBUTTAL:

Pastor Riggert said that he could not answer the questions as to where the building might be placed in regards to the north boundary line, but that he would be willing to try to get some sort of plan. He also agreed to talk to Rev. Normann concerning a restrictive covenant for the property to revert back to "A" Residence if it is no longer used for a nursing home.

C14-71-254 Altenheim, a division of Lutheran Social Service--Contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission in order to give Pastor Riggert time to acquire a site plan and talk with Reverend Normann concerning a restrictive covenant.

AYE: Messrs. Kinser, Chamberlain, Goodman and Reeves

At the Commission meeting a letter from Reverend Normann was presented by the staff, stating that the Lutheran Social Service would be glad to grant a continued easement to the property owner on the north for a driveway. The Commission reviewed the information and

VOTED: To recommend that the request of the Altenheim, a division of Lutheran Social Service, for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property at 4101-4105 Avenue H be GRANTED, subject to the granting of a continued easement on the north side of the property for a driveway and subject to a restrictive covenant on the subject tract as well as property across 41st Street, so that should the property not be used for a nursing home, it will revert to "A" Residence, First Height and Area.

AYE: Messrs. Taniguchi, Crier, Reeves and Anderson

NAY: Messrs. Kinser, Milstead and Chamberlain

ABSENT: Mr. Becker

C14-71-256 Tip Investments, Ltd.: BB, 1st to B, 2nd
1500 Wheless Lane

STAFF REPORT: The subject tract is located between U. S. Highway 290 and Berkman Drive at 1500 Wheless Lane (right-of-way varies between fifty and sixty feet). It is a large single tract of land containing 37,408 square feet, with a single-family home presently developed. To the north along U.S. Highway 290 commercial zoning exists with some "A" Residence zoning. Land use along U.S. Highway 290 is commercial or office where developed. Adjacent to the subject tract to the east and west is "A" Residence zoning and use on large lots fronting on Wheless Lane. The south side of Wheless Lane is zoned and developed for single-family use. Further to the east along Wheless Lane is apartment development under "BB" Residence zoning.

The staff recommends that this request be denied. In 1969 this property was originally zoned from "A" Residence to "BB" Residence; at that time the request was to "B" Residence zoning, and the staff and the Commission agreed that "B" Residence zoning was too intense for the area, recommending "BB" Residence. Conditions in the area have not changed to an extent that could warrant an increase in density. "BB" Residence density should be maintained to adequately buffer the commercial uses on U.S. Highway 290 from the "A" Residence area.

C14-71-256 Tip Investments, Ltd.--Contd.

TESTIMONY

WRITTEN COMMENT

Mrs. George Alander: 6741 U. S. Highway 290 East	AGAINST
Harvey L. Parker: 1513 Wheless Lane	AGAINST
Molly Glander: 7632 South Shore Drive	FOR

PERSONS APPEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor 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 as too intensive for this property.

AYE: Messrs. Kinser, Chamberlain, Reeves and Goodman

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Tip Investments, Ltd. for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, Second Height and Area located at 1500 Wheless Lane be DENIED.

AYE: Messrs. Kinser, Taniguchi, Crier, Milstead, Reeves and Chamberlain

NAY: Mr. Anderson

ABSENT: Mr. Becker

C14-71-257 C. B. Carpenter and Odas Jung: LR to C-2
Rear of 2358-2374 Rosewood Avenue

STAFF REPORT: The area under consideration is a structure located within a neighborhood shopping center at the intersection of Hargrave Street (seventy feet of right-of-way), and Rosewood Avenue (sixty feet of right-of-way), which covers 12,000 square feet. The proposed use is for a lounge to serve alcoholic beverages for on-premise consumption. This property lies within the Glen Oaks Urban Renewal Area. East of the shopping center across Hargrave Street is an elementary school. Between Rosewood Avenue and Thompson Street to the east is an apartment complex. North and west of Walnut Avenue and Morris Street property is zoned and partially developed as "A" Residence. South of Rosewood Avenue is "C" Commercial zoning which is undeveloped, and is to be rolled back to "A" Residence for use as a drainage easement. The shopping center itself is zoned "LR" Local Retail, with "GR" General Retail zoning at the corner and developed as a service station. To the south is Anderson High School.

The staff recommends that this case be denied. "C-2" zoning permits uses too intensive for an area restricted to "LR" Local Retail uses, and in addition, the proximity of the proposed use to an elementary school is not desirable.

C14-71-257 C. B. Carpenter and Odas Jung--Contd.

The Urban Renewal Agency has determined that the proposed use is not in conformance with the approved uses within the Urban Renewal Plan. Legal opinion of the Urban Renewal Agency's attorney is an official ruling, and as such prevents the proposed use, even if the zoning were granted, since the Urban Renewal plans take precedence over local regulations.

TESTIMONY

WRITTEN COMMENT

Paul D. Jones: 608 Brown Building

AGAINST

Jack L. Davidson: 6100 Guadalupe Street

AGAINST

PERSONS APPEARING

James Johnson (representing applicant)

SUMMARY OF TESTIMONY

Mr. James Johnson, representing the applicant, spoke in favor of this request, stating that there are only two homes nearby and the owners do not object. His proposed use would not affect anyone in the area, in his opinion. He intends to have a lounge operation with bands.

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 denied due to the large area set aside for the lounge and its proximity to a church, elementary school, community center, etc.

AYE: Messrs. Kinser, Chamberlain, Reeves and Goodman

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of C. B. Carpenter and Odas Jung for a change of zoning from "LR" Local Retail, First Height and Area to "C-2" Commercial, First Height and Area for property located at the rear of 2358-2374 Rosewood Avenue be DENIED.

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

ABSENT: Mr. Becker

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TESTIMONY

None

None

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

AYE: Messrs. Kinser, Reeves, Chamberlain and Goodman

ABSENT: Mr. Becker

C14-71-259 Howard Brunson et al: GR to C-2
 5716 Manor Road

STAFF REPORT: The subject tract consists of 1,200 square feet within an existing shopping center complex at the northwest corner of the intersection of Rogge Lane (sixty feet of right-of-way) and Manor Road (eighty feet of right-of-way). The proposed use is for a package liquor store. In this area Manor Road is primarily developed with commercial uses. West of the shopping center is a developed, well-established, single-family area. East of Manor Road property is zoned and partially developed as "A" Residence. "B" Residence zoning exists northeast of the area. The staff recommends that this case be granted, as the proposed use is consistent with the land use in this area.

TESTIMONY

WRITTEN COMMENT

C. H. Garrett, III: 5707 Sandhurst Circle
 Russell Gregory: 5704 Sandhurst Circle

AGAINST
 AGAINST

PERSONS APPEARING

Howard Brunson (applicant)

SUMMARY OF TESTIMONY

Mr. Howard Brunson, the applicant, stated that he is in agreement with the staff recommendation and thinks that a shopping center is an ideal location for a package store.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request be granted as a package store in a shopping center is a desirable use.

AYE: Messrs. Kinser, Reeves, Chamberlain and Goodman

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Howard Brunson, et al for a change of zoning from "GR" General Retail, First Height and Area to "C-2" Commercial, First Height and Area for property located at 5716 Manor Road be GRANTED.

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

ABSENT: Mr. Becker

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C14-71-260 A. W. Vogelpohl: A to BB (as amended)
4823 East Riverside Drive

STAFF REPORT: The tract under consideration contains 4.11 acres, with 230 feet of frontage on East Riverside Drive; it is an average of 725 feet deep. Multi-unit housing is proposed for development. Adjacent to the tract to the east and west is "A" Residence zoning and development of single-family lots has occurred to the east. To the south is a large tract of "BB" Residence zoning that is undeveloped. North of the tract is either "A" Residence zoning or out of the City limits; in both cases the land is undeveloped.

The staff recommends that this case be denied, but recommends that "BB" Residence, First Height and Area be granted, subject to dedication of needed right-of-way, to be determined by the Public Works Department. Riverside Drive is to be a major arterial street, with 120 feet of right-of-way; it will be capable of handling the increased densities in this area. The property dimensions are such that single-family development is not practical unless the tract is joined to the adjacent tract to the west. In addition, the area is not large enough to warrant a Master Plan change.

TESTIMONY

WRITTEN COMMENT

Mr. and Mrs. Robert P. Dickson: P. O. Box 2023 FOR
A. W. Vogelpohl (applicant)

PERSONS APPEARING

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, representing the applicant, stated that he wished to amend the application to the staff recommendation of "BB" Residence, First Height and Area rather than "B" Residence, First Height and Area. The area to the east is a recorded subdivision but has not been put on the ground as yet. There has been no single-family development in the area and "BB" Residence uses are planned for the surrounding area. He does not think that a setback is necessary as in his opinion it will be some time before any development occurs to the east as there are no streets or utilities.

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 amended, subject to right-of-way to be determined by the Public Works Department as recommended by the staff.

AYE: Messrs. Kinser, Reeves, Chamberlain and Goodman

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C14-71-260 A. W. Vogelpohl--Contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of A. W. Vogelpohl for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4323 East Riverside Drive be GRANTED, as amended, subject to right-of-way to be determined by the Public Works Department.

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

ABSENT: Mr. Becker

C14-71-261 C. A. Gilberg: A to GR
Rear of 1211 Montopolis Drive
Rear of 6304 Porter Street

STAFF REPORT: This tract, containing 5,940 square feet, lies to the rear of 1211 Montopolis Drive (seventy feet of right-of-way), and has no street frontage. The subject tract abuts "GR" General Retail zoning to the west. "A" Residence zoning and use exists to the north, east and south of the tract. To the southwest is a pending zoning case to "GR" General Retail. The overall zoning of this area is "A" Residence. A drive-in grocery store is proposed for this site.

The staff recommends that this case be granted, subject to short form subdivision tying the subject tract to the existing "GR" General Retail zoned tract, and a six-foot privacy fence on the north, east and south boundaries. The proposed zoning is an extension of existing zoning that could provide better parking for the proposed use, and this zoning should set no precedent for more intensive zoning along Porter Street, since access is from Montopolis Drive only.

TESTIMONY

WRITTEN COMMENT

Paul M. Onta, Sr.: 6308 Porter Street

AGAINST

PERSONS APPEARING

Arthur E. Pihlgren: 109 West 5th Street (representing applicant)

SUMMARY OF TESTIMONY

Mr. Arthur Philgren, representing the applicant, presented a short form subdivision that he plans to submit to the Planning Department connecting the subject tract to property facing Montopolis Drive, as that lot is too shallow for commercial development. The tract left facing Porter Street will be a legal lot.

No one appeared in opposition to this request.

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C14-71-261 C. A. Gilberg--Contd.

COMMENTS AND ACTION BY THE COMMITTEE

The committee reviewed the information and concluded that this request is a normal extension of existing zoning and should be granted, subject to a short form subdivision tying the subject tract to the existing "GR" General Retail tract with a six-foot privacy fence on the north, east and south boundaries.

AYE: Messrs. Reeves, Goodman and Chamberlain
ABSTAIN: Mr. Kinser

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of C. A. Gilberg for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area be GRANTED, subject to a short form subdivision tying the subject tract to the existing "GR" General Retail tract with a six-foot privacy fence on the north, east and south boundaries.

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

C14-71-262 R. D. Seiders: A to LR (Tr.1), BB (Tr.2) (as amended)
1600-1706 East 51st Street
5100-5116 Berkman Drive

STAFF REPORT: The subject tracts are located at the northwest corner of the intersection of Berkman Drive (sixty feet of right-of-way) and East 51st Street (fifty to ninety feet of right-of-way), and contain a total of 7.06 acres. These tracts are bounded on the north and west by undeveloped "BB" Residence zoning. There is a church on the tract immediately to the west. Also north of the subject property is a creek that serves as a buffer for the "A" Residence zoning and land use further to the north. The property to the east across Berkman Drive is zoned "A" Residence, and Bartholomew Playground is directly across Berkman Drive from the subject tracts. South of this application is the Municipal Airport property which is undesignated; on the airport property across from the subject site an aviation sales and service establishment exists. Convenience-type stores are to be developed on Tract 1, and apartment development is planned on Tract 2.

The staff recommends that Tract 1 be granted as requested, and that Tract 2 be denied, but granted "BB" Residence, First Height and Area zoning. For Tract 1, convenience stores are an acceptable use of this location since this is an intersection of a major arterial street and a major collector street. While the creek is an adequate buffer between single-family use and more intensive uses, it is felt that for Tract 2, "B" Residence zoning is too intense for the area to be compatible with the existing zoning and land use in the area, as up to 200 units per acre could be permitted.

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C14-71-262 R. D. Seiders--Contd.

TESTIMONY

WRITTEN COMMENT

Lucille G. Wilson: 500 West Gramercy, San Antonio, Texas AGAINST

PERSONS APPEARING

Philip Bashara (representing applicant)

SUMMARY OF TESTIMONY

Mr. Philip Bashara, representing the applicant, requested that the application be amended to agree with the staff recommendation.

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 amended.

AYE: Messrs. Kinser, Reeves, Goodman and Chamberlain

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of R. D. Seiders for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area (Tract 1) and "BB" Residence, First Height and Area (Tract 2) for property at 1600-1706 East 51st Street and 5100-5116 Berkman Drive be GRANTED, as amended.

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

ABSENT: Mr. Becker

C14-71-263 R. D. McMains, George Mabry, Virginia M. Powell, Truman H.
4500-4514 Avenue F Montandon, and Leon Moffett:
106-110 East 45th Street A, 1st to B, 2nd

STAFF REPORT: The area under consideration consists of seven separate lots comprising a total of 1.31 acres. These lots are located at the northwest corner of the intersection of East 45th Street, which has sixty feet of right-of-way, and Avenue F, which has fifty feet of right-of-way. The tracts consist of almost half the length of the west side of the block. Apartment development is proposed for this area.

The area north of 45th Street is predominantly "A" Residence zoning and use. A 1967 area study concluded that all land use in this area north of 45th Street should remain "A" Residence, with the exception of lots having frontage on 45th Street. Except for one application on Speedway Avenue; which was not recommended unanimously, and with the minority stating that this was an encroachment contrary to the area study, all other cases granting "B" Residence have been generally in compliance. All other "B" Residence zoning in the area does

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C14-71-263 R.D.McMains, George Mabry, Virginia M. Powell, Truman H.
Montandon, and Leon Moffett--Contd.

have frontage on 45th Street. Southeast of the tract is Shipe Park. South of 45th Street there are apartments constructed and "B" Residence zoning granted.

The staff recommends that this case be denied. Although the area as proposed has frontage on 45th Street as required in the area study of 1967, the intent of preventing encroachment into the established single-family area would be violated by allowing "B" Residence, Second Height and Area zoning to be established for half the block length north of 45th Street. If this is permitted, the next step could well be to acquire lots further north, short form them into the existing tract and very soon the entire block would be rezoned "B" Residence, Second Height and Area to the detriment of the single-family neighborhood. The streets north of 45th Street are presently inadequate for high-density apartment use. All streets are older, and as a result have fifty feet of right-of-way or less in many cases. If encroachment is permitted into this area, the traffic generated would be heavier than the streets could handle.

TESTIMONY

WRITTEN COMMENT

Truman H. Montandon (representing applicants)

PERSONS APPEARING

Truman H. Montandon (representing applicants)

SUMMARY OF TESTIMONY

Mr. Truman H. Montandon, one of the applicants, appeared in favor of the request and stated that the applicants think that this is a good area for apartments as it is close to several commercial sections of Austin. It is Mr. Montandon's opinion that Hyde Park will some day be entirely apartments. The applicants do not consider this application an intrusion into the "A" Residence area as there are apartments along 45th Street already.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the request should be denied on any lots not adjacent to 45th Street, but grant "B" Residence, Second Height and Area on the lot fronting on 45th Street, subject to five feet of right-of-way on Avenue F, as in conformance with a 1967 Area Study.

AYE: Messrs. Reeves, Goodman and Kinser
NAY: Mr. Chamberlain

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C14-71-263 R.D.McMains, George Mabry, Virginia M. Powell, Truman H. Montandon, and Leon Moffett--Contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of R. D. McMains, George Mabry, Virginia M. Powell, Truman H. Montandon and Leon Moffett for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4500-4514 Avenue F and 106-110 East 45th Street be DENIED, but GRANT "B" Residence, Second Height and Area on the lot adjacent to 45th Street, subject to five feet of right-of-way on Avenue F.

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

ABSENT: Mr. Becker

C14-71-264 B. M. Hickman: A to B
2608-2610 Wheless Lane

STAFF REPORT: The area under consideration is an irregular tract containing 3.38 acres located on Wheless Lane between Friendswood Drive and Derby Cove. It has 110 feet of frontage on Wheless Lane, which has right-of-way varying from 44 to 60 feet, and is approximately 747 feet deep. Apartment development is proposed for this tract. The entire area around this tract is zoned "A" Residence or Interim "A" Residence; the only exception is some commercial zoning on the south side of Wheless Lane, to the east in the vicinity of Manor Road. The area north of Wheless Lane is divided into large, deep lots with development being single-family residences, a church or vacant land. A junior high school exists to the northwest.

The staff recommends that this case be denied. Although the large tracts would be difficult to develop individually under standard single-family development methods, the intensity of "B" Residence zoning, as well as the apartment use, would constitute an encroachment into the area. This is a very low-density single-family area with large lots on the south as well as the acreage tracts around the subject property. The possibility for platting for single-family residential use is still a viable alternative for this area. Wheless Lane is presently inadequate to serve the potential 200 cars, or 1600 vehicle trips per day, the requested zoning would generate.

TESTIMONY

WRITTEN COMMENT

Leroy T. Barina: 1954 Saint Mary Street	FOR
Mr. and Mrs. Alton J. Herron: 2606 Sweeney Lane	FOR
George L. Anderson: 6101 Derby Cove	FOR

PERSONS APPEARING

D. W. Morris (representing applicant)

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C14-71-264 B. M. Hickman--Contd.

SUMMARY OF TESTIMONY

Mr. D. W. Morris, representing the applicant, requested that this application be postponed until January 1972.

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 postponed, as requested, until January 1972.

AYE: Messrs. Reeves, Goodman, Chamberlain and Kinser.

The Commission concurred with the Committee recommendation and

VOTED: To POSTPONE the request of B. M. Hickman for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2608-2610 Wheelless Lane.

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

ABSENT: Mr. Becker

C14-71-265 Cross Country Inns, Inc.: B to GR
Rear of 1015-1027 U.S.Highway 290

STAFF REPORT: This tract lies to the rear of a lot fronting U.S.Highway 290 that is developed with a motel. The applicant proposes to enlarge the existing motel facilities. The tract contains 1.7 acres and has no street frontage. It lies within a large tract of "B" Residence, Second Height and Area where single-family lots are developed. Frontage on U.S.Highway 290 north of this tract is zoned and used commercially. The the east is a single-family residential area zoned "A" Residence, First Height and Area. To the east of this narrow pocket of "A" Residence is more commercial zoning. South and west of the subject tract is undeveloped "B" Residence zoning, which has frontage on Clayton Lane.

The staff recommends that this case be granted, subject to privacy fencing on the east property line, a minimum twenty-five foot setback from the east property line, an agreement that no structure exceed two stories in height within seventy-five feet of the east property line, (no access to Broadview Street), and a short form subdivision. This request is for a more restrictive zoning than that existing on the property fronting on U.S.Highway 290, and constitutes a buffer, though somewhat intense itself. With the features mentioned, expansion of a motel is not any more objectionable than apartment development. Although zoning granted is not contingent upon the use specified, it is felt that the restrictions as listed will protect the single-family area adequately.

C14-71-265 Cross Country Inns, Inc.--Contd.

TESTIMONY

WRITTEN COMMENT

Alfred Luka: 1038 Broadview Street	AGAINST
Texas Hospital Association: 6225 U. S. 290 East	FOR

PERSONS APPEARING

M. H. Crockett (representing applicant)	
Welton Smith: 1046 Broadview Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. M. H. Crockett, representing the applicants, agreed with the staff recommendation and requirements except the "no access to Broadview Street" restriction.

Arguments Presented AGAINST:

Mr. Welton Smith, 1046 Broadview Street, said that he would like to see Broadview Street shut off to prevent through traffic.

Arguments Presented In REBUTTAL:

Mr. Crockett stated that one other solution to ingress/egress other than through the motel to U. S. Highway 290 was behind the Medical Association Building. This street is not open now but could be opened up in the future to provide access to the motel from Sheridan Avenue.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to a privacy fence on the east property line, a minimum building setback of twenty-five feet from the east property line, retaining First Height and Area within seventy-five feet of the east property line, no access to Broadview Street and a short form subdivision.

AYE: Messrs. Reeves, Goodman, Chamberlain and Kinser

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of the Cross Country Inns, Inc. for a change of zoning from "B" Residence, Second Height and Area to "GR" General Retail, Second Height and Area for property located at the rear of 1015-1027 Highway 290 be GRANTED, subject to a privacy fence on the east property line, a minimum building setback of twenty-five feet from the east property line, retaining First Height and Area within seventy-five feet of the east property line, no access to Broadview Street and a short form subdivision.

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

ABSENT: Mr. Becker

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C14-71-266 Tom Fairey: B to GR
5602 Manor Road

STAFF REPORT: The subject tract is located on Manor Road, which has eighty feet of right-of-way between Rogge Lane and Coventry Lane. It is a portion of Tract 3 of Fairey Oaks, Section 1, and contains 5,500 square feet. Adjacent to the north of the tract and north along Manor Road is commercial zoning and use. East, west and south of Manor Road is "A" Residence zoning and use. The subject tract lies in the only "B" Residence zone south of Rogge Lane.

The staff recommends that this case be denied. At the present time commercial uses are limited generally to the intersection of Manor Road and Rogge Lane. The east side of Manor Road is developed for single-family use. The "B" Residence zoning within which the application lies acts as an excellent buffer for the commercial uses to the north. Encroachment further to the south of commercial uses should not be allowed. "BB" Residence zoning on the remainder of the larger tracts south of the existing "B" Residence zoning could be extended possibly some 200 feet to a line extended from Overdale Road.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

Tom A. Fairey (applicant)

SUMMARY OF TESTIMONY

Mr. Tom Fairey, the applicant, spoke in favor of the application stating that he intends to extend the retail outlets that he presently has along Manor Road. Although this tract cuts into a large "B" Residence tract there will be enough frontage left on Manor Road to provide access to the back of the lot.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is a logical extension of "GR" General Retail zoning to the east facing Manor Road and should be granted, subject to a short form subdivision separating the subject tract from Tract 3.

AYE: Messrs. Reeves, Goodman and Crier

C14-71-266 Tom Fairey--Contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Tom Fairey for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 5602 Manor Road be GRANTED, subject to a short form subdivision separating the subject tract from Tract 3.

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

ABSENT: Mr. Becker

C14-71-267 Homer S. Johnson: B to C
505 Campbell Street

STAFF REPORT: The subject tract is located on Campbell Street between West 5th Street (50 feet of right-of-way) and West 6th Street (60 feet of right-of-way, to be 80 feet of right-of-way); it contains 5,700 square feet, with the proposed use being a woodworking shop. This tract is the only parcel fronting on Campbell Street. Zoning and land use along West 5th Street, which is one-way east, is primarily "C" Commercial to the east and "B" Residence to the west, with the northwestern corner of Campbell Street and West 5th Street being "C" Commercial. Zoning along West 6th Street, which is one-way west is "B" Residence, with one lot of "O" Office adjacent to the subject tract and abutting West 6th Street. Land use on West 6th Street is primarily single-family residence on the south side with two home occupations present. On the north side of West 6th Street are apartments. The large tract north of Campbell Street across West 6th Street, labeled "Confederate Home", is owned by the University of Texas and is planned to be converted into married student housing units in the near future.

The staff recommends that this case be denied. Campbell Street is a short street used to allow traffic to change direction of travel between the one-way couple of West 5th and 6th Streets. Campbell Street lies directly across West 6th Street from the proposed main driveway exit of the "Confederate Home" apartments for married University of Texas students. Plans indicate approximately 400 units in two phases to be built on this site. This will put a great number of cars onto Campbell Street, since all eastbound traffic must get onto West 5th Street. The staff feels that a "C" Commercial zone located on this site could cause traffic problems on a short connection street such as this.

TESTIMONY

WRITTEN COMMENT

Mr. and Mrs. Charles Bowman: 1709 West 6th Street
Hardy Hollers: Suite 1200, Perry-Brooks Building

AGAINST
NO OBJECTION

PERSONS APPEARING

Homer Johnson (applicant)

619
C14-71-267 Homer S. Johnson--Contd.

SUMMARY OF TESTIMONY

Mr. Homer Johnson, applicant, stated that he wants to start a one-man woodworking shop, which would also be his residence. The property has lost its value as a residence and is surrounded by commercial and office uses. There is an alley behind his property and the neighbors do not object to his application.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The committee reviewed the information and concluded that this area is in transition and that this request should be granted.

AYE: Messrs. Reeves, Goodman and Crier

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Homer S. Johnson for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 505 Campbell Street, be GRANTED.

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

ABSENT: Mr. Becker

C14-71-268 Joe H. Daywood: BB to B
 505 Swanee Drive

STAFF REPORT: The tract under consideration is located on the south side of Swanee Drive, which has 50 to 55 feet of right-of-way, between Guadalupe Street and Isabelle Street. It contains 10,950 square feet, and will be developed with uses permitted by the requested zoning. Five feet of right-of-way has been acquired from this tract for street widening. The area between Guadalupe Street and Isabelle Street north of Kenniston Drive is in transition from "A" Residence zoning to "BB" Residence zoning, with some "B" Residence zoning. The subject tract was rezoned in 1969 to "BB" Residence, First Height and Area. The original request was to "B" Residence, First Height and Area. At that time the Planning Commission and the City Council felt that "B" Residence zoning was too intense for the area since Swanee Drive had inadequate right-of-way of fifty feet and was not open through to Isabelle Street. There is an open drainage ditch that breaks Swanee Drive near the east end of the street. Presently all access from Swanee Drive must be channelled out to Guadalupe Street. All apartment zoning on Swanee Drive is "BB" Residence or "A" Residence, with the exception of case C14-71-106, which was granted this year for "B" Residence contrary to the staff recommendation as being a too intensive zone. The Commission vote was not unanimous.

The staff recommends that this case be denied. The original basis for the granting of existing zoning was that "B" Residence zoning was too intense

C14-71-268 Joe H. Daywood-Contd.

and that "BB" Residence was more appropriate. Except for the case C14-71-106, the area has not developed in a manner to warrant change. The case that was granted was recommended to be denied by this Department and the staff still feels that "B" Residence zoning is too intense for this area and should be avoided.

TESTIMONY

WRITTEN COMMENT

Lee Hello: 502 Swanee Drive

PERSONS APPEARING

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, representing the applicant, stated that this request would mean only an increase of two or three units. The property owner has donated the land for the widening of the street, as that was the objection to the previous request for "B" Residence zoning on this piece of property. The subject tract is surrounded by "B" Residence zoning with a "B" Residence, Second Height and Area case pending at the intersection of Swanee Drive and Guadalupe Street. The matter of density should be established for an area and the pattern of zoning is a classification of an area larger than just a single lot. Based on past cases this request should be granted so as to allow the addition of two or three units.

No one appeared in opposition.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that he would have to abstain from any action on this case and therefore suggested that the case be referred to the full Commission for a decision.

AYE: Messrs. Reeves, Goodman and Crier

The Commission reviewed the information and it was pointed out that Swanee Drive has no outlet at either end of the street. The Commission then

VOTED: To recommend that the request of Joe H. Daywood for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area be GRANTED.

AYE: Messrs. Kinser, Taniguchi, Chamberlain and Anderson.

NAY: Messrs. Crier and Milstead

ABSTAIN: Mr. Reeves

ABSENT: Mr. Becker

C14-71-269 Joe H. Daywood: A to B
4716 and 4718 Depew Avenue

STAFF REPORT: The subject tract fronts on Depew Avenue, which has fifty feet of right-of-way, and is between East 47th Street and Clarkson Avenue. It contains 10,400 square feet in two legal lots. "B" Residence zoning exists adjacent to this tract to the south. It will be developed with uses as permitted by such zoning. The blocks between Red River Street and Depew Avenue north of East 46th Street to Clarkson Avenue contain a mixture of zoning classifications. "A" Residence zoning and use exists north of the subject tract, with "B" and "BB" Residence zoning south and adjacent to the subject tract. "C" Commercial zoning exists on both sides of East 47th street, and a small amount of "BB" Residence zoning and much "A" Residence zoning and use exists south of East 47th Street. West of Red River Street and east of Depew Avenue are "A" Residence uses and zoning. Not all of the apartment zoning in the area is under apartment use at this time.

The staff recommends that this case be denied, but recommends "BB" Residence, First Height and Area zoning. The streets in the area are inadequate to carry the volume of traffic generated by "B" Residence density, which would be up to forty units per acre. The staff recommended that the case granting the "B" Residence zoning to the south of the subject from "BB" Residence zoning be denied.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, representing the applicant, pointed out that in this block two tracts of "B" Residence zoning exist, one of these adjacent to the subject tract, with one tract of "BB" and one of "C" Commercial. He stated that Clarkson does not have a great amount of traffic, even though it is a major collector street.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the information presented. The strip of land between Red River Street and Depew Avenue seems to be in transition and the members of the Committee recommend that the Commission request an area study of the area. The Committee concluded that this request is an extension of existing zoning and should be granted, subject to five feet of right-of-way along Depew Avenue.

AYE: Messrs. Reeves, Goodman and Crier

C14-71-269 Joe H. Daywood--Contd.

At the Commission meeting Mr. Jack Alexander, Assistant Director of Planning, presented a report on street condition and traffic flow in the area. To date thirteen accidents have occurred at 45th Street and Airport Boulevard, twelve at 51st Street and Airport Boulevard. The new construction taking place along Interstate Highway 35 will produce an on-ramp which begins at the intersection of 45th Street and Airport Boulevard. The traffic should not be deliberately increased until this new change has been tested. The intersection of 46th Street and Airport Boulevard is unsignaled and is not suitable for a left turn onto Airport Boulevard. This intersection is shortly after 45th Street, and a heavy turn movement from Airport Boulevard onto 45th Street makes turning into 46th Street hazardous. The intersection of 51st Street and Airport Boulevard and the intersection of 53rd Street and Airport Boulevard are similar in that they both have lane changes and poor turn access. Fifty-first Street and 45th Street are operating at peak capacity now during rush hours. Fifteen hundred cars per lane per hour is the maximum practical capacity. Intersections cut this volume in half and curb cuts, etc. along the street will reduce the figure further. Red River Street has fifty feet of right-of-way and has no proposed change within the Capital Improvements Program.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Joe H. Daywood for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4716-4718 Depew Avenue be GRANTED, subject to five feet of right-of-way along Depew Avenue.

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

ABSENT: Mr. Becker

The Commission then

VOTED: To recommend that the City Council designate for apartment use the area bordered by Red River Street, Airport Boulevard and 45th Street.

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

NAY: Mr. Kinser

ABSTAIN: Mr. Chamberlain

ABSENT: Mr. Becker

C14-71-270 Raymond and Rosalee Mayes: A to B
304 West 35th Street

STAFF REPORT: The subject tract fronts on West 35th Street, which has fifty feet of right-of-way, between Guadalupe Street and Home Lane. It will be developed with uses permitted by the requested zoning. It contains 5,562 square feet; the minimum area for a legal residential lot under subdivision regulations is 5,750 square feet. This tract is in an old single-family area north of the University. The majority of zoning in the area is "A" Residence but there is "B" Residence zoning to the west of the subject tract along West 35th Street and across West 35th Street to the south. The street outlet to the east is devious and along substandard streets. Primary access is to Guadalupe Street.

C14-71-270 Raymond and Rosalee Mayes--Contd.

The staff recommends that this case be denied. The lot is below minimum size required for apartment use on a lot, which requires 6,000 square feet. It is also below the required square footage for a single-family lot of 5,750 square feet, but is a legal lot as a non-conforming use, due to the age of the subdivision. The area has substandard streets in many places, with poor vehicular circulation. Increased density would create traffic problems.

TESTIMONY

WRITTEN COMMENT

Joe R. Long: Box 222

FOR

PERSONS APPEARING

Edward W. Bennett: 300 West 35th Street

AGAINST

Estelle G. Scherr: 207 West 35th Street

AGAINST

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, representing the applicant, pointed out that the lot size was lawful when the lot was created and variances have been granted on cases such as this. If the zoning change should be granted nothing could be built on the tract until the Board of Adjustment has ruled on the size of the lot. There are many tracts of "B" Residence, First and Second Height and Area in the area. He requested that rather than give up five feet of right-of-way, a utility easement and sidewalk easement could be taken with no change in the land size. A fourplex is about all that could be put on this property.

Arguments Presented AGAINST:

Mr. Edward Bennet and Estelle Scherr pointed out that traffic in the area is hazardous due to a crook in 35th Street at Home Lane. Mr. Bennet stated that if a fiveplex is put on this lot it will be a paved lot and he also inquired as to whether or not the alley would be used for access to this tract.

Arguments Presented In REBUTTAL:

Mr. Sneed pointed out that this property is within the University community and will one day, when the traffic flow pattern is worked out and Mopac becomes a reality, be within the University complex. With the future sale of the nursing home to the University the traffic flow will be changed.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the information presented. Mr. Reeves pointed out that five feet of right-of-way is not going to make any difference as to how many units can be built on the property. There was concern as to the isolation

C14-71-270 Raymond and Rosalee Mayes--Contd.

of this tract for "B" Residence, First Height and Area density. The Committee could not reach a clear decision and therefore agreed to refer this request to the full Commission.

AYE: Messrs. Reeves, Goodman and Crier

The Commission reviewed the information and

VOTED: To recommend that the request of Raymond and Rosalee Mayes for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 304 West 35th Street be DENIED.

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

NAY: Messrs. Kinser and Reeves

ABSENT: Mr. Becker

C14-71-271 Odas Jung: C to C-2
2603-2609 Manor Road

STAFF REPORT: This application is on a tract abutting Manor Road, which has sixty feet of right-of-way, and is between Stafford Street and Walnut Avenue in a generally commercial area. Access to the property is from Manor Road, which at this point is generally developed commercially and has "C" Commercial zoning on the south side of the street, with "C" Commercial, "LR" Local Retail, and "B" Residence zoning on the north side. South of lots fronting Manor Road is "A" Residence zoning and use and north of lots fronting the north side of Manor Road is also "A" Residence zoning and use.

The staff recommends that this application be granted, as this proposed use is in conformance with existing zoning, lies along a major thoroughfare and would not adversely affect the area.

TESTIMONY

WRITTEN COMMENT

Leray McCall: 2200 Walnut Avenue
 Thomas C. Wommack: 702 Scarbrough Building
 G. E. Hyden: 702 Scarbrough Building

AGAINST
 FOR
 FOR

PERSONS APPEARING

Leray McCall: 2200 Walnut Avenue
 George E. Ramsey, III (representing applicant)
 Berl Handcox (representing applicant)

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. George Ramsey, representing the applicant, presented some pictures of the shopping center. He stated that this zoning change would be compatible to the present uses of the shopping center.

C14-71-271 Odas Jung--Contd:

Mr. Berl Handcox, representing the applicant, stated that this zoning request is compatible within the zoning structure and the application is within a good area.

Arguments Presented AGAINST:

Mr. Leray McCall, 2200 Walnut Avenue, complained about the litter created by beer cans and was concerned about the trash that might be added by a package store. Mr. McCall was also concerned about the possibility of the site one day becoming a lounge.

Arguments Presented In REBUTTAL:

Mr. Ramsey stated that there is now a U-Tote-M store in the shopping center and this is a very likely source of the litter and that a package store would probably not create litter and a lounge even less.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request be granted, amending the area to the location as set forth in the field notes.

AYE: Messrs. Reeves, Goodman and Crier

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Odas Jung for a change of zoning from "C" Commercial, Fifth Height and Area to "C-2" Commercial, Fifth Height and Area for property located at 2603-2609 Manor Road be GRANTED, amending the area to the location as set forth in the field notes.

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

ABSTAIN: Mr. Kinser

ABSENT: Mr. Becker

C14-71-272 William Joe Gage, Sr.: A to GR
Rear of 1411 Morgan Lane

STAFF REPORT: The subject property lies to the rear of a lot fronting on Fort View Road, which has sixty feet of right-of-way, and is between Clawson Road and Ben White Boulevard. The tract is actually the rear part of a lot abutting Morgan Lane. The stated purpose of this request is to expand an existing mobile home park in the "GR" General Retail zoned lots fronting on Fort View Road. This tract contains 5,228 square feet of land. Lots facing Fort View Road from Ben White Boulevard to the west of this tract are zoned "GR" General Retail or "C" Commercial. South of Fort View Road to Ben White Boulevard, lots are also commercially zoned. Lots facing Morgan Lane and land north of Morgan Lane are zoned "A" Residence.

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Cl4-71-272 William Joe Gage, Sr.--Contd.

The staff recommends that this request be granted, subject to a modified special permit site plan of case CP14-69-49, and a short form subdivision that ties the subject tract to the existing mobile home park tract. There is a special permit in effect on the property that actually extends into the "A" Residence area some fifteen feet. Expansion of the mobile home park would probably permit only one or two additional mobile home spaces. Special permit revision is needed to protect the adjacent area and to limit any further expansion that could result in the extension of zoning to Morgan Lane.

TESTIMONY

WRITTEN COMMENT

H. M. McWright: 1601 Morgan Lane
 John Adams: 1503 Morgan Lane
 Truman H. Montandon: 2412 North I.H.35
 William Gage (applicant)

AGAINST
 AGAINST
 FOR

PERSONS APPEARING

William Gage (applicant)

SUMMARY OF TESTIMONY

Mr. Bill Gage, the applicant, stated that the area was to be used as an expansion of the present mobile home tract and that no more mobile homes would be added; he simply wanted the room to turn a trailer lengthwise to provide better traffic flow to a storage garage at the back of the mobile home park.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to a modified special site plan of case CP14-69-049, a short form subdivision tying the subject tract to the existing mobile home park tract, also subject to any restrictions on the existing mobile home tract.

AYE: Messrs. Reeves, Goodman and Crier

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of William Joe Gage, Sr. 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 1411 Morgan Lane be GRANTED, subject to a modified special site plan of case CP14-69-049, a short form subdivision tying the subject tract to the existing mobile home park tract, also subject to any restrictions on the existing mobile home tract.

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

ABSENT: Mr. Becker

C14-71-273 Lee Freeman: A to O
3802 Petes Path

STAFF REPORT: This application is on a tract abutting Bull Creek Road, which has sixty feet of right-of-way, and is between West 39th Street and Jefferson Street. It contains 8,000 square feet, and is a through lot with frontage on Ridgelea Drive, which has fifty feet of right-of-way. The proposed use is as a real estate office. The area north of the subject tract is zoned and developed with "A" Residence uses. At the intersection of Jefferson Street and Bull Creek Road on the northeast corner, "C" Commercial zoning exists, and is as yet undeveloped. Across Bull Creek Road from the subject tract are specialty stores zoned "GR" General Retail and "C" Commercial. The southeastern corner of this intersection is zoned "LR" Local Retail, the balance of the area is zoned "A" Residence and is developed with single-family homes.

The staff recommends that this case be denied. There is as yet no commercial-type zoning north of Bull Creek Road, except at the northeast corner east of Jefferson Street. All lots in the same block as the subject tract are through lots having frontage to the homes onto Ridgelea Drive. This lot, if granted, could set a precedent for more intensive zoning along Bull Creek Road which would be difficult to contain. This application would be an encroachment into the single-family residential area.

TESTIMONY

WRITTEN COMMENT

J. & H. Properties: 125 West 6th Street

FOR

PERSONS APPEARING

No information

SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Four area residents appeared in opposition to this request. There would be no place for people who visit the proposed office to park. This type of change in zoning would lower the value of the surrounding property.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request was an infringement into an "A" Residence area and is premature; it should be denied.

AYE: Messrs. Reeves, Goodman and Crier

C14-71-273 Lee Freeman--Contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Lee Freeman for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3802 Petes Path be DENIED.

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

ABSENT: Mr. Becker

C14-71-274 Earl and Eugene Wukasch: A to O
5210 Huisache Street

STAFF REPORT: The tract under consideration fronts on Huisache Street, which has fifty feet of right-of-way, between North Loop Boulevard and Zennia Street east of Lamar Boulevard. It contains 6,500 square feet, and is proposed for office use. The area east of this tract is zoned and developed "A" Residence. Directly to the south are two lots zoned "B" Residence abutting Huisache Street, and "O" Office zoning between this lot and the lots facing Lamar Boulevard. North of the tract at the corner of Huisache Street and North Loop is "C" Commercial zoning developed with apartments. All lots facing Lamar Boulevard which abut the subject tract to the west and all along Lamar Boulevard are zoned and developed "C" Commercial.

Mr. Wukasch has not included a two-foot strip of "A" Residence zoning along Huisache street in this application, as done on his tract to the south (Case C14-71-007). This two-foot strip is to prevent access to Huisache Street from the subject tract to insure traffic ingress/egress from Lamar Boulevard. The staff recommends this case be granted, subject to an amended area to exclude a two-foot strip from this tract along Huisache Street, and a short form subdivision joining this tract to the tract abutting Lamar Boulevard. This request is compatible with adjacent zoning, and restriction of access to Huisache Street will produce no additional traffic in an "A" Residence area.

TESTIMONY

WRITTEN COMMENT

Mrs. Taby Hernandez: 610 West North Loop	FOR
Mrs. Ada Turner: 700 Zennia Street	FOR
Lewis E. Reece: 613 North Loop	FOR
Mr. and Mrs. J. L. Dodson: 614 North Loop	FOR
C. O. Carlson: 613 Genard Street	FOR
Mrs. G. G. Nittsche: 607 North Loop	FOR
Mrs. Jack D. Townsend: 5206 Guadalupe Street	FOR
Mr. and Mrs. C. F. Goodenough: 5204 Huisache Street	FOR
Mrs. Chester Brooks: 1109 Garner Avenue	FOR

PERSONS APPEARING

Mr. Gene Wukasch (applicant).

C14-71-274 Earl and Eugene Wukasch--Contd.

SUMMARY OF TESTIMONY

Mr. Gene Wukasch, applicant, stated that he wishes to join this tract to two other tracts to the south for development, but is not agreeable to a short form subdivision. He has not decided exactly how it will be developed and would like to see Huisache Street widened.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request be referred to the full Commission.

AYE: Messrs. Reeves, Goodman and Crier

At the Commission meeting Mr. Jack Alexander, Assistant Director of Planning, stated that Mr. Wukasch has met with the staff and has agreed to accept "O" Office zoning on the front section of the tract, "B" Residence on the back section and a two foot strip zoned "A" Residence across the back of the tract fronting on Huisache Street. He requested that rather than a short form subdivision he would grant a perpetual easement to Lamar Boulevard.

The Commission reviewed the information and

VOTED: To recommend that the request of Earl and Eugene Wukasch for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 5210 Huisache Street be DENIED, but GRANT "O" Office, First Height and Area on the west half of the lot, "B" Residence, First Height and Area on the east half of the lot except for a two foot strip along Huisache Street to be zoned "A" Residence, First Height and Area, subject to a short form subdivision tying this tract to the tract abutting Lamar Boulevard.

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

ABSENT: Mr. Becker

C14-71-275 Northgate Boulevard, Inc.: B to GR
 9025-9101 Northgate Boulevard
 1800-1840 Colony Creek Drive

STAFF REPORT: The area under consideration lies at the northeast corner of the intersection of Northgate Boulevard, which has seventy feet of right-of-way, and Colony Creek Drive, which has sixty feet of right-of-way. It contains 3.23 acres, and is proposed for commercial development. The north line of the tract is adjacent to a creek. The area to the south of the subject tract is zoned "GR" General Retail and generally north of Colony Creek Drive is zoned "B" Residence. This area was zoned as a unit in 1969, and is generally undeveloped except to the south near Peyton Gin Road and U.S. Highway 183.

C14-71-275 Northgate Boulevard, Inc.--Contd.

The staff recommends that this case be denied. There is a large area of "GR" General Retail zoned property available at the present time which is adequate for such development in this area, consisting of approximately thirty acres. The original request in 1969 was for "GR" General Retail zoning on the entire 65.96 acres between U.S. Highway 183, Peyton Gin Road and Rutland Drive. This request was denied, but modified to the zoning pattern which now exists. The conditions in this area have not changed to an extent warranting an increase in use intensity at the present time.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

Mr. Robert Sneed (representing the applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, representing the applicants, pointed out that the K-Mart shopping center is in the area and there is now developing a need for small single tracts to be used for service type facilities. This would be the same type of development as along Shoal Creek Boulevard. The creek is preserved and protected by an easement. The applicant requests that the application be amended by deleting the most easterly 100 feet of the property. This entire area is tied into the Research Boulevard traffic system and the Rundberg Lane traffic system.

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 referred to the full Commission.

AYE: Messrs. Reeves, Goodman and Crier

The Commission reviewed the information and

VOTED: To recommend that the request of Northgate Boulevard, Inc. for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail First Height and Area located at 9025-9101 Northgate Boulevard and 1800-1840 Colony Creek Drive be GRANTED, as amended deleting the most easterly 100 feet of the property.

AYE: Messrs. Kinser, Taniguchi, Milstead, Reeves, Chamberlain and Anderson

NAY: Mr. Crier

ABSENT: Mr. Becker

631

C14-71-276 Peter Reinhardt: A, 1st to B, 2nd
409-413 West 38th Street

STAFF REPORT: The subject tract is comprised of three lots totaling 18,900 square feet, fronting on the south side of West 38th Street, which has sixty feet of right-of-way, between Guadalupe Street and Avenue B. This area is generally in transition from "A" Residence to apartment uses. There is "B" Residence, Second Height and Area zoning adjacent to the subject tract to the east and to the south. "C" Commercial, 1st Height and Area zoning exists one lot to the west of this tract. North of the subject tract is "A" Residence zoning on a large tract used for a Children's Home. Other "A" Residence zoning and use is scattered throughout the area.

The staff recommends that this case be granted, subject to five feet of right-of-way along West 38th Street, and a short form subdivision tying the three lots into one tract. The area along West 38th Street around this tract has already changed in character and this application does not constitute an encroachment into the "A" Residence area.

TESTIMONY

WRITTEN COMMENT

Mr. H. H. Rothell, Jr.: 3810 Medical Parkway #209 FOR

PERSONS APPEARING

Mr. Richard Baker (representing the applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicant, stated that he is in agreement with the staff recommendation.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is a logical extension of zoning in the area and should be granted, subject to five feet of right-of-way along West 38th Street and a short form subdivision tying the three lots into one tract.

AYE: Messrs. Reeves, Goodman and Crier

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Peter Reinhardt for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 409-413 West 38th Street be GRANTED, subject to five feet of right-of-way along West 38th Street and a short form subdivision tying the three lots into one tract.

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

ABSENT: Mr. Becker

C14-71-277 John Harris, J.T. and Robert Waugh: BB to B
900-908 Banister Lane

STAFF REPORT: The subject tract is comprised of four lots containing a total of 49,555 square feet fronting on Banister Lane, which has fifty feet of right-of-way, and is located between Garden Villa Lane and South 2nd Street. North and west of the subject tract is "A" Residence zoning and use on large tracts of land. To the south between Banister Lane and Ben White Boulevard, the zoning is "A" Residence, but there is an unapproved commercial subdivision on the land. Further east and south is "GR" General Retail and more intensive zoning at South 2nd Street, Banister Lane and Ben White Boulevard. The adjacent lot to the east of this tract is zoned "A" Residence and the tract further east abutting South 2nd Street is "A" Residence, pending a change to "GR" General Retail zoning.

The staff recommends that this case be denied, as high-density apartment zoning would permit double the number of dwelling units as the present zoning. In 1967, the requested zoning of this property was to "B" Residence, and the Commission and the Council felt that this was too intense for the area; conditions have not changed to an extent to warrant this change at this time.

TESTIMONY

WRITTEN COMMENT

Edwin M. and Charles K. Goldman: 3816 South 2nd Street FOR

PERSONS APPEARING

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicants, stated that the application was made because of the dense and retail development which will occur on the adjoining tracts and the additional traffic which will be generated in the area as a result of these changes. Twelve to sixteen additional units could be placed on these tracts; the applicants think this would be in accordance with the gradation theory. The applicants are agreeable to right-of-way if required and would be glad to short form the four tracts into two tracts.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the request should be granted, subject to a privacy shield from the "A" Residence property abutting the subject tract and subject to short form subdivisions by each of the property owners on their respective tracts.

AYE: Messrs. Reeves, Goodman and Crier

Mr. Richard Baker, representing the applicants, stated that the area residents would prefer to see these tracts go into office use rather than apartments as they feel there are sufficient apartments in the area. "O" Office zoning would be compatible with uses in the area and would reduce the density in the area. The traffic times and occupancy times would be different from those of the people in the apartments. These tracts will front on a 90-foot street when the street is completed. The owners would be agreeable to filing a covenant whereby, if the property is developed with apartments, it will be restricted to the density as set under "BB" Residence zoning.

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C14-71-278 B. L. McGee, et al--Contd.

Mr. Perry Ligon, owner of Tract 3, stated that the owners are surrounded by apartments and the area has become undesirable for single-family residences. He would not be against limiting the use of his property to "O" Office.

No one appeared in opposition.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to a restrictive covenant that should the property be used for apartments they be limited to "BB" Residence zoning density requirements.

AYE: Messrs. Reeves, Goodman and Crier

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of B. L. McGee, et al for a change of zoning from "BB" Residence, First Height and Area (Tract 1) and "A" Residence, First Height and Area (Tracts 2, 3, 4, and 5) to "O" Office, First Height and Area for property at 1308-1504 East 51st Street be GRANTED, subject to a restrictive covenant stating that should the property be used for apartments they be limited to "BB" Residence, First Height and Area density requirements.

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

ABSENT: Mr. Becker

C14-71-279 B. L. Mince and W. R. Coleman: A to B
1501 Lupine Lane

STAFF REPORT: The tract under consideration is located at the west end of Lupine Lane, which has sixty feet of right-of-way, and is on the south side of a dead end street. Uses consistent with the requested zoning are proposed for the tract. The area is bounded on the west by "LR" Local Retail zoning on lots fronting on Interstate Highway 35 frontage road, with access only to the frontage road. On the south adjacent to the subject tract is "BB" Residence zoning, with access to Sunnyvale Street; in addition there is "BB" residence zoning further south. North and east of this tract is "A" Residence zoning and use. Lupine Lane is a dead end street with no access to Interstate Highway 35. Vehicles from Lupine Lane must go east to Summit Street to reach any point.

The staff recommends that this case be denied. This lot has frontage on Lupine Lane and is adjacent to and across the street from single-family residences. Uses permitted by "B" Residence zoning are an encroachment into this single-family area. The subject tract was a part of an application in 1970 to rezone from "A" Residence to "B" Residence to allow a parking lot to be used in conjunction with an office building fronting on Interstate Highway 35. The case was denied by the City Council upon recommendation of the staff and the Planning Commission.

The office which fronts on Interstate Highway 35 on the adjacent lot to the subject tract came before the Board of Adjustment in 1969 for consideration of a variance to erect the office building, providing a front setback of fifteen feet and a rear-yard setback of zero feet for the building, including open stairs and a

C14-71-279 B. L. Mince and W. R. Coleman--Contd.

landing. At that time the staff reported that this dead end street, Lupine Lane, could not be used as a driveway, off-street parking, or ingress/egress to the property. The Board granted a variance allowing the construction of the office building, subject to the end of Lupine Lane being barricaded and a fence being erected to prevent access to the parking lot. This occurred at approximately the same time as the rezoning request on this property from "A" Residence to "B" Residence for parking, which was denied.

TESTIMONY

WRITTEN COMMENT

Ruel E. Snow: 1506 Lupine Lane	AGAINST
Mrs. Maude McCormick: 1507 Lupine Lane	AGAINST
Earl Durflinger: 1503 Inglewood Street	AGAINST

PERSONS APPEARING

Ruel E. Snow: 1506 Lupine Lane	AGAINST
Earl Durflinger: 1503 Inglewood Street	AGAINST
George E. Ramsey, III: 1301 City Natl. Bank Bldg.	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, representing the applicants, stated that the property is not accessible from Lupine Lane due to topography. More office space was built on the adjoining lot than there was parking area provided and the applicant is now asking for this parking area. The owner has already leveled and paved the property, it has been excavated to the level of the "LR" Local Retail property; this being the only ingress/egress. The owners applied for a permit to park on the area with the Board of Adjustment and have been doing so for over a year.

This lot will provide sufficient parking for the building as required by the City. Mr. Baker is of the opinion that this request is not an encroachment as it adjoins "BB" Residence zoning. The owner is willing to give a restrictive covenant on the adjoining property to the east, that no application for a zoning change will be filed on it until a zoning change occurs elsewhere on the block. The owner is not opposed to placing a building setback the length and width of the subject tract.

Arguments Presented AGAINST:

Mr. Earl Durflinger, 1503 Inglewood Street, stated that if one zoning change is granted changes will spread through the area; he would like to see it stay "A" Residence.

Mr. Ruel E. Snow, 1506 Lupine Lane, presented a letter to the Committee members giving the history of the piece of property and the owner's action on it and the "LR" Local Retail tract to the west. According to his records the owner had not met City standards and requirements in several instances. He also stated that to date a plan has not been filed for the first floor of the building. He

C14-71-279 B. L. Mince and W. R. Coleman--Contd.

suggested that one reason the owner did not have enough parking spaces was because he had put a stair well outside the building taking up parking spaces that had been in the original plan.

Mr. Reeves asked Mr. Snow if ingress/egress could be prohibited from this property to Lupine Lane and to the property to the east, and if the applicant could satisfy the Building Inspector as to all of his requirements as the building now exists, and that no building be allowed on the property in question, and that if the use as a parking lot was discontinued the property would revert to "A" Residence, and if the owner should provide a shielding would Mr. Snow still be opposed to the use as a parking lot now and the zoning change.

Mr. Snow stated that he was opposed. The man had not kept faith with the neighborhood; he had made promises before.

Mr. George Ramsey, representing the opposition, stated that his client would like to adopt the recommendation of the staff that the request be denied. The circumstances are exactly as they were in May of 1970 when the original application was filed.

Arguments Presented In REBUTTAL:

Mr. Baker stated that the applicant is only interested in getting the zoning changed for a parking lot. He would be agreeable to a restriction preventing the construction of a ramp to Lupine Lane. The applicant does not think his request is a detriment or an intrusion into the area. The applicant would be glad to erect a retaining wall between the "BB" Residence zoning and the lots.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request be referred to the full Commission as the Committee of three could not come to an agreement.

AYE: Messrs. Reeves, Goodman and Crier

The Commission reviewed the information and

VOTED: To recommend that the request of B. L. Mince and W. R. Coleman for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property at 1501 Lupine Lane be GRANTED, subject to a set back restriction on any improvements for the full depth and width of the lot, to the retention of a two-foot wide strip of "A" Residence, First Height and Area zoning on the Lupine Lane right-of-way and adjacent to the lot on the east, to the building being brought up to acceptable standards of the Building Inspector, to proper shielding by solid fences between the "A" Residence property and the subject tract, and to a short form subdivision tying this property to the applicants' property to the west zoned "LR" Local Retail.

AYE: Messrs. Kinser, Taniguchi, Reeves, Chamberlain and Anderson

NAY: Messrs. Crier and Milstead

ABSENT: Mr. Becker

C14-71-280 Carolyn Webb: A to GR
1300-1302 Anderson Lane
7901-7903 Gault Street

STAFF REPORT: The subject tract is at the northwest corner of the intersection of Gault Street, which has sixty feet of right-of-way, and Anderson Lane, which has eighty-five feet of right-of-way. It contains 7,800 square feet of land, and a television repair and sales facility is proposed for the site. "C" Commercial zoning exists adjacent to this tract to the north, with "LR" Local Retail zoning to the east. "GR" General Retail zoning exists at the southeast corner of Gault Street and Anderson Lane. Adjacent to the west is pending "LR" Local Retail zoning. South of Anderson Lane is "A" Residence zoning and use. Also adjacent to the northwest is "A" Residence zoning and use, and further north is predominantly "A" Residence. The staff recommends that this request be granted, as the use is consistent with surrounding zoning.

TESTIMONY

WRITTEN COMMENT

Rex A. Fullerton: 10623 David Street, Houston, Texas	FOR
W. G. Christianson: P. O. Box 9943	FOR
Conway Taylor: 2603 Thomas Drive	FOR

PERSONS APPEARING

Raymond Campi (representing applicant)

SUMMARY OF TESTIMONY

Mr. Raymond Campi, representing the applicant, stated that he is in agreement with the staff recommendation.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is consistent with surrounding zoning and should be granted.

AYE: Messrs. Reeves, Goodman and Crier.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Carolyn Webb for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1300-1302 Anderson Lane and 7901-7903 Gault Street be GRANTED.

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

ABSENT: Mr. Becker

SPECIAL PERMITS

CP14-71-052 Omega Investments: 84 Unit Apartment Dwelling Group
8600 Research Boulevard

STAFF REPORT: This application has been filed as required under Section 5-c, Sub-Section A, Paragraph 39(f) and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. This is an area of 3.55 acres for development of an eighty-four unit apartment project. The site plan has been circulated to the various City Departments and the comments are as follows:

1. Electric Dept. - Plat complies.
2. Health Dept. - No objections. Waste water system to be available.
3. Fire Prevention - Install required fire extinguishers as buildings are ready for occupancy. (Preference would be 1-2 1/2 lb. ABC extinguisher in each apartment.)
4. Public Works (Director) - Driveway locations as shown meet with our approval. Would recommend minimum curb radius of ten feet on Research Boulevard and five feet on the side street. Also, will need request for and approval of said driveways before construction begins.
5. Traffic Engineer - OK.
6. Advanced Planning - Note: Suggest having "V" turn arounds at end of lanes to prevent parking in those areas. Remove parking space #20 to prevent damage to vehicle in space #19. Suggest relocating garbage pickup areas to curb islands at the north/south driveway.
7. Storm Sewer - Location of existing storm sewer on site should be verified; may be under buildings, and Legal Dept. clearance needed.
8. Water and Sewer - Water and sewer service is available from mains in adjacent streets. No additional fire protection will be required.
9. Fire Protection - Existing fire hydrants indicated on site plan are believed to be adequate.

This is phase three of a previous special permit there is an apartment development north and south of it.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

Ronald Zent (representing applicant)

SUMMARY OF TESTIMONY

Mr. Ronald Zent, representing the applicant, stated that this is a revision of a special permit submitted in 1968. His plan is to replace the seven fourplexes in the center with forty units. Mr. Zent was in agreement with the departmental requirements.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request for a revision of a special permit be approved, subject to departmental requirements.

AYE: Messrs. Reeves, Goodman and Crier

The Commission concurred with the Committee recommendation and

VOTED: To APPROVE the request of Omega Investment Company for a special permit for an eighty-four unit apartment project located at 8600 Research Boulevard, subject to compliance with departmental requirements and authorized the Chairman to sign the necessary resolution upon completion.

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

NAY: Mr. Taniguchi

ABSENT: Mr. Becker

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 ten days following the decision of the Planning Commission.

CP14-71-053 Sid Jagger: 159 Unit Apartment Dwelling Project
1335-1511 Parker Lane
1434-1528 Royal Crest Drive

STAFF REPORT: This application has been filed as required under Section 5, Sub-Section A, Paragraph 8(e) and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. This is an area of 5.28 acres for development of a 159 unit apartment project. The site plan has been circulated to the various City Departments and the comments are as follows:

1. Storm Sewer - Plan complies with requirements.

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CP14-71-053 Sid Jagger--Contd.

- 2. Advanced Planning - 1) As indicated on drawing, provide "V" turnarounds to prevent cars backing into streets. 2) Interior drives should be 24 feet wide and maintain minimum 25 feet turning radius for emergency vehicles. 3) Entrances into development should be perpendicular to streets. Six foot spacing between buildings.
- 3. Electric - Plat Complies
- 4. Health Department - No objections. Waste water system to be available.
- 5. Fire Prevention - Install required fire extinguishers as buildings are ready for occupancy. Any three story building needs to be equipped with a fire escape as required for the Texas Fire Escape Law.
- 6. Public Works (Director) - Driveway locations as shown meet with our approval. Would recommend a minimum driveway width of 25 feet and a minimum curb return radius of five feet. Also, will need request for and approval of said driveways before construction begins.
- 7. Traffic Engineer - Driveways required to be 25 feet wide and intersect the street at approximately 90°.
- 8. Water and Sewer - Water and sewer service is available from mains in adjacent streets. One additional 6 inch water main along with two 6 inch gate valves and one fire hydrant will be required, to be located as shown. Fire demand meters may be necessary if the system is to be used as a combined fire and domestic system.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

Walter Ambry (representing applicant)

SUMMARY OF TESTIMONY

Mr. Walter Ambry, representing the applicant, stated that this is the fourth phase of an existing project and that he is willing to work with the departments on their various recommendations. Mr. Ambry indicated that he would need to discuss the turn abouts and driveways with the architects.

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CP14-71-053 Sid Jagger--Contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission.

AYE: Messrs. Reeves, Goodman and Crier

At the Commission meeting Mr. Jack Alexander, Assistant Director of Planning, reported that the applicant has met with the Department and has agreed to all the requirements except one and the Department is working with the applicant on the parking situation.

The Commission reviewed the information and

VOTED: To APPROVE the request of Sid Jagger for a special permit for a 159 unit apartment project on property located at 1335-1511 Parker Lane and 1434-1528 Royal Crest Drive, subject to departmental requirements and authorized the Chairman to sign the necessary resolution upon completion.

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

NAY: Mr. Taniguchi

ABSENT: Mr. Becker

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 ten days following the decision of the Planning Commission.

CP14-71-054 Emile Jamail: Apartment Dwelling Group
1862-1932 Burton Drive

STAFF REPORT: This application has been filed as required under Section 4-A, Sub-Section A, Paragraph 6(f) and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. This is an area of 4.32 acres for development of a 134 unit apartment dwelling group. The site plan has been circulated to the various City Departments and the comments are as follows:

1. Traffic Engineer - OK - 25 foot driveways required.
2. Advanced Planning -
 - 1) All interior driveways and entrances should be 25 feet wide, minimum.
 - 2) Unprotected right-angle parking spaces should be eliminated to avoid collisions.
 - 3) Buildings must show the number and types of units in each.
 - 4) Building #1 has poor access to its parking area.
 - 5) The parallel parking space has no maneuvering room.
 - 6) Some dimensions are wrong according to the scale.
 - 7) In correcting the parking errors, four more spaces must be provided in order to meet the minimum parking required.Parking requirements must be worked out with the Planning Department staff.

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CP14-71-054 Emile Jamail--Contd.

3. Electric Dept. - Plat complies.
4. Fire Prevention - Install required fire extinguishers as buildings are ready for occupancy. Building #1 seems to be isolated and would pose an access problem in case of a fire or other emergency. Several buildings appear to be too near each other causing an exposure problem in case of fire.
5. Health Department - No objections. Waste water system to be available.
6. Storm Sewer - Required drainage facilities in Valley Hill Circle can be installed as a part of Colorado Hills, Estates Section 6, which includes this area.
7. Public Works (Director) - Driveway locations as shown meet with our approval. Would recommend a minimum driveway width of 25 feet and a minimum curb return radius of five feet. Will need request for and approval of said driveways before construction begins.
8. Water and Sewer - Main extensions in Mariposa Drive and Valley Hill Circle were charged to Colorado Hills Estates, Section 6. No additional fire protection will be required within the property.
9. Fire Protection - The recommended fire hydrant is indicated in red. We recommend that this hydrant be placed with the four inch opening to be approximately eighteen inches from center to the finished grade.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING

Area Resident

NO OBJECTION

SUMMARY OF TESTIMONY

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

CP14-71-054 Emile Jamail--Contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the request should be referred to the full Commission as it was necessary for Mr. Reeves to abstain from any action on this case.

AYE: Messrs. Reeves, Goodman and Crier

At the Commission meeting, Mr. Alexander, Assistant Director of Planning, stated that the applicant has been made aware of the various requirements and has agreed to work them all out with the Departments.

The Commission reviewed the information and

VOTED: To APPROVE the request of Emile Jamail for a special permit for an apartment dwelling group on property located at 1862-1932 Burton Drive subject to departmental requirements and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Kinser, Crier, Milstead, Chamberlain and Anderson

NAY: Mr. Taniguchi

ABSENT: Mr. Becker

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 ten days following the decision of the Planning Commission.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of October 26, 1971, and requested that this action be made a part of the minutes of this meeting of the Planning Commission.

The staff reported that C8-71-135 Apache Shores, Section 6, subdivision has been referred to the Commission. It was then unanimously

VOTED: To ACCEPT the attached report and make the action of the Subdivision Committee of October 26, 1971, a part of the minutes of this meeting of the Planning Commission.

PRELIMINARY PLANS

C8-71-135 Apache Shores, Section 6

The staff reported that this preliminary plan was considered by the Subdivision Committee at the last regular meeting and referred to the Planning Commission. The plan was referred to the Commission because no report had been received from the Health Department concerning this subdivision at the time of the Subdivision Committee meeting.

The staff reported that this subdivision is residential and is classified as suburban. It is located at Ranch Road 620 and Big Horn Drive and consists of 116.37 acres with 294 lots of varying sizes.

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C8-71-135 Apache Shores, Section 6--Contd.

The staff reviewed the following departmental comments:

1. Electric Department - Easements required.
2. Water and Sewer Dept. - Water and sewer not available.
3. Parks and Recreation Dept.- No report.
4. Storm Sewer Dept. - Easements required.
5. Traffic and Trans. Dept. - Okay.
6. Public Works (Director) - Okay.
7. Telephone Company - Easements required.
8. Public Works (Engineer) - Need locations sketch, name of owner, name of survey out of which this is to be subdivided and topographical datum.
9. Health Department - We have reviewed the proposed Section 6 of Apache Shores and would refer you to our letter of February 17, 1971, addressed to Dick Lillie, regarding Section 5. A copy of this is attached. We are withholding approval subject to a central collection and disposal system for this subdivision.

The letter referred to plus a memorandum of April 8, 1971, were read to the Commission, as follows:

Letter of February 17, 1971

"The Department has reviewed the proposed plat of Section 5 of the Apache Shores Subdivision. This filing contains in excess of 500 building sites located in the near vicinity of Lake Travis. After consideration of all available relevant information regarding this proposal, and in light of the recently released Phase II of the Freese-Nichols-Endress Comprehensive Waste Water Study of the Highland Lakes System, I must recommend that further use of the individual septic tank approach to sewage disposal not be allowed on such a large scale immediately adjacent to four other sections as this will result in a density of systems equal to that found in a city of more than 5,000 people.

"Although the lot sizes and the anticipated results of percolation tests should meet the minimum standards outlined in our Department's guidelines and in the subdivision ordinance, a further increase in the density of septic systems on this scale in this immediate area will likely result in a below anticipated life of the systems and in the development of nuisances due to the failure of systems and a threat of additional pollution to Lake Travis.

"Under these conditions, I feel that further development should be contingent on the availability of some type of approved central collection and disposal system to avoid any further aggravation of the above problems. Although the subdivision code does not suggest any limitation on the use of the septic tanks, I feel the duty imposed upon me in Vernon's Texas Civil Statutes Article 4477-1 (5) and new available information regarding the suitability of the soil for disposal systems and the geologic formation of this area require that I take this action at this time. Sincerely, J. V. Sessums, Jr., M.D., M.P.H."

C8-71-135 Apache Shores, Section 6--Contd.

Memorandum of April 8, 1971:

" To: Dick Lillie, Director, Planning Department. Subject: Approval of Apache Shores Subdivision, Section 5

"We have gone through our files looking for information on the sections of Apache Shores which have been submitted in the past, and we are attaching some exhibits concerning the entire area.

- "1. Memo to the Planning Commission dated July 22, 1968.- Please note in the last paragraph that many of these lots were under 9,000 square feet but had been platted and many sold before this came to the Planning Commission. We requested, at that time, advance information before construction on each lot so we could plan with the contractor to determine the best septic tank and drain field which could be installed. This request has not been complied with.
- "2. Memo to Department of Planning dated May 38, 1969, regarding Apache Shores, Section 2. At this time, we recommended that the developer install a sewage treatment plant and satisfactory waste disposal and have this operated by the City of Austin.
- "3. On November 12, 1960, Apache Shores submitted plans for a water system of 6", 4", and 3" lines to serve approximately 1,400 lots in Sections 1, 2 and 3. This system has not been inspected or approved by the State Health Department, and it is only in the last month that samples of water have been sent in. No inspection has been made by the State Health Department to see if the system was installed in accordance with the plans submitted.
- "4. On October 19, 1970, we approved the plans for Apache Shores Section 4 with the provision as stated on the plat that all water front lots shall have approved facilities for sewage treatment. This will necessitate submission of plans to the State Health Department, as well as the Water Quality Board, and securing a permit from the Water Quality Board for the installation and operation of a package plant.
- "5. On February 17, we wrote a letter to Dick Lillie, Director, Department of Planning concerning Apache Shores Subdivision Section 5. A copy of this letter is attached. You will note that we bring out the density of the area which has some 1400 lots up to now, and this proposal would increase the number of lots to approximately 2,000. The Freese-Nichols-Endress report on the Comprehensive Waste Water Study on the Highland Lakes System states that most of the area along the lakes, particularly in this stratified and fractured limestone area, the septic tank effluent is in all probability entering the lake or an underground water supply. As noted in this report to Dick Lillie, we felt that we should not increase the possibility of polluting the lake.
- "6. On March 26 we requested the State Health Department to review their files and give us the information listed on this exhibit. Their answer is attached as Exhibit 7. Sampling of the supply was only made after a letter was sent to the management in February and samples were taken at that time and analyzed. Robert R. Smith submitted sample #186524 for chemical analysis on March 11. The chemical analysis is reasonably good on this well with the exception that iron is listed as 0.4 where the recommended limit is 0.3 The sulfate was listed at 299 mg/l when the standards consider 250mg/l as a limit. The dissolved solids were also 950 against a desirable 500 maximum. This is not considered serious, but the fluoride level was 2.5mg/l, which is more than twice the recommended standard, thus under

C8-71-135 Apache Shores, Section 6--Contd.

provisions of the Drinking Water Standards for Interstate Water Supplies of the Public Health Service, and the Texas Health Department standards for approval of water supplies, this should be prohibited as a public drinking water source without reduction or dilution by an approved water supply because of dangers of dental mottling.

"7. See attachment to Exhibit 6." (chemical analysis)

"8. We conferred with Dr. William Fisher of the Department of Economic Geology, which has been mapping the area soil and geologic conditions along Lake Austin and Lake Travis. In their opinion, this area is not suitable for septic tanks, as they feel that with any subdivision developments density will be reached which would likely cause overflow and that where septic tanks are now considered operating satisfactorily, the effluent is reaching any shallow private water supplies and/or one of the lakes. From: John V. Sessums, Jr., M.D., Director"

Mr. Walter Foxworth, Supervising Planner with the Planning Department, presented background on Apache Shores, Section 5. The Preliminary subdivision was approved and the final plat was submitted. Several meetings between the applicant, Legal Department, Health Department and the Planning Department were held before a final decision for a recommendation by the staff and all departments was reached and presented to the Planning Commission. Section 5 was disapproved by the Planning Commission pending the provision of a restriction on the face of the final plat prohibiting the construction on any lot prior to the approval of plans and specifications of the Health Department of the septic tank on any given lot and for a letter from the State Health Department on the approval of the water supply and system. These conditions were met and the plat was recorded at a later date.

The staff presented Departmental comments on the Apache Shores, Section 6 Subdivision.

1. A variance is required on the length of Platte Pass cul-de-sac. Recommend that variance not be granted and that the street be extended to the south property line to provide access and circulation into adjoining property.
2. A variance is required on the length of Blocks T, W and X. Recommend variance be granted except as indicated in #1 above, because of topography.
3. A 25 foot building setback line is required along the entire frontage of Lot 18, Block Y; Lot 78, Block 5; Lot 31, Block V; and Lot 49, Block W.
4. No sidewalks are required as the subdivision is classified as suburban.

Dr. Charles Groat with the Bureau of Economic Geology at the University of Texas presented some facts concerning septic tanks in a limestone terrain and the problems the present. To operate properly a septic tank must get rid of the effluent, it must be filtered and made to disappear into the ground. In order for these two processes to take place the septic tank must be in a terrain that will do both of these things. Making it disappear is not the same as filtering it and taking out the contaminants. It may disappear only to reappear in a lake or come up from the ground which is the problem in a limestone terrain, particularly in our climatic area where there are no thick soils. The limestone materials are generally impervious. The limestone beds hold water and effluent that do not pass down or filter. The effluent remains as it left the septic tank until the bed is overloaded and creates seepage into other areas and lakes. Another problem in the area surrounding the lake is the attitude of the beds which is toward the east at about ten feet per mile so that as the beds overflow the effluent flows toward the lake. In many areas there is a requirement of not more than 10% slope

C8-71-135 Apache Shores, Section 6--Contd.

for a septic tank. The limestone beds just do not have the physical properties that septic tanks were intended to operate in. A combination of lack of filtering medium, no permeability, and the attitude of the slope make the limestone beds of this area very poor host rock, as they would be in any area without sufficient soil coverage.

Mr. Foxworth then presented the staff recommendation. In other subdivisions where the Health Department has said that septic tanks will not work, and withheld their approval pending availability of public sewer or a central collecting and disposal system, the staff has recommended to the Planning Commission that these preliminary plans be disapproved pending the availability of such a system. Two such cases are Decker Lake Estates in 1970 where soil conditions, based on percolation tests, were found to be unacceptable for septic tanks. and Kennedy Ridge Estates, Section Two in 1970 where soil conditions were similar and there was no supply of public water and the size of the lots was not suitable for individual wells. Based upon these previous recommendations and actions of the Department and the Planning Commission with respect to the denial of preliminary plans where septic tank use is not recommended by the City-County Health Department; and based upon the premise that the Planning Commission, in their approval of subdivision plats, provides that the lots be developable; and based upon the importance of the protection of the water supply of the City of Austin from further pollution it is recommended that the preliminary plan for Apache Shores, Section 6 be disapproved pending availability of public sewer or a central collection and disposal system with a package treatment plant. The central collection and disposal system and package plant must be approved by the State Health Department with a permit issued by the Texas Water Quality Board.

Mr. Tom Curtis, representing the applicant stated that there are now twenty-eight residences on Sections 1 through 5 of Apache Shores with septic tanks that have been approved by the Austin-Travis County Health Department. In 1967 Apache Shores started selling land and have sold about 1200 lots and as of now there are twenty-eight houses and thirteen trailers; of the total of forty-one there are sixteen which are regular permanent residences, the others are weekend or less. That is about 1 1/2% in five years of the 1200 lots that have been sold. Eventually there will be some sort of central system. Section 6 has been laid out so that when such a system comes along it can be attached. The reports mentioned by Dr. Sessums did not say "there shall be no more septic tanks". We have gone further than the Departments requirements in stating that no building shall be started prior to approval of a septic tank and system by the City-County Health Department, this is in the contract and on the plat. Any guidelines laid out in the plat and subdivision ordinance have been met. Any laid out by any other resolution or ordinance have been met. Mr. Curtis read from Vernon's Texas Civil Statutes, Section 4 of Article 974a:

"If such plan or plat, or replat shall conform to the general plan of said city and its streets, alleys, parks, playgrounds and public utility facilities, including those which have been or may be laid out, and to the general plan for the extension of such city and of its roads, streets and public highways within said city and within five miles of the corporate limits thereof, regard being had for access to and extension of sewer and water mains and the instrumentalities of public utilities, and if same shall conform to such general rules and regulations, if any, governing plats and subdivisions of land falling within its jurisdiction as the governing body of such city may adopt and promulgate to promote the health, safety, morals or general welfare of the

C8-71-135 Apache Shores, Section 6--Contd.

and the safe, orderly and healthful development of said community (which general rules and regulations for said purposes such cities are hereby authorized to adopt and promulgate after public hearing held thereon), then it shall be the duty of said City Planning Commission or of the governing body of such city, as the case may be, to endorse approval upon the plan, plat or replat submitted to it."

Mr. Curtis stated that the applicant is agreeable to all departmental requirements with the exception of the central collection system. He stated that he could not find anywhere a law where a requirement can be made of a subdivider that he has to agree to a central system prior to the approval of a plat if all other requirements have been met. He also stated that, as far as he knows, no tests on Section 6 or any other section of Apache Shores have been made by the University of Texas or the Austin-Travis County Health Department, other than those made for individual septic tanks. He asked why other subdivisions with septic tanks had been approved along the lake. The applicant would simply like to have tests on his own property. They are requesting an opportunity to have tests on an individual basis like anyone else. He stated that the law is clear on the matter.

Mr. Don Wolf, Assistant City Attorney, stated that the State Statute read by Mr. Curtis is the authority by which the Planning Commission is bound to operate. The City Ordinances do not cover the field as well as they should. The only remedy now is for the City-County Health Department, after the fact, to go out one by one and approve or disapprove each septic tank. We (the City) are probably bound to what the applicant has presented. A recommendation should be made to the City Council for some changes in the ordinances. Mr. Wolf did not know whether or not the Planning Commission would be in violation of this law if the subdivision was not approved. He could not find any cases where such an issue had been taken to court.

Dr. Sessums, Director of the City-County Health Department, stated that the statements made in his letter are opinion and Department policy not law. He stated that septic tanks will not be allowed along the lake where the underlying geology is not acceptable.

Mr. Curtis stated that beyond 2,000 feet there is no requirement prohibiting septic tanks or lot size and much of this land is beyond 2,000 feet, half or more. On a previous section the applicant agreed that there would be no construction on the first tier of lots until a central collection system is installed.

Mr. Crier pointed out that if the Planning Commission does its "duty" and approves this subdivision and then if the City-County Health Department does its duty and disapproves septic tanks it seems that we (the Planning Commission) are passing the problem on to the property owner.

Mr. Curtis stated that this was not the case because before building can begin the owner must have approval of a septic tank for the property. Dr. Sessums will still have the ultimate say over whether or not septic tanks go in on the property. What he is proposing is a central collection system that will serve these 200 some odd lots. He knows that if we were to put in such a system tomorrow it would not work. There is not enough development out there for it to work. It would have to be primed with outside water in order for it to work and it will be many years before the situation will be any different. Dr. Sessums does not want any septic tanks out there at all.

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C8-71-135 Apache Shores, Section 6--Contd.

Mr. Hoyle Osborne, Planning Consultant, recognized that the Planning Commission's prime concern is the health, safety and public welfare of the people of Austin. In his opinion, it is crucial to the Planning Commission that any legal advice or opinions should be submitted in writing. He pointed out that the Planning Commission is faced with having to work within the framework of its legal authority as is the City-County Health Department Director.

Mr. Curtis said that he thought that if his client had to abide by the law then the Planning Commission was obligated to do so also.

Dr. Sessums stated that Mr. Curtis has reported that we (the City-County Health Department) have approved other septic tanks out there, if we have approved others it was done prior to the development of this information of the hazards to the water of the lakes. Although the applicant has submitted a plat restriction he apparently has not been enforcing these restrictions. The Department has been unable in the past to enforce any plat restriction anywhere.

Mr. Milstead stated that this property was purchased prior to the City of Austin being given the responsibility for subdivisions five miles from the shore line of the lakes and when this property first came in we realized that and did the best we could to work with the developer. At the subdivision meeting prior to this meeting we were concerned with this problem. At that time they had not laid out their plans so that it could encompass a package plant and system. If Mr. Curtis and Mr. Wolf say we have a duty to approve this subdivision, we also have a duty to render unbiased and diligent service to the public in the interpretation of public needs and the necessities of the desire of the majority of the citizenship in the development of the City of Austin. I could not be in favor of an affirmative action on this.

Mr. Kinser suggested that some sort of provision be made for the future hook-up to a central system similar to the City requirements when a sewer line is laid in an area that has been served by septic tanks.

The Commission then

VOTED: To APPROVE the preliminary subdivision of APACHE SHORES, SECTION SIX, granting a variance on the length of Blocks T, W and X, subject to departmental requirements in accordance with staff recommendations.

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

FINAL SUBDIVISION PLATS - FILED AND CONSIDERED

C8-71-73 Summerlawn, Section 2
Shaded Way

The staff reported that this plat has been before the Commission before and all requirements have not been met. The staff recommendation is that the plat be accepted for filing and disapproved pending departmental requirements, the fiscal arrangements and easements. The owners have requested an opportunity to discuss with the Commission the stipulations of the departmental report by the Traffic and Transportation Department.

C8-71-73 Summerlawn, Section 2--Contd.

Mr. Arthur Merchant presented plats to the Commission showing that the streets had been laid out as they are to preserve trees. If the streets are realigned as recommended by the Traffic and Transportation Department many trees will have to be taken out.

The Commission then unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of SUMMERLAWN, SECTION TWO, subject to departmental requirements with the exception of Traffic and Transportation, to fiscal arrangements and easements.

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

ABSENT: Mr. Becker

The staff reported that this is the first appearance before the Commission of the following final plats. They lack departmental requirements, and it is recommended that they be accepted for filing and disapproved, pending specific conditions as listed. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the following final plats:

C8-69-87 Village Oaks
U. S. Highway 183 and Shady Oaks Drive

C8-71-126 Onion Creek Plantations, Section 1
Knuckles Crossing Road

C8-71-149 Devonshire Park, Section 4
Lovell Drive and Chartwell Drive

C814-71-06 Rock Cove at Lakeway
Knarr and Morning Cloud

These four plats are pending compliance with departmental requirements and current tax certificates.

C8-69-114 Colorado Hills Estates, Section 6
Blair Hill Drive south of Crooked Lane

This is pending the fiscal arrangements required.

C8-71-52 Crystalbrook, Section 2
Crystalbrook Drive and Milrace Drive

C8-71-127 Lakeway, Section 18
Explorer and Morning Cloud

C8-71-128 Hillside Vista
off Bee Caves Road at Eanes Road and Hillside Court

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Final Subdivision Plats - Filed and Considered--Contd.

C8-71-139 Oak Forest, Section 1
U. S. Highway 183 and Oak Forest Drive

C8-71-148 Westwood, Section 7
Westbrook Drive and Indian Springs

These five plats are pending compliance with departmental requirements.

C8-71-75 The Great Hills - A
Loop 360 and Great Hills Trails

This is pending compliance with departmental requirements, fiscal arrangements and the fiscal arrangements for sidewalks.

C8-71-116 Onion Creek Forest, Section 1
Pleasant Valley Road and Onion Creek Drive

This is pending compliance with departmental requirements and the fiscal arrangements.

C8-71-132 The Village - 1st Resubdivision
Blarwood Drive and Berkett Drive

This is pending compliance with departmental requirements and the Berkett Drive right-of-way is required to line up with the existing Berkett Drive at Blairwood Drive.

C8-71-133 Westover Hills, Section 3, Phase 6
Mesa Drive and U. S. Highway 183

This is pending compliance with departmental requirements, fiscal arrangements required, easements required, and the fiscal arrangements for sidewalks that are required.

C8-71-142 The Brook
Interstate Highway 35 and Woodland Avenue

C8-71-145 Rosewood Village, Section 8
Pleasant Valley Road and Nile Street

These two plats are pending compliance with departmental requirements, fiscal arrangements, easements and current tax certificates.

C8-71-146 Windsor Hills, Section 5
Woodglen Drive and Warrington Drive

This is pending compliance with departmental requirements and easements.

Final Subdivision Plats - Filed and Considered--Contd.

C8-71-150 Cherry Creek Commercial II
Westgate Boulevard and Stassney Lane

This is pending compliance with departmental requirements, annexation and zoning are required prior to final approval and the lot at the northeast corner of Westgate Boulevard and Stassney Lane must be deleted as it was not approved on the Preliminary Plan

The staff reported that the following plats have been before the Commission in the past and have met will all departmental requirements; it is recommended that they be approved. The Commission then unanimously

VOTED: To APPROVE the following plats.

C8-71-02 Creek Bend, Section 1
Knuckles Crossing Road

C8-71-84 Balcones Village, Section 10
Spring Hollow and Jolly Hollow Drive

C8-71-92 Flournoy's Sweetbriar, Section 9
Hollywood Drive and Glen Meadow Drive

C8-71-104 Babyland North
Memory Lane

C8-71-114 Rock Hill
Mustang Chase and Ponderosa Parkway

C814-71-01 The Park at Quail Creek
Rutland Drive

SHORT FORM PLATS - FILED AND CONSIDERED

The staff reported that the following six plats have been before the Commission in the past and have met all requirements; it is recommended that they be approved. The Commission then unanimously

VOTED: To APPROVE the following short form plats:

C8s-71-74 Willie C. Garcia Subdivision
Cooper Lane

C8s-71-181 First Resubdivision of Wooten Village, Section 8
U. S. Highway 183 and Ohlen Road

C8s-71-214 Wayne T. Dayton Subdivision
Shoal Creek Boulevard and Cross Creek Drive

C8s-71-220 Second Resubdivision of Colorado Hills Estates, Sec. 5
Burton Drive and Riverside Drive

C8s-71-235 Lanford Subdivision
U. S. Highway 183

Short Form Plats - Filed and Considered--Contd.

C8s-71-242 Benoit-Bailey Addition
 Luck singer Lane and East St. Elmo Road

C8s-71-248 Ben White Industrial Park
 Woodbury Drive

This is the first appearance of this plat before the Commission. It has met all departmental requirements and requirements of the Ordinance. It is recommended that it be accepted for filing and approved. The Commission then unanimously

VOTED: To ACCEPT for filing and APPROVE the short form plat of the BEN WHITE INDUSTRIAL PARK.

The staff reported that the following plats are appearing for the first time before the Commission. Departmental reports are lacking and it is recommended that these plats be accepted for filing and disapproved, pending specific conditions as listed. The Commission then unanimously

VOTED: To ACCEPT for filing and DISAPPROVE the following short form plats:

C8s-71-249 Scenic Loop Subdivision
 U. S. Highway 183 and F.M. 812

This is pending current tax certificates.

C8s-71-251 First Resub. of Taylor Glass Subdivision
 South Congress Avenue

C8s-71-254 First Resub. of Lots 2 and 3, Block 2, Porter Subdivision
 Montopolis and Porter Street

C8s-71-259 Second Resub. of Lot 2, Block E, Delwood Terrace Commercial Area
 Gaston Place Drive

C8s-71-260 Resub of Lot 7 Kensington Park
 Carter Lane and Afton Place

These plats are pending compliance with departmental requirements.

C8s-71-255 Resub. of Lots 9 and 10, Block 10, Whispering Oaks
 Scenic Oaks Circle and Whispering Oaks Drive

C8s-71-258 Resub. of Lot 6, Georgian Acres Subdivision
 Capitol Drive

These plats are pending compliance with departmental requirements and current tax certificates.

Short Form Plats - Filed and Considered--Contd.

C8s-71-252 Cashion Subdivision
 State Highway 620

The staff explained that a variance is required to exclude the balance of the tract. Enough land will be left so that development of the adjacent property will not be jeopardized. The recommendation is that the variance be granted and the plat be accepted for filing and approved, as all other requirements have been met. The Commission then unanimously

VOTED: To GRANT the variance to exclude the balance of the tract, and ACCEPT for filing and APPROVE the short form plat of CASHION SUBDIVISION.

The staff explained that a variance is required on the signature of the adjacent property owners for the following two tracts. The applicants were requested to get the signatures and have been unable to do so, a letter to that effect is in each respective file. The recommendation is that the variance be granted and the plats be accepted for filing and approved, as all other requirements have been met. The Commission then unanimously

VOTED: To GRANT the variance on the signature of the adjacent property owners and ACCEPT for filing and APPROVE the short form plats of

C8s-71-253 M. S. Z. Estates
 Leon Street

C8s-71-257 Wheeler's Addition
 Harvey Street and East 17th Street

C8s-71-256 Steinbluff
 Bluff Springs Road.

The staff explained that a variance is required on the width of Lot 2. The lot is outside the City limits which, according to the ordinance, requires a sixty foot width for a septic tank. The lot is "L" shaped and the required width across the front cannot be acquired. The recommendation is that the variance be granted, with a set back line as shown on the plat, and the plat be accepted for filing and approved. The Commission then unanimously

VOTED: To GRANT the variance on the width of Lot 2, with a set back line as shown on the plat, and ACCEPT for filing and APPROVE the short form plat of STEINBLUFF.

PUBLIC HEARINGS

C2-71-3 ZONING PLAN AND ORDINANCE: Mobile Home Plan
 Proposed Mobile Home Regulations

Mr. Richard Lillie, Director of Planning, addressed the Commission and stated that a draft of the Mobile Home regulations was brought before the Commission last month. The draft being in the form of two ordinances; 1) dealing with regulations within the zoning ordinance and 2) regulations within the Building Code. At the last meeting testimony was given by the Mobile Home Association

C2-71-3 ZONING PLAN AND ORDINANCE: Mobile Home Plan--Contd.

and its representatives and several other interested individuals. There were several suggestions for changes of wording in the ordinance as it was submitted. The draft has been revised and is before you at this meeting. There are two alternatives that are identified within the proposed ordinance. The first is that there be a special "MH" Mobile Home district much as we have the "C-2" Commercial district specifically for liquor stores and taverns. This special district would mean that if an applicant wishes to place a mobile home park, mobile home subdivision, or individual mobile home within the City he would be required to get the "MH" zoning. The second alternative is that a "MH" Mobile home district be established but that it work the same as all other districts. That the district be located between the "A" Residence and "BB" Residence apartment zoning districts and that all less restrictive districts than "MH" would allow the placement of a mobile home park, mobile home subdivision, or individual mobile home, much as the current ordinance operates. The Department asks that the Commission review these alternatives and identify the method that should be followed.

Mr. Will Ehrle, representing the Texas Mobile Home Association and the Austin Mobile Home Association, Chapter, stated that everything that was proposed at the last meeting has been worked out and the Association urges that the ordinance be adopted. The Association will support whichever alternative the Commission chooses but is more in favor of the second alternative so that a change would not be necessary if the applicant had property in a less restrictive district than "MH", this alternative would also save time.

Mr. Ken Zimmerman, representing the Austin Home Builders Association, reported that his Association would prefer to see the first alternative approved.

Mr. M. H. Crockett, Jr. stated that he would be in favor of the second alternative as it would save the Commission's time.

The question was raised whether or not the ordinance would allow a single mobile home to be placed on a lot within the City. Mr. Lonnie Davis, Assistant Director of Building Inspection, stated that this would be possible under the proposed ordinance but the mobile home would have to meet the Building Code requirements.

Mr. Paul Lindberg asked whether or not the ordinance might allow a nursing home corridor to open into a trailer or several trailers, so that mobile homes could be backed up to a nursing home and open into the corridor to allow for care of persons wishing to live in a unit of their own but who might need care. One such case would be where one member of the family needs nursing care and the other does not, as nursing homes are set up now the family would not be allowed to stay together. The limitation of a minimum of twenty mobile home units would be a disadvantage for nursing homes.

Mr. Lillie stated that if the mobile home was to be made an extension of a permanent corridor, as suggested, it could not be done under this ordinance.

Mr. Davis pointed out that most mobile homes do not comply with the Building Code; a modular building would possibly meet the requirements.

C2-71-3 ZONING PLAN AND ORDINANCE: Mobile Home Plan--Contd.

Discussion was held on various aspects of the ordinance. The Commission then unanimously

VOTED: To APPROVE the first alternate to the Mobile Home Ordinance, a special "MH" Mobile Home district.

The Commission then unanimously

VOTED: To RECOMMEND to the City Council that the Mobile Home Ordinance be approved.

C2-71-4 ZONING ORDINANCE: Interim Revisions
Revised Requirements for Day Care Centers

Mr. Richard Lillie, Director of Planning, presented the following revision of the Day Care Center ordinance.

In "SR" Residence zoning day care centers are not a permitted use but are an accessory use where no more than six children are kept, including the children of the resident family. A special permit is required on a minimum of one acre for up to fifty children or a portion thereof enrolled and an additional 500 square feet for each child in excess of fifty enrolled.

In "AA" Residence zoning day care centers are not a permitted use but are an accessory use where not more than six children are kept including the children of the resident family. A special permit is required on at least 10,000 square feet for up to ten children enrolled or portion thereof and 400 square feet for each child in excess of ten enrolled.

In "A" Residence zoning day care centers are not a permitted use but are an accessory use where not more than twelve children are kept including the children of the resident family, this requires at least 5750 square feet and the approval of the Department of Public Welfare. A special permit is required on at least 5750 square feet for up to twelve children enrolled or portion thereof, and 300 square feet for each child in excess of twelve enrolled.

In "BB" Residence zoning day care centers are a permitted use with at least 5,750 square feet for up to and including twelve children enrolled or portion thereof, and 300 square feet for each child in excess of twelve enrolled. This use also requires approval by the Department of Public Welfare. Day care centers are not an accessory use in this district and a special permit is not required.

In "B" Residence zoning day care centers are a permitted use under the same provisions as in "BB" Residence.

In "O" Office zoning day care centers are a permitted use.

Mr. Reeves requested that the wording under "B" Residence be changed to a permitted use. Mr. Lillie stated that this would not create a problem. The Commission then unanimously

VOTED: To RECOMMEND that this ordinance for day care centers, with the change in the wording of "B" Residence to "a permitted use" be APPROVED.

Public Hearings-Contd.

C2-71-4(f) AMENDMENT TO ZONING ORDINANCE

Consider amendment to Section 45-14 of the Austin City Code by deleting Sub-Section (c).

Mr. Richard Lillie, Director of the Planning Department, presented the Commission with a copy of the proposed amendment and recommended that the Commission postpone any action on it for thirty days.

The Commission then unanimously

VOTED: To POSTPONE action on the amendment to Section 45-14 of the Austin City Code for thirty days.

C2-71-4(g) AMENDMENT TO ZONING ORDINANCE

Consider amendment of Section 45-30 (c) of the Austin City Code in relation to the schedule for off-street parking requirements.

Mr. Richard Lillie, Director of the Planning Department, presented the Commission with a copy of the proposed amendment and recommended that the Commission postpone any action on it for thirty days.

The Commission then unanimously

VOTED: To POSTPONE action on the amendment to Section 45-30 (c) of the Austin City Code for thirty days.

OTHER BUSINESS

C2-71-1(f) AMENDMENT TO THE AUSTIN DEVELOPMENT PLAN

Approximately 38 acres located in southwest Austin on U. S. Highway 290 (South Lamar Boulevard), just west of Brodie Lane.

STAFF REPORT: This request by Mr. Elmer Cullers is for a change in the designation of approximately 38 acres from Low Density Residential to Commercial Service and Semi-Industrial uses. The property is located in southwest Austin between Oak Hill and Sunset Valley on U. S. Highway 290 approximately 600 feet west of Brodie Lane. The site is level and two industrial streets are planned, according to the applicant, to serve the rear area. Approximately twenty acres of this property is presently designated for Commercial Service and Semi-industrial use. The applicant's tract has 642 feet of frontage on U. S. 290. The area is predominantly vacant land in the immediate area with very little development in the Commercial Service area. At this time a radio transmitter is located on the eastern portion of the Commercial Service area. Immediately to the south of the site is an old subdivision named "Town and Country" that has never been developed. Farms are located along Brodie Lane and a mobile home park is located to the west of Hill Country Lane. A major residential development called Travis Country is proposed immediately across the highway from this site. The Mopac Expressway will terminate in this general vicinity as well as the Outer Belt Loop (Chunn Lane. Utilities can be made available to the site except no provision has been made for waste water treatment. The request, as submitted, is recommended for approval since it is an extension of an existing area; provided adequate internal streets or drives for truck circulation are provided on the site; with access to U. S. Highway 290 and that the adjoining subdivision to the south be protected through screening or providing a buffer area, in the way of a building set back line.

The applicant was present but declined to speak.

Mr. Cris Crow stated that he was representing an area property owner who was not in opposition or favor of the change but simply wanted to know what was being done. He pointed out that a number of owners of property around the subject tract were present as they did not know of the meeting or what a change might involve. He requested that a postponement be granted so that area owners could find out what is going on. He stated that he would like to know what the applicant plans for the tract.

Mr. John Phillips, whose property abuts the subject tract, asked that the hearing be postponed. He stated that he plans to develop his property with single-family residences, these plans were made in line with the Master Plan as it is now. He requested that when the case is heard again that it be denied in light of surrounding development.

Mr. Harold Kennedy also requested that the hearing be postponed.

Mr. A. S. Duncan, representing the applicant, stated that this request is a progressive movement of development. The property will be used for office and service. The highway operation that is to be developed in this area will call for such a service area and property this close to such a large intersection would not be desirable for residences. There will be a large residential area in Travis Country.

C2-71-1(f) Amendment to the Austin Development Plan--Contd.

Mr. Richard Lillie, Director of Planning, stated that there is no requirement for notification of surrounding property owners but the Department places a notice in the paper for two days prior to the hearing. If the request is postponed the same type of notification will appear in the newspaper.

The members discussed the situation and it was the general consensus that a more complete picture of the area and area changes should be provided so that they and the surrounding property owners might see how commercial development is moving toward this area. The Commission then

VOTED: To POSTPONE the request of Mr. Elmer Cullers for an Amendment to the Austin Development Plan for thirty days.

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

ABSENT: Mr. Becker

C2-71-1(g) AMENDMENT TO THE AUSTIN DEVELOPMENT PLAN

Approximately two acres located in northwest Austin, south of the old Burnet Highway (old U. S. 183), and approximately one-half mile west of the proposed Loop 360 (West Loop).

STAFF REPORT: This request by Mr. Frank L. Thompson for the Austin Ready Mix Concrete Company, is for a change in the Development Plan on approximately two acres of land presently designated as Suburban Residential to Manufacturing and Related Uses, i.e., industrial use. This use would be a plant to dispense Ready Mix Concrete for private and commercial use, to be delivered by trucks in the northern part of Austin and surrounding communities. The storage of material and equipment involves the dispensing of said products. The plant consists of a batching plant with dust control measures, two cement silos, an aggregate stock pile, control house and office, and the availability of nineteen Ready Mix trucks. This site was formerly used by Southwest Masonry Inc. The uses in the general area are somewhat limited although a residential development does exist in the immediate vicinity and adjacent to this tract. The area has quite a bit of open space and vacant land. The future of this site is obviously linked to the proposed school site and the Baker-Jones-Crow development plans for this area. The applicant proposes to use the tract for a concrete batching plant that is presently located in the industrial area located on FM 1325. They want to reduce their travel time, costs and be more convenient to this rapidly developing area. The areas on either side of old U. S. 183 have developed with many kinds of uses. Offices, mobile home parks, manufacturing, warehousing, but the predominate use is still residential. Polyplastics Inc. asked for Industrial designation several years ago on new U. S. 183 and still have not used their site. The greatest impact on this immediate vicinity has been the Baker-Jones-Crow proposal and the location of a junior high school site south and west of this location. The proposed plant must be carefully considered in relation to the residential development presently planned in the area. It should also be pointed out that while water and electric service are available at the site, there is no sewer system available. It is recommended that this request be denied. This area west of old U. S. 183 is presently considered one of the most desirable residential areas of Austin. The introduction of such a heavy industrial use into this area would be detrimental to its future development and the character of the neighborhood. An area of 3,000 acres is designated Industrial and available to the east along the new U. S. 183. This area should be considered along with the Baker-Jones-Crow area study and the land use forecasts for this area of Austin.

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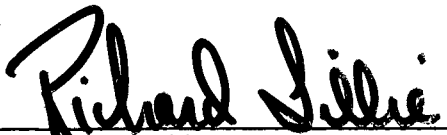
C2-71-1(g) Amendment to the Austin Development Plan--Contd.

Mr. James Spencer, representing the applicant, presented a letter to the Planning Commission from Mr. A. W. Howard, Area Manager for the Great Hills Addition; stating that he had no objection to the location of a batching plant on this site, in fact he hoped that it would be approved to provide an outlet for the Ready Mix Concrete close to the Great Hills Addition to supply its needs. Mr. Spencer further stated that they would like to have a yes or no answer at this meeting. There is a ready mix plant about a quarter of a mile from the property.

Discussion was held on the land use in the area. There are residences to the north and west. The batching plant in the area is a non-conforming use. The Commission then unanimously

VOTED: To DENY the request for a Master Plan change, but to see if there are any ways in which the staff and the applicant can work out some alternative before the public hearing before the City Council.

ADJOURNMENT: The meeting was adjourned at 12:45 a.m.



Richard R. Lillie
Executive Secretary