

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- February 8, 1972

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

Present

William Milstead, Chairman  
David Barrow, Jr.  
Charles Betts  
Walter Chamberlain  
Royce Faulkner  
C. W. Hetherly  
Jean Mather  
Buford Stewart  
Alan Taniguchi

Also Present

Richard Lillie, Director of Planning  
Jack Alexander, Assistant Director of Planning  
Luther Polnau, Planner I  
Walter Foxworth, Supervising Planner  
Jerry Harris, Assistant City Attorney  
Charles Graves, City Engineer  
Joe Ternus, Director of Traffic and Transportation  
Andrea Winchester, Secretary II

ZONING

The following zoning changes were considered by the Zoning Committee at the meeting of February 1, 1972.

Present

Alan Taniguchi, Chairman  
David Barrow, Jr.  
Charles Betts  
Royce Faulkner  
C. W. Hetherly

Also Present

Jack Alexander, Asst. Dir. of Planning  
Al Baker, Zoning Administrator  
Andrea Winchester, Secretary II

C14-71-302      Ralph Vertrees: A to BB (as amended)  
2301-2303 Polaris Avenue  
8614 Bowling Green Drive

STAFF REPORT: This application was heard in January, 1972, and has been scheduled for rehearing at the request of the applicant. The subject tract is located in north Austin, and covers an area of 13,418 square feet, with proposed use of a package store. Polaris Avenue has fifty feet of right-of-way, with approximately twenty feet of surfacing with no curb and gutter.

To the south and east "A" Residence zoning exists, with predominately well-maintained single-family homes; at the east end of Polaris Avenue is "BB" Residence zoning. Adjacent to the west "C-2" Commercial zoning and use is developed, with additional "C" Commercial zoning to the north and south along Burnet Road. To the north of Polaris Avenue, Interim "A" Residence zoning, with non-conforming uses of miniature golf course, a warehouse, and a driving range developed prior to annexation.

The staff recommends that this case be denied. The requested zoning would be a strong intrusion into this residential area, and could set a precedent for non-residential development on other undeveloped lots on Polaris Avenue. Polaris Avenue has very narrow surfacing, eighteen feet in some sections, and dead ends three blocks east of Burnet Road. It is classified as a minor residential street, designed for low-density use only, as are the other streets in this subdivision. Since Polaris Avenue is a dead end street some of the traffic generated by the non-residential use would employ these narrow residential streets for access to Burnet Road, competing traffic-wise with the residents. In addition, Lanier Junior High School is located a short distance to the south-east of this tract.

#### TESTIMONY

##### WRITTEN COMMENT

Ruben H. Johnson: P. O. Box 1237

FOR

##### PERSONS APPEARING

Mr. & Mrs. Ralph W. Vertrees: applicant

Glenn Cortez: representing the applicant

Mr. & Mrs. Robert Cozad: 8604 Hathaway Drive

AGAINST

J. W. Savage: 8600 Hathaway Drive

AGAINST

Mr. & Mrs. James D. Turner: 8611 Bowling Green Drive

AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Glenn Cortez, representing the applicant, stated that the applicant wishes to amend his application from "C-2" Commercial to "BB" Residence, First Height and Area. The owner feels that this type of zoning is the only way he can make any reasonable use of his property. There is "C" Commercial all along Burnet Road. "BB" Residence zoning exists at the east end of Polaris Avenue, a tavern abutts one of the lots to the west and a miniature golf course is directly across the street. Many of the houses in the area are non-owner occupied.

C14-71-302      Ralph Vertrees--Contd.

Due to the intensive zoning in the area the applicant does not feel that "BB" Residence zoning is an unreasonable request. Apartments would provide a buffer between the "A" Residence zoning and the "C" and "C-2" Commercial zoning along Burnet Road. Eight units could be put on these two lots with "BB" Residence zoning, but the owner would probably not use that density. Apartments on this site would not necessarily add to the traffic along Polaris Avenue due to the proximity of Burnet Road. If some zoning relief is not given these lots they will likely remain vacant.

Mr. Ralph Vertrees, applicant, stated that several lots along Polaris Avenue are vacant and the lot next to these two lots on Bowling Green Drive is also vacant. He would like very much to get some use out of this property and apartments would be a shield to the rest of the neighborhood from the tavern.

#### Arguments Presented AGAINST:

Mr. James Turner, 8611 Bowling Green Drive, stated that he is opposed to a multiple unit dwelling across the street from his home. The large apartment complex to the east is separate from this subdivision due to the railroad tracks, and there is no access to Polaris Avenue from that apartment area. Polaris Avenue has no curb or gutter and has deteriorated considerably due to the apartments at the end of the street.

Mrs. Robert Cozad, 8604 Hathaway Drive, stated that this has been a quiet street and the residents would like to see it stay that way and that Polaris Avenue cannot stand the added traffic.

#### Arguments Presented In REBUTTAL:

Mr. Cortez pointed out that Mr. Vertrees is entitled to a reasonable use of his land. In his opinion, a nice apartment house would be more pleasant for Mr. Turner to look at than the back of a tavern and parking lot. Should Polaris Avenue be assessed for curb and gutter he could see no reason why Mr. Vertrees should have to pay for such an assessment on a vacant lot that he cannot use, but curbing and guttering for an apartment house would be another matter.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and expressed concern for allowing "BB" Residence zoning along the south side of Polaris Avenue and the east side of Bowling Green Drive. The Committee concluded that this request should be granted, subject to right-of-way of five feet for Polaris Avenue and five feet for Bowling Green Drive.

AYE:        Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly.

The Commission concurred with the Committee recommendation and

VOTED:     To recommend that the request of Ralph Vertrees for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area, as amended, for property located at 2301-2303 Polaris Avenue; 8614 Bowling Green Drive be GRANTED, as amended, subject to five feet of right-of-way on Polaris Avenue and five feet of right-of-way on Bowling Green Drive.

C14-71-302      Ralph Vertrees--Contd.

AYE:            Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly,  
                 Stewart, Taniguchi and Mrs. Mather.

C14-72-001      Jacob Castillo: A to B  
                 1611 Old Lockhart Highway

STAFF REPORT: This application is on a tract of land in southeast Austin containing 26,000 square feet, and is proposed for apartment development. Old Lockhart Highway has one hundred feet of right-of-way and the Old Austin-Del Valle Road has fifty feet of right-of-way. The tract is an area bounded by U. S. Highway 71 to the northwest, Riverside Drive to the south, and the Old Lockhart Highway and Old Austin-Del Valle Road to the east. "GR" General Retail zoning is adjacent to the north, with "C" Commercial zoning to the west across Old Lockhart Highway. Further to the west on Dalton Lane is "B" Residence zoning and use.

The staff recommends that this request be granted, subject to right-of-way to be determined by the Public Works Department on Old Austin-Del Valle Road, as the requested zoning is compatible with the mixed zoning in this area.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING

Jacob Z. Castillo: applicant

#### SUMMARY OF TESTIMONY

Mr. Jacob Z. Castillo, applicant, stated that he felt this was a good location for "B" Residence zoning due to the fact that it abutts two highways. He is willing to comply 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 should be granted, subject to right-of-way to be determined by Public Works on Old Austin-Del Valle Road.

AYE:            Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly.

The Commission concurred with the Committee recommendation and

VOTED:        To recommend that the request of Jacob Z. Castillo for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1611 Old Lockhart Highway be GRANTED, subject to right-of-way on Old Austin-Del Valle Road to be determined by Public Works.

C14-72-001 Jacob Castillo--Contd.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly,  
Stewart, Taniguchi and Mrs. Mather

C14-72-002 Mrs. Sam Silberstein: C, 1st to C, 5th  
1611 North Interstate Highway 35

STAFF REPORT: The subject tract has sixty-five feet abutting the frontage road of Interstate Highway 35 running one-way to the north; the tract totals 15,526 square feet and will be developed with uses allowed under the requested zoning. All property in this block fronting Interstate Highway 35 is zoned "C" Commercial; the majority of the land from 7th - 14th Streets and 19th Street northward is zoned Second Height and Area. While the requested height and area is consistent with this area, the staff cannot recommend this request, as approximately sixty per cent of the tract falls with the right-of-way required for the double-decking of Interstate Highway 35, and all of this tract will fall with the Crosstown Expressway right-of-way.

#### TESTIMONY

#### WRITTEN COMMENT

Mrs. Sam Silberstein: applicant  
Anna Sasswender: P. O. Box 6121

FOR

#### PERSONS APPEARING

Paul D. Jones: representing the applicant

#### SUMMARY OF TESTIMONY

Mr. Paul Jones, representing the applicant, stated that the front section of this property has already been deeded for the Interstate Highway 35 right-of-way. The Crosstown Expressway is not a reality and may not be for ten to fifteen years, and then may not take this piece of property. In Mr. Jones' opinion, the possibility of the Crosstown Expressway taking this property is no reason to hold it back.

No one appeared in opposition to this request.

#### COMMENTS AND ACTION BY THE COMMITTEE

Mr. Jack Alexander, Assistant Director of Planning, stated that this area of the Crosstown Expressway is not within the next ten year plan for construction. The Committee reviewed the information and concluded that this request should be granted, as this height and area would be consistent with surrounding height and area zoning.

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly.

C14-71-002      Mrs. Sam Silberstein--Contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Mrs. Sam Silberstein for a change of zoning from "C" Commercial, First Height and Area to "C" Commercial, Fifth Height and Area for property located at 1611 North Interstate Highway 35 be GRANTED.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

C14-72-003      Sam Winetroub: A, 1st to B, 2nd  
3205 Helms Street

STAFF REPORT: The subject tract is located in central Austin on Helms Street, which has sixty feet of right-of-way, and covers 6,500 square feet of land. The area east of Speedway is predominately zoned and developed with apartments. To the west across Helms Street and to the south is "B" and "BB" Residence zoning; to the north across East 33rd Street additional apartment zoning exists. The blocks to the immediate west, east and one-half block to the south are zoned second height and area. The staff recommends that this case be granted, as it is compatible with existing zoning and use in this area.

#### TESTIMONY

#### WRITTEN COMMENT

Mrs. Clark C. Campbell: 101 West 33rd Street  
Jerrold S. Buttrfy: 103 West 33rd Street  
Stella M. Hofheinz: P. O. Box 1987

AGAINST  
AGAINST  
NO OBJECTION

#### 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 granted as a logical extension of existing zoning and use.

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Sam Winetroub for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3205 Helms Street be GRANTED.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

C14-72-004      John T. Schneider, Jr.: A to GR (as amended)  
700-702 Blackson Avenue  
7401-7405 Martin Avenue

STAFF REPORT: Located in north Austin, the subject tract covers 15,000 square feet of land. Blackson and Martin Avenues each have fifty feet of right-of-way; Blackson Avenue is surfaced to thirty feet; Martin Avenue is unpaved, and both are classified as minor residential streets. This area is zoned "A" Residence, and is developed with single-family dwellings to the north, west, and southwest. Two mobile homes, each on a separate lot, exist south across Blackson Avenue from the subject tract. The entire area is served by narrow minor residential streets, some of which are not paved. In 1968 a rezoning request to "C" Commercial was submitted on two lots to the north on Delmar Avenue for the purpose of expanding an automotive operation. The Planning Commission recommended denial of the application as an intrusion, and it was withdrawn prior to City Council.

During 1971, a multi-lot application was submitted requesting "B" Residence zoning on Delmar and Blackson Avenues for the purpose of constructing apartments. There was strong opposition in the form of notarized petitions and neighborhood attendance at the Zoning Committee level. The Planning Commission recommended denial, as too intense use for an area not designed for such development. The City Council concurred with denial. The staff recommends that this case be denied as an encroachment into a single-family area. It is felt that the granting of commercial zoning will lead to the creation of a buffer zone of apartments. This area is not designed for other than single-family dwellings and duplexes.

#### TESTIMONY

##### WRITTEN COMMENT

Harold Corriner: 7407 Martin Avenue  
Elnora Kincheon: 905 Concho Street  
Gladys Wilson Butler: 1400 Concordia Avenue  
B. O. Bozeman: 3508 Greenville Avenue  
Dallas, Texas

FOR  
FOR  
FOR  
FOR

Nearby Resident  
Sam White: 607 Blackson Avenue  
Lucinda White: 607 Blackson Avenue

AGAINST  
AGAINST  
AGAINST

##### PERSONS APPEARING

Mr. John T. Schneider, Jr.: applicant  
Rev. & Mrs. J. J. Dixon: 608 Delmar Avenue  
Mr. & Mrs. Sam White: 607 Blackson Avenue  
Mr. & Mrs. Willie Lee Roberts: 510 Blackson Avenue  
Rubyie Shanklin: 504 Blackson Avenue  
S. F. Giddings: 511 Delmar Avenue  
Mary Jane Taylor: 601 Delmar Avenue  
Arvina Ellison: 603 Blackson Avenue

AGAINST  
AGAINST  
AGAINST  
AGAINST  
AGAINST  
AGAINST  
AGAINST

C14-72-004 John T. Schneider, Jr.--Contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. John T. Schneider, Jr., applicant, pointed out that there are commercial uses within 150 feet to the south and west and within 180 feet to the north. He would like to build a shop for selling and servicing commercial laundry equipment; there would be a small display area with the rest of the shop being used for servicing. Trucks would be parked on the site at night.

## Arguments Presented AGAINST:

Rev. Joe Dixon, 608 Del Mar Avenue, stated that this is a residential area although commercial uses have been moving in on all sides. The residents do not want spot zoning in the area. Some of the people living in the area are in favor of the complete subdivision, from Avenue G to Interstate Highway 35, being rezoned as "C" Commercial, but were against zoning just a portion of the area other than "A" Residence.

Mr. W. L. Roberts, 510 Blackson Avenue, concurred with Rev. Dixon.

Four area residents stated that they are not in favor of the entire area being rezoned "C" Commercial.

## Arguments Presented In REBUTTAL:

Mr. Schneider stated that he did not think the type of building he has planned for this tract would be a drawback to the neighborhood. He presented pictures showing that some of the residents have wrecking equipment and junk cars on their property. His business would not be open at night.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as spot zoning and not large enough to be contiguous to "LR" Local Retail and "C" Commercial zoning along Interstate Highway 35.

AYE: Messrs. Taniguchi, Barrow, Faulkner and Hetherly  
NAY: Mr. Betts

Mr. Schneider was present at the Commission meeting and requested that his application be amended to "GR" General Retail, First Height and Area. Members of the Commission did not feel that this was to be considered as new evidence as it did not change the nature of the case as being spot zoning. The Commission requested that the staff prepare an area study of the surrounding area. The Commission then

VOTED: To recommend that the request of John T. Schneider, Jr. for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area, as amended, for property located at 700-702 Blackson Avenue and 7401-7405 Martin Avenue be POSTPONED for one month for an area study.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather



C14-72-005      Texaco, Inc.: C, 1st to C, 5th  
4547-4563 U. S. 290 West

STAFF REPORT: This request is for the erection of a five foot, six inch module sign on an area of 1,050 square feet of a tract covering 22,464 square feet. "C" Commercial zoning and use exist to the west, south, and east, with undeveloped land to the north which is outside the City limits. The staff recommends that this case be granted, as consistent with the area. This site fronts on a major highway, and the height and area requested is consistent with previous cases.

#### TESTIMONY

##### WRITTEN COMMENT

None

##### PERSONS APPEARING

Felix Kneuper: representing the applicant

#### SUMMARY OF TESTIMONY

No one spoke 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 granted, as being consistent with height and area granted under similar circumstances.

AYE:        Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED:     To recommend that the request of Texaco Inc. for a change of zoning from "C" Commercial, First Height and Area to "C" Commercial, Fifth Height and Area for property located at 4547-4563 U. S. 290 West be GRANTED.

AYE:        Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

C14-72-006      Texaco, Inc.: GR, 1st to GR, 5th  
600 East Anderson Lane

STAFF REPORT: The subject tract is located on East Anderson Lane (U. S. 183) and is a portion of a tract containing approximately 36,000 square feet. The applicant is requesting the zoning of 1,050 square feet to fifth height and area for the erection of a sign. This tract is one lot from the intersection of Interstate 35, U.S. Highway 183, and Ed Bluestein Boulevard. All four corners of this intersection are zoned commercially, ranging from "O" office to "C" Commercial, "GR" General Retail and "D" Industrial. The staff recommends that this case be granted, as consistent with the area.

C14-72-006      Texaco, Inc.--Contd.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING

Felix Kneuper: representing the applicant

## SUMMARY OF TESTIMONY

No one spoke 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 granted, as being consistent with height and area granted under similar circumstances.

AYE:        Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED:        To recommend that the request of Texaco Inc. for a change of zoning from "GR" General Retail, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 600 East Anderson Lane be GRANTED.

AYE:        Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

<u>C14-72-008</u>	<u>Earl Eastburn: LR (Tr. 1); C (Tr. 2) to GR (Tr. 1); C-2 (Tr.2)</u>
	Tract 1            2211 Richcreek Road
	Tract 2            7415-7419 Burnet Road

STAFF REPORT: The tracts of land under consideration are located in northwest Austin and they are a portion of a larger parcel of land developed as an existing shopping center where the owner is requesting more permissive zoning. Tract 1 is 200 feet east of Burnet Road and contains 14,017 square feet. Tract 2 is approximately 169 feet east of Burnet Road and contains 1,127 square feet. Tract 1 is currently zoned "LR" Local Retail, and "A" Residence zoning and use is located across the street on Richcreek Road, "B" Residence zoning with apartments developed adjacent to the east, and "C" Commercial to the west and on the northeast corner of Richcreek Road and Burnet Road. There is additional "A" Residence zoning adjacent to the south.

In 1970, Tract 1 was the subject of a zoning case in which the applicant requested "C" Commercial zoning and subsequently amended his request to "LR" Local Retail. Since that time the development of the property appears to have been completed and apartments have been constructed adjacent to the east, providing a buffer zone. In addition, there is pending "GR" General Retail zoning with a "B" Residence buffer to the east on Pasadena Drive to the south of the subject tract.

C14-72-008 Earl Eastburn--Contd.

Tract 2 is within the portion of the community center presently zoned "C" Commercial.

The staff recommends that the requested zoning on these two tracts be granted. The development of apartments adjacent and east of Tract 1 now provides a buffer zone which did not exist when "LR" Local Retail zoning was previously established on this property. As this property has been developed, some of the objectional uses permitted in "GR" General Retail zoning, such as a car wash, signs, etc., are no longer a concern. "C-2" Commercial zoning exists less than a block to the north of Tract 2, on the east side of Burnet Road, with addition "C-2" Commercial zoning and use in either direction. There are no schools and churches in close proximity to this site.

#### TESTIMONY

##### WRITTEN COMMENT

None

##### PERSONS APPEARING

Earl Eastburn: applicant

#### SUMMARY OF TESTIMONY

Mr. Earl Eastburn, applicant, presented pictures of the shopping center. He stated that the package store will be within the center.

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 compatible with area zoning and uses.

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Earl Eastburn for a change of zoning from "LR" Local Retail, First Height and Area(Tr. 1) and "C" Commercial, First Height and Area(Tr. 2) to "GR" General Retail, First Height and Area(Tr. 1) and "C-2" Commercial, First Height and Area(Tr. 2) for property located at 2211 Richcreek Road(Tract 1) and 7415-7419 Burnet Road(Tract 2) be GRANTED.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

C14-72-009      Reuben Talasek: C, 2nd to C-2, 2nd  
1155 North Interregional Highway

STAFF REPORT: This request is on 2,120 square feet out of an area containing 61,332 square feet and is within an existing Ward's Cut-Rate Drug Store. With the exception of a one-block section to the south, the remaining area on the east and the west side of the Interregional is predominately "C" Commercial zoning and use. "C-2" Commercial zoning exists approximately two blocks north of the subject tract. The staff recommends the granting of this request, as the area is primarily commercial. This site is removed from schools and churches, and this zoning is compatible with the area.

#### TESTIMONY

#### WRITTEN COMMENT

Harry E. Montandon: 2412 North Interregional Highway      FOR

#### PERSONS APPEARING

Dean Hester: representing the applicant

#### SUMMARY OF TESTIMONY

Mr. Dean Hester, representing the applicant, stated that a Wards Cut-Rate Drug Store is being constructed and that the requested zoning would be for the sale of liquor within the store and would be confined to the stated square feet.

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 being compatible with existing zoning and use.

AYE:      Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED:      To recommend that the request of Reuben Talasek for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 1155 North Interregional Highway be GRANTED.

AYE:      Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly  
Stewart, Taniguchi and Mrs. Mather

C14-72-010      H. H. Rothell, Jr. and Milton Kelley: A, 1st to B, 2nd  
409-411 West 39th Street

STAFF REPORT: The subject tract is comprised of three lots totaling 14,250 square feet, located on West 39th Street, which has sixty feet of right-of-way. This area, particularly that section bounded by Guadalupe Street, Speedway, 38th Street, and 39th Street, is in strong transition to multi-family zoning and use. "B" Residence zoning exists adjacent to the west, and three lots to the east. "C" Commercial zoning, developed with apartments, exists to the west on Guadalupe Street.

C14-72-010 H. H. Rothell, Jr. and Milton Kelley--Contd.

It is recommended that this request be granted, subject to short form subdivision combining the three lots. The requested zoning is compatible with this area and 39th Street is adequate to serve multi-family development.

## TESTIMONY

## WRITTEN COMMENT

None

## 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 granted, subject to a short form subdivision combining the three lots into one tract.

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of H. H. Rothell, Jr. and Milton Kelly for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 409-411 West 39th Street be GRANTED, subject to a short form subdivision combining the three lots into one tract.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather.

C14-72-011 Marvin Lynch: A, 1st to B, 1st (as amended)  
6200-6202 Linda Lane  
1804-1806 Wheless Lane

STAFF REPORT: The subject tract is located in northeast Austin at the corner of Linda Lane, with fifty feet of right-of-way, and Wheless Lane, which has varying right-of-way of 44 to 60 feet. The tract covers 19,360 square feet, and is proposed for apartment development. The area is predominately "A" Residence zoned, with single-family dwellings across the street on Linda Lane and in all directions except to the south, where there is a small shopping center and "GR" General Retail zoning. Two vacant lots exist to the immediate north and one to the west.

Apartment zoning in this single-family area has been generally limited to Berkman Drive, such as at the corner of Berkman Drive and Wheless Lane, which was established in 1967. Originally this zoning was applied for as two separate cases, which were recommended for denial by the staff and the Commission as too intense use for the area. The tracts were subsequently reviewed as one due to impending

C14-72-011 Marvin Lynch--Contd.

single ownership; restrictive parking was agreed upon, and privacy fencing established for the east boundary. "B" Residence zoning and use were established soon after to the north on Berkman Drive.

Several apartment zoning cases, representing a deeper encroachment into this single-family area, have been submitted in the past two years, particularly to the east of Berkman Drive and along Wheless Lane. The staff and the Planning Commission have consistently recommended denial of these cases. There has been neighborhood opposition in each instance, and all groups have been advised by the affected property owners that a restrictive covenant is in force for this area.

The staff recommends that this case be denied as an intrusion into an established single-family residential neighborhood. The streets are not adequate to handle traffic generated by multi-family development. In addition, granting the requested zoning would set an undesirable precedent affecting the single-family area to the east.

#### TESTIMONY

##### WRITTEN COMMENT

Community Land Company: 3000 East Houston Street  
San Antonio, Texas

FOR

Eleanor C. Hutchings: 6207 Linda Lane

AGAINST

William J. Joseph: 1502 Piedmont Avenue

AGAINST

Mrs. John H. Alvanado: 1017 East 45th Street

AGAINST

##### PERSONS APPEARING

John Selman: representing the applicant

Bill Joseph: 1502 Piedmont Avenue

AGAINST

J. L. Simms: 6205 Linda Lane

AGAINST

Mrs. Jackson: 1904 Wheless Lane

AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. John Selman, representing the applicant, stated that his client wishes to amend his application to First Height and Area and requests that the amendment include a restrictive covenant prohibiting ingress/egress from Linda Lane, a privacy fence on the property line adjacent to Linda Lane and the rear of the property, and a short form subdivision. These lots are not under a restrictive covenant and there is fortyfour feet of paving on Wheless Lane rather than thirty. This property is across from commercial uses and apartments at this location could not cause increased traffic flow within the interior streets of the adjoining subdivision. There are presently two older homes and a trailer home on the property. This type of zoning has worked in the area in the past.

C14-72-011 Marvin Lynch--Contd.

## Arguments Presented AGAINST:

Two area residents addressed the Committee to the fact that the area is a quiet residential one and traffic on Wheless Lane is very heavy.

Mr. Bill Joseph, owner of the commercial property across Wheless Lane, stated that he is opposed to this rezoning request.

## Arguments Presented in REBUTTAL:

Mr. Selman pointed out that this area is a commercial hub and there will be more commercial use as there is vacant land next to the Handy Andy grocery store. The present owner had nothing to do with the placing of the trailer home on the property. This zoning request would be a logical buffer between the commercial and residential zoning. The owner is willing to give an easement on the Linda Lane side of the property, but does not feel additional right-of-way is necessary for widening the street if there is no ingress/egress on Linda Lane.

## COMMENTS AND ACTION BY THE COMMITTEE

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

AYE: Messrs. Taniguchi, Barrow, Faulkner and Hetherly  
NAY: Mr. Betts

The Commission reviewed the information and discussed the changes in the area and whether or not the granting of this zoning request would or would not be advantageous to the neighborhood. The Commission then

VOTED: To recommend that the request of Marvin Lynch for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 6200-6202 Linda Lane and 1804-1806 Wheless Lane be DENIED, as an intrusion into a single-family area which would set an undesirable precedent.

AYE: Messrs. Milstead, Barrow, Chamberlain, Faulkner, Taniguchi and Mrs. Mather  
NAY: Messrs. Betts, Hetherly and Stewart

C14-72-012 John Brougher, Jr.: C to C-2  
5319-5343 Burnet Road

STAFF REPORT: This application is for the sale of liquor for an area of 18,800 square feet and being a portion of a tract containing 47,045 square feet. Burnet Road is zoned "C" Commercial from 45th Street to its intersection with Highway 183, and commercial zoning surrounds this tract, with the exception of limited "A" Residence zoning adjacent to the east. Four properties zoned "C-2" Commercial exist within two blocks of this site. The staff recommends that this case be granted, subject to ten feet of right-of-way on Burnet Road and five feet of right-of-way on Jeff Davis Avenue, as the requested zoning is compatible with development in this area.

C14-72-012      John Brougher, Jr.--Contd.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING

Dean Hester: representing the applicant

## SUMMARY OF TESTIMONY

Mr. Dean Hester, representing the applicant, stated that a Wards Cut-Rate Drug Store is planned for this tract and the requested zoning would be for the sale of liquor within the store.

No one appeared in opposition to this request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to five feet of right-of-way on Jeff Davis Avenue and ten feet of right-of-way on Burnet Road.

AYE:        Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission, after reviewing the policy on technical requirements for the "C-2" Commercial district, amended the Committee recommendation and

VOTED:     To recommend that the request of John Brougher, Jr. for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area, for property located at 5319-5343 Burnet Road be GRANTED, subject to five feet of right-of-way on Jeff Davis Avenue.

AYE:        Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

C14-72-013      Mike Inocente: A, 1st to B, 2nd  
110 West 38th Street

STAFF REPORT: A ten-unit efficiency apartment house is planned for development on this tract covering 6,500 square feet of land. West 38th Street presently has right-of-way varying from sixty to seventy-five feet, and is proposed to be developed to eighty feet. West 38th Street from Guadalupe Street to Speedway is fast becoming a multi-family area, as evidenced by the number of zoning cases granted since 1969, nine to "B" Residence zoning and one to "O" Office zoning. All tracts adjacent to the subject tract are either granted or pending "B" Residence zoning. The staff recommends that this case be granted, subject to fifteen feet of right-of-way on 38th Street, as compatible with zoning and uses in the area.



C14-72-013      Mike Inocente--Contd.

## TESTIMONY

## WRITTEN COMMENT

Kirby W. Perry: P. O. Box 5544  
H. H. Rothell: 3810 Medical Parkway

FOR  
FOR

## PERSONS APPEARING

H. E. Padgett, Jr.: representing the applicant

## SUMMARY OF TESTIMONY

Mr. H. E. Padgett, Jr., representing the applicant, stated that he would like to have a recommendation to the City Council for a variance on the lot size, due to the fifteen feet of right-of-way needed for West 38th Street.

No one appeared in opposition to this request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to fifteen feet of right-of-way on West 38th Street and recommend to the City Council and Board of Adjustment that a variance be granted on the size of the lot.

AYE:        Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED:     To recommend that the request of Mike Inocente for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 110 West 38th Street be GRANTED, subject to fifteen feet of right-of-way on West 38th Street, and recommend to the City Council and the Board of Adjustment that they grant a variance on the size of the lot.

AYE:        Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

C14-72-014      Harry High: BB to O  
                 3561-3625 Spicewood Springs Road

STAFF REPORT: The subject tract abuts Spicewood Springs Road, which is a major arterial with varying right-of-way. The tract contains 1.71 acres of land. The present zoning of "BB" Residence was granted in 1971, subject to a short form subdivision. "A" Residence zoning exists to the north and south of this site, with a single-family residential subdivision located across and to the north of Spicewood Springs Road. At the 1971 hearing it was noted by the applicant that an apartment project was planned, which would be on this hill in view of the surrounding development; it was felt that the proposed use was ideal. The staff and the Planning Commission concurred with the apartment zoning and the proposed use.

C14-72-014 Harry High--Contd.

A case of "LR" Local Retail and "BB" Residence zoning is pending on the tract west and north of this tract along Spicewood Springs Road; in reviewing this application, which originally requested "LR" Local Retail for the entire tract the staff recommended denial, stressing its previous recommendations to the Commission and the Council that non-residential zoning in the newer areas be encouraged at intersections of major arterial streets only. The staff recommended that this specific piece of property be zoned "BB" Residence, First Height and Area.

Development subsequent to the pending "LR" Local Retail zoning case above has been single-family residence along Spicewood Springs Road. It has been the policy of previous Planning Commissions that land use along Spicewood Springs Road be reserved for single-family development, except at the intersection of major arterial streets. Low-density apartment development was recommended to be limited to a strip approximately 1,500 feet west of Balcones Drive. This tract of land is within the area designated for low-density apartment development.

The staff recommends that this request be denied, as there have been no changes in the area in contradiction to previous recommendations. Single-family developments have been taking place as anticipated and supported by the staff and the Commission. The "BB" Residence zoning on this property is considered appropriate as a buffer zone for the "A" Residence to the west and north, and the anticipated non-residential zoning to the east along Balcones Drive. It is felt that this tract should remain low-density apartment zoning.

#### TESTIMONY

##### WRITTEN COMMENT

Kathryn Weakley: 4123 Honeycomb Rock

FOR

##### PERSONS APPEARING

Harry High: applicant  
Bill Riley: applicant

Mr. L. B. Griffith: 7900 Ceberry Drive

AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Harry High, applicant, stated that the check for payment to the Water and Sewer Department had not been stopped by him but by a previous purchaser of the property, whose deal had eventually fallen through; thus, the property was not developed as planned. Mr. High intends to put office buildings on the tract now, which would be two or three stories high. He pointed out the commercial land use across Balcones Drive and stated that there had been no objection to the change to "BB" Residence zoning three months ago. There will be no problem with the fiscal arrangements.

CL4-72-014 Harry High--Contd.

## Arguments Presented AGAINST:

Mr. L. B. Griffith, a property owner in the area, pointed out that the homes in this area range in value from \$35,000 to \$50,000 and were purchased with the understanding that the area would remain residential. He requested a guarantee that, if this request is granted, this would be the last zoning change along Spicewood Springs Road.

## Arguments Presented In REBUTTAL:

Mr. High stated that this property was brought into the city in March of 1971, and was rezoned soon after. Spicewood Springs Road will be a major thoroughfare.

Mr. Bill Riley, the project architect, stated that there had been no opposition to the "BB" Residence zoning and, in his opinion, a well-planned office complex would be more desirable at this location than an apartment building. The office traffic flow would not be detrimental for homeowners in the area.

## COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi pointed out that once "O" Office zoning is granted on the property, very intensive apartment construction could go on this tract. The question was raised about restrictive covenants as to the use of the property and the Committee requested advise from the City Legal Department on this matter before going any further. Discussion was held on plans for Spicewood Springs Road and the Committee concluded that this request should be referred to the full Commission for action.

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly.

Mr. Richard Lillie, Director of Planning, stated that with "O" Office zoning forty units could be placed on an acre. There will be a grade separation at Mopac for Spicewood Springs Road and this tract will be at the intersection of those thoroughfares. Mr. Lillie also stated that the Legal Department and the Planning Department are not in favor of restrictive covenants. The Commission then

VOTED: To recommend that the request of Harry High for a change of zoning from "BB" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3561-3625 Spicewood Springs Road be DENIED, as not in compliance with the plan for this area.

AYE: Messrs. Milstead, Chamberlain, Faulkner, Taniguchi and Mrs. Mather.

NAY: Messrs. Betts, Hetherly and Stewart

ABSTAIN: Mr. Barrow

C14-72-015 Charles Anderson: A to GR (as amended)  
1449-1665 Highway 183

STAFF REPORT: The tract under consideration contains 31.47 acres, located on the south side of U. S. Highway 183 east of Cameron Road. General commercial development is proposed for the tract. To the south is Interim "A" Residence zoning developed with single-family dwellings, and "BB" Residence zoning exists to the east of this basically single-family area. Three "GR" General Retail zoned tracts exist to the west and southwest, one of which is pending. A veterinary clinic, zoned "C" Commercial, is developed on the southeast corner of the intersection of Cameron Road and U. S. Highway 183, and office buildings are developed across U. S. Highway 183, which is outside the City limits.

The staff recommends that this request be denied, but that "GR" General Retail, First Height and Area be granted. Non-residential zoning in this area is developing as general retail use, which permits a wide range of uses, while "C" Commercial permits such undesirable uses as a contractor's storage and equipment yard, lumber yard, second-hand merchandise sales, and wholesale operations which would not be compatible with this area.

As this tract is considerably higher in elevation than the residential development to the south, "GR" General Retail zoning is more appropriate; however, the staff would prefer retail uses only at the intersection of major arterial streets in this area.

#### TESTIMONY

#### WRITTEN COMMENT

Jack H. McCreary: 510 West 15th Street	FOR
Watt Schieffer: 1011 East 40th Street	FOR
Don L. Lanford: 830 Airport Boulevard	FOR
James H. Mitchell, Jr.: 7605 Cameron Road	NO OBJECTION
Fred H. Olson: 7601 Pebble Cove	AGAINST
Jerry L. Casdey: 7606 Glenhill Cove	AGAINST
Jacob C. Ledbetter: 1706 Pebble Brook Drive	AGAINST
R. O. Bevis: 7604 Pebble Brook Cove	AGAINST
V. L. Wiederkehr: 7607 Brookhollow Cove	AGAINST
Bobby G. Gilbert: 7600 Pebble Brook Cove	AGAINST
Floyd Swanberg: 7519 Glenhill Road	AGAINST
James J. Pecora: 7600 Barcelona Cove	AGAINST
George W. Humphries: 7603 Glenhill Cove	AGAINST

#### PERSONS APPEARING

Robert Sneed: representing the applicant	
Robert O. Bevis: 7604 Pebble Brook Cove	AGAINST
Jerry L. Casdey: 7606 Glenhill Cove	AGAINST
Fred H. Olson: 7601 Pebble Cove	AGAINST
Gail W. Steward: 7602 Pebble Brook Cove	AGAINST
Bobby G. Gilbert: 7600 Pebble Brook Cove	AGAINST
Marvin J. Bolling: 7613 Barcelona Cove	AGAINST
Jacob C. Ledbetter: 1706 Pebble Brook Drive	AGAINST
Clifford E. Brown: 7605 Pebble Brook Cove	AGAINST
Kenneth Tooley: 7604 Glenhill Cove	AGAINST

C14-72-015 Charles Anderson--Contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Robert Sneed, representing the applicant, stated that this property is under contract of sale subject to the granting of this zoning to Mr. John Bynam, developer of Congress Square in south Austin. He requested that the application be amended to "GR" General Retail, First Height and Area, to comply with the staff recommendation. Mr. Sneed pointed out that the property is bounded by U. S. Highway 183 and Cameron Road with U. S. Highway 290 not far to the southeast. Due to the location and proximity of the property to these highways, the requested zoning is the highest and best use for this property. There is a creek on the south boundary of the property and the developer proposes to keep the existing trees. This area would serve as a natural shield to the residences which also abut the creek.

## Arguments Presented AGAINST:

Eight area residents spoke in opposition to the requested zoning change for this tract of land giving many reasons for either keeping the land as it is or developing it as residential property. The protection of the creek was the primary concern of the adjacent owners as they feared the creek may become polluted and the green area across the creek being destroyed. It was the feeling of the residents that the tract is not large enough at its most easterly point to support any type of construction and still protect the creek. Due to the downward slope of the land to the creek, the home owners will be looking directly into the back of whatever buildings are placed on the property and the trees will not shield them. The residents were told, at the time they purchased their homes, that this property along the creek would become a hike and bike trail and there is access to the creek from all the back yards along the creek due to an easement restriction in their deeds; there are no fences allowed down to the creek.

## Arguments Presented In REBUTTAL:

Mr. Sneed pointed out that the intersection of U. S. Highways 183 and 290 will become commercial in use and there is commercial zoning and use all along Cameron Road. This residential area is actually a pocket within a commercial and multi-family area. The land has been surveyed and at its narrowest point is 298.7 feet from U. S. Highway 183 to the creek, which is more than adequate for "GR" General Retail zoning. The laws of this land are now such as not to allow dumping into the creek, so that no matter how it is developed there could not be pollution of the creek. Any development on this land will obstruct someone's view and will change the scenery. Whenever residential development takes place along a major highway the development begins to deteriorate along the edges and then extends into the interior of the subdivision. Mr. Sneed stated that he did not know just what the developer plans for the property but there will probably be some residential development within the tract, and whatever is needed will be done with the preservation of the creek in mind.

C14-72-015 Charles Anderson--Contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the preservation of the creek and the green area along the creek. They reviewed the information and concluded that this request should be granted, as amended, subject to a fifty foot greenbelt buffer along the south property line; there is to be no paving or construction within this fifty-foot greenbelt.

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Charles Anderson for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (as amended), for property located at 1449-1665 Highway 183 be GRANTED, as amended, subject to a fifty-foot green belt area along the south property line, where there is to be no paving or construction.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather.

C14-72-016 Lola Burris: A to B (as amended)  
5329-5339 Jeff Davis Avenue

STAFF REPORT: The tract under consideration consists of two lots totaling 33,152 square feet. It abuts Jeff Davis Avenue, which is a fifty-foot right-of-way street, surfaced to thirty feet; the applicant is proposing apartment development on the tract. This area is moving from single-family residential to multi-family use, as evidenced by the "B" and "BB" Residence zonings and pending cases east of Burnet Road between North Loop and Houston Street. However, the staff has consistently recommended the denial of apartment zoning in this section due to the preponderance of minor residential streets, and all apartment zoning along Jeff Davis Avenue has been restricted to First Height and Area. It is recommended that this case be denied, but that "B" Residence, First Height and Area be granted, subject to a short form subdivision combining the two lots and five feet of right-of-way on Jeff Davis Avenue, as an extension of existing zoning and use in this area.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING

Ronald Chitsey: representing the applicant

C14-72-016      Lola Burris--Contd.

## SUMMARY OF TESTIMONY

Mr. Ronald Chitsey, representing the applicant, stated that he has bought the property from Mrs. Burris and wishes to amend the application to First Height and Area. He plans to develop the south lot first and therefore does not think that a short form subdivision tying the two lots together is necessary, as he plans to develop them as separate lots and finance them in the same way. Mr. Chitsey stated that he plans to put one driveway in the middle of each lot but would not want to agree to a restrictive covenant stating so as it would be too restrictive on a future owner should his deal fall through.

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 five feet of right-of-way on Jeff Davis Avenue and not requiring the short form subdivision or the limited curb breaks.

AYE:        Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly.

The Commission concurred with the Committee recommendation and

VOTED:     To recommend that the request of Lola Burris for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 5329-5339 Jeff Davis Avenue be GRANTED, subject to five feet of right-of-way on Jeff Davis Avenue.

AYE:        Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather.

## SPECIAL PERMITS

CP14-72-001      Walter Rowell, Day Care Center and Kindergarten  
735 Turtle Creek Boulevard

STAFF REPORT: This application has been filed as required under Section 4, Sub-section 8, Paragraph B, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. This is a well-designed day care center to be owned by the Wesleyan Church Corporation. A similar center has been built in San Antonio by this architect, Mr. Howard Wong, with great success. It is obvious that Mr. Wong has made a study of the needs of such an operation and has designed a working structure to satisfy those specific needs. The center will serve one hundred children from three to six years of age, with approximately nine staff members and twenty parking spaces. The area of the site would allow 179 children. One-way drives and off-street loading will be implemented. The remainder of the site will be used for a church at a later date. The site plan has been circulated to the various City departments and the comments are as follows:

CP14-72-001 Walter Rowell, Day Care Center and Kindergarten--Contd.

- Building Inspector - 1. Number of children to be kept not specified; the lot area is sufficient for 179. 2. Recommend at least one parking space for each employee. 3. Does not include Building Code approval. 4. A four-foot solid fence is required where parking area is adjacent to property developed for residential use. 5. Facility and site shall be approved by State Department of Public Welfare. 6. Possible subdivision required. 7. If corner lot is not to be part of this special permit, it should be deleted from site plan and legal description.
- Welfare Dept. - Mr. Rowell has discussed his child care program and has shown the building plans. It is our understanding that he is planning for approximately 100 children, ages 3-6 years. For this number of children a minimum of nine staff members would seem a reasonable estimate; this would vary according to the number and age of children enrolled. The Weslean Church is operating a successful child care facility in San Antonio. Mr. Rowell assures us of a high-quality program here and agrees to meet minimum standards.
- Storm Sewer - Plan complies.
- Fire Prevention - Install required fire extinguishers.
- Water and Sewer - Water and waste water service is available from existing mains in adjacent streets. No additional fire protection will be required.
- Traffic Engineer - Twenty-foot driveway only if marked as one-way drives; otherwise driveway shall be 25 feet in width. Provide minimum of five-foot radius.
- Health Department - No objections; waste water system to be available.
- Fire Protection - Existing fire protection facilities are believed to be adequate.
- Electric - Plat complies.
- Director of Public Works - Driveway locations meet with our approval. Would recommend minimum radius of five-feet for all driveway returns. Will need request for and approval of driveway plans before construction begins.
- Advanced Planning - 1. Subdivision separating Day Care Center from proposed church site is required. 2. One-way drives. 3. Drives at 90° to street as per site plan. 4. Six-foot solid fence on south line of playground and on the west property li



CP14-72-001 Walter Rowell, Day Care Center and Kindergarten--Contd.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING

None

## SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to this request for a special permit.

## COMMENTS AND ACTION BY THE COMMITTEE

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

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly.

The Commission concurred with the Committee recommendation and

VOTED: To APPROVE the request of Walter Rowell for a special permit for a day care center on property located at 735 Turtle Creek Boulevard, subject to departmental requirements and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather.

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.

CP14-72-002 William Zidell; Townhouse Group  
2304-2306 Montclair Street

STAFF REPORT: This application has been filed as required under Section 4, Sub-Section 8, Paragraph k, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. A Townhouse group is proposed for this tract covering 19,375 square feet of land, located in northwest Austin. The townhouse project will consist of five units with rear parking and an eighteen foot common drive. The carports are separated by a 3 Hour Rated Fire Wall on the property lines. Existing zoning in the surrounding area is "A" Residence, First Height and Area and there are twenty-six duplexes within a two block distance of the property.

Mr. Alexander, Assistant Director of Planning, reported that upon receiving the departmental comments it was found that a major conflict existed pertaining to the Building Code. A meeting with the applicant was held and he agreed to correct his site plan to satisfy these requirements; he requested that this application be considered by the full Commission at the next meeting and it is the staff recommendation that the case be referred to the full Commission for departmental comments and action.

CP14-72-002 William Zidell: Townhouse Group--Contd.

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

AYE: Messrs. Taniguchi, Barrow, Betts, Faulkner and Hetherly

At the Commission meeting, Mr. Alexander reported that the revised site plans have been circulated and the Department has received comments and recommendations on the revised site plan as follows:

- |                          |   |  |
|--------------------------|---|--|
| Director of Public Works | - | Driveway locations meet with our approval. Will need request for and approval of driveway plans before construction begins.  |
| Building Inspector       | - | 1.Shortform subdivision is required. 2.The Zoning Ordinance requires a minimum side yard of ten feet at the side property line of any townhouse project. 3.Does not include Building Code approval. (Note: the Building Code prohibits metal construction on a property line such as the metal carports shown. Eight inch solid masonry construction is required to build on "LR" Local Retail.) 4. Deck railing in front setback area, if determined to be a portion of the structure, must set back twenty-five feet, unless reduced by the Commission as provided in the Townhouse Ordinance. |
| Water and Sewer          | - | Water and waste water service are available from existing mains in adjacent streets. No additional fire protection will be required.   |
| Storm Sewer              | - | Recommend that the driveway along the east boundary be drained southwesterly to Montclair Street.  |
| Fire Prevention          | - | None   |
| Traffic Engineer         | - | None   |
| Health Department        | - | No objections.. Waste water system to be available.  |
| Electric Department      | - | Plat complies.   |
| Fire Protection          | - | Existing fire protection facilities are believed to be adequate.   |
| Current Planning         | - | 1.Short form subdivision required. 2.Show dimensions of courtyards and the right-of-way on Montclair Street.   |

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING

None

CP14-72-002 William Zidell: Townhouse Group--Contd.

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to this request for a special permit.

COMMENTS AND ACTION BY THE COMMISSION

The Commission reviewed the information and after discussion on the setback requirement for the railings in question

VOTED: To APPROVE the request of William Zidell for a special permit for a townhouse group on property located at 2304-2306 Montclair Street, subject to a short form subdivision and departmental requirements, waiving the requirement for the setback area of the deck railing but not waiving the building setback requirement and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather.

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.

146

SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of January 24, 1972, and requested that this action be made a part of the minutes of this meeting of the Planning Commission.

The staff reported that there have been no referrals or appeals of subdivisions to the Planning Commission

PRELIMINARY PLANS

C8-71-168 Crest Hills  
Bundyhill Drive

The staff reported that the action on this case resulted in a split vote at the Subdivision Committee therefore, action by the full Commission is required. It was the staff recommendation that the subdivision be approved subject to departmental requirements. Some members of the Committee wanted to include Lots 15, 16 and 17 into a proposed Planned Unit Development. It is still the staff recommendation to approve this subdivision subject to departmental requirements and redistribution of this plan.

Discussion was held concerning the lots in question, some members of the Commission felt that without the three additional lots a bottleneck would be created within the Planned Unit Development. Mr. Foxworth stated that due to the location of the creek he did not think that any developer would try to construct a road or bridge at the narrow portion of the Planned Unit Development tract. The Commission then

C8-71-168 Crest Hills--Contd.

VOTED: To APPROVE the plan of CREST HILLS, as submitted subject to departmental requirements and redistribution of the revised plat.

AYE: Messrs. Milstead, Betts, Chamberlain, Faulkner, Hetherly, Stewart and Taniguchi

NAY: Mr. Barrow and Mrs. Mather

FINAL SUBDIVISION PLATS - FILED AND CONSIDERED

Nine final subdivisions have appeared before the Commission in the past and have now met all departmental requirements. The staff recommends that they be approved. The Commission then unanimously

VOTED: To APPROVE the following final subdivision plats

<u>C8-68-97</u>	<u>Knollwood Resubdivision, Lots 10 and 11</u>
	Forest Hills Drive
<u>C8-70-86</u>	<u>Knollwood Resubdivision, Lots 18 - 22</u>
	Forest Hills Drive
<u>C8-71-20</u>	<u>Georgian Square</u>
	Guadalupe Street
<u>C8-71-106</u>	<u>Timber Creek, Section Three (3)</u>
	Benson Way and Whirlaway Drive
<u>C8-71-107</u>	<u>North Oaks, Section Four (4)</u>
	Berrywood Drive and Oak Haven Circle
<u>C8-71-120</u>	<u>Aqua Monte, Section Two (2)</u>
	Valley View Road
<u>C8-71-123</u>	<u>Greenway Plaza, Section Three (3)</u>
	Rundberg Lane and North Plaza
<u>C8-71-127</u>	<u>Lakeway, Section Eight (8)</u>
	Explorer and Morning Cloud
<u>C8-71-146</u>	<u>Windsor Hills, Section Five (5)</u>
	Woodglen Drive and Warrington Drive

C8-70-12 Lakeway Townhouses, Section Two (2)  
Sea Wind

The staff reported that a variance is requested on this plat concerning the scale of the plat, due to the size of the subdivision if the plat were done to the required scale the details would be illegible. The staff recommendation is that this plat be accepted for filing and disapproved pending compliance with departmental requirements and granting the variance on the scale of the plat. The Commission then unanimously

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the subdivision plat of LAKEWAY TOWNHOUSES, SECTION TWO (2), granting a variance on the scale of the plat, and pending compliance with departmental requirements.

C8-69-82      Northwest Hills, Northwest Oaks II  
Spicewood Springs Road

The staff reported that this is the first appearance of this final plat and it does not meet all the departmental requirements, therefore the staff recommendation is that it be disapproved pending a memo from the office engineer. It is recommended that a change be granted on the sidewalk requirements on Rockpoint Drive, that they be moved to the south side. The Commission then

VOTED:      To DISAPPROVE the subdivision plat of NORTHWEST HILLS, NORTHWEST OAKS II, pending a memo from the office engineer and granting the change in sidewalk requirements to the south side of Rockpoint Drive.

AYE:          Messrs. Milstead, Betts, Chamberlain, Faulkner, Hetherly, Stewart,  
                Taniguchi and Mrs. Mather

ABSTAIN:      Mr. Barrow

C8-71-163      Creek Bend, Phase Two (2)  
Cleekwood Drive and Creek Bend Drive

The staff reported that this is the first appearance of this final plat and it does not meet all the departmental requirements, therefore the staff recommendation is that it be accepted for filing and disapproved pending compliance with departmental requirements and fiscal arrangements. There has been a request for a name change of the subdivision to Creek Bend, Section Four (4) and the staff recommendation is that the change be granted. The Commission then unanimously

VOTED:      To ACCEPT FOR FILING AND DISAPPROVE the subdivision plat of CREEK BEND, PHASE TWO (2), pending compliance with departmental requirements and granting the request for a name change to CREEK BEND, SECTION FOUR (4).

Seventeen additional new final subdivision plats are before the Commission for the first time and are lacking departmental or technical requirements. The staff recommends that they be accepted for filing and disapproved pending various requirements. The Commission then unanimously

VOTED:      To ACCEPT FOR FILING AND DISAPPROVE the following final subdivision plats, pending compliance with departmental requirements.

<u>C8-71-06</u>	<u>Balcones Woods</u>
	Alhambra Drive and Cordova Drive
<u>C8-71-116</u>	<u>Onion Creek Forest</u>
	Pleasant Valley Road and Onion Creek
<u>C8-71-140</u>	<u>Green Grove</u>
	Green Grove Drive
<u>C8-71-154</u>	<u>South Creek South</u>
	North Bluff Drive and South Park Drive
<u>C8-71-158</u>	<u>Village South</u>
	Teri Road and Pleasant Valley Road
<u>C8-71-171</u>	<u>Quail Creek, Phase Two, Section Nine</u>
	Mearns Meadow Boulevard and Quail Valley Boulevard
<u>C8-71-174</u>	<u>Lakeway, Section Twenty (20)</u>
	Lakeway Boulevard and Flamingo
<u>C8-72-06</u>	<u>Kings Village, Section Three (3)</u>
	Orchard Lane and Howard Lane
<u>C8-72-07</u>	<u>Garden of Hope</u>
	Memory Lane

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following final subdivision plats, pending compliance with departmental requirements and current tax certificates.

C814-71-03    Great Hills "A", Planned Unit Development No. One (1)  
                  Great Hills Trail and Steck Avenue  
C8-72-05    Onion Creek Forest, Section Two (2)  
                  Pleasant Valley Road and Thornwood  
C8-72-16    Whispering Oaks III  
                  Whispering Oaks Drive and Greenlawn Lane

VOTED: To ACCEPT FOR FILING AND DISAPPROVE C8-70-127 TALLWOOD SUBDIVISION, SECTION TWO (2), pending compliance with Departmental requirements, fiscal arrangements, easements and current tax certificates.

VOTED: To ACCEPT FOR FILING AND DISAPPROVE C8-71-144 BUCKINGHAM ESTATES COMMERCIAL AREA, pending compliance with Departmental requirements, fiscal arrangements, easements, current tax certificates and showing tie to William Cannon west of Cooper and East of South First Street on final plat.

VOTED: To ACCEPT FOR FILING AND DISAPPROVE C8-71-156 WINDSOR HILLS, SECTION SIX (6) pending compliance with Departmental requirements, fiscal arrangements and easements.

VOTED: To ACCEPT FOR FILING AND DISAPPROVE C8-72-01 VISTA WEST III, pending compliance with Departmental requirements, easements and current tax certificates.

VOTED: To ACCEPT FOR FILING AND DISAPPROVE C8-72-04 TIMBER CREEK, SECTION FOUR (4), pending compliance with Departmental requirements, easements, current tax certificates and a review of the preliminary plan.

#### SHORT FORMS

C8s-71-290    Resub. of Lot 1, Block J, Northwest Hills Section 14-B  
                  Hart Lane and Thorncliffe

The staff reported that this short form subdivision plat has been before the Commission before and at that time lacked compliance with Departmental requirements, but has now met those requirements and the recommendation is to approve this plat. The Commission then

VOTED: To APPROVE the short form subdivision plat of the RESUB OF LOT 1, BLOCK J, NORTHWEST HILLS SECTION 14-B.

AYE: Messrs. Milstead, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

ABSTAIN: Mr. Barrow

Nine short form subdivisions have appeared before the Commission in the past and have now complied with all departmental requirements and the staff recommends that they be approved. The Commission then unanimously

VOTED: To APPROVE the following short form subdivision plats

<u>C8s-70-78</u>	<u>Lakeridge Estates, Section Two-A</u> <u>Lake Hills Drive</u>
<u>C8s-71-254</u>	<u>Resub. Lots 2 and 3, Block 2, Porter Subdivision</u> <u>Montopolis and Porter Street</u>
<u>C8s-72-01</u>	<u>Lane Addition</u> <u>Slaughter Creek Drive</u>
<u>C8s-72-06</u>	<u>Vail Subdivision, Section Two (2)</u> <u>Putnam Drive</u>
<u>C8s-72-08</u>	<u>Lamb Addition</u> <u>Spicewood Slrings Road</u>
<u>C8s-72-10</u>	<u>Spring Hill Village, Resub. Lot 4, Block C</u> <u>Horborne Lane and Vincent Place</u>
<u>C8s-72-11</u>	<u>Sefcik Subdivision #3</u> <u>East 51st Street</u>
<u>C8s-72-14</u>	<u>Resub. Lots 8 and 9, Block G, Vista West - I</u> <u>Greystone Drive</u>
<u>C8s-72-19</u>	<u>Resub. Lot 1, Greenway Place, Section Three (3)</u> <u>East Rundberg Lane and North Plaza</u>

Two short form subdivisions are appearing before the Commission for the first time and have complied with all departmental requirements and the staff recommends that they be accepted for filing and approved. The Commission then unanimously

VOTED: To ACCEPT FOR FILING AND APPROVE the following short form subdivision plats

<u>C8s-72-20</u>	<u>Resub. of Lot 9, Cameron Acres</u> <u>Future Drive and Leisure Drive</u>
<u>C8s-72-25</u>	<u>Cashin and Johnson Addition</u> <u>East 32nd off Red River Street</u>

Five short form subdivisions are appearing before the Commission for the first time and have not met all departmental requirements. The staff recommends that they be accepted for filing and disapproved pending various requirements. The Commission then unanimously

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivision plats, pending compliance with departmental requirements.

<u>C8s-72-21</u>	<u>Stone Ridge, Section One (1)</u> <u>969 at Craigwood Drive</u>
<u>C8s-72-22</u>	<u>Coronado East, Phase Two (2)</u> <u>Coronado Hills Drive</u>
<u>C8s-72-23</u>	<u>First Resub. of Mesa Park, Section Two (2)</u> <u>Big Trail and Beaver Creek Drive</u>
<u>C8s-72-27</u>	<u>Resub. of Lots 6 and 7, Block O, Quail Creek Phase 2, Sec. 3</u> <u>Trone Circle and Tronewood Drive</u>

VOTED: To ACCEPT FOR FILING AND DISAPPROVE C8s-72-24 CROSS COUNTRY INN SUBDIVISION, pending compliance with Departmental requirements and fiscal arrangements.

C8s-72-18      Northgate Shopping Center, #1  
North Lamar Boulevard

The staff reported that this is the first time this short form subdivision has appeared before the Commission and has not met any of the departmental requirements. A variance is required to exclude the balance of the tract on this subdivision. The staff recommends that it be accepted for filing and disapproved pending compliance with departmental requirements granting a variance on the balance of the tract. The Commission then unanimously

VOTED:      To ACCEPT FOR FILING AND DISAPPROVE the short form subdivision plat of NORTHGATE SHOPPING CENTER, #1, pending compliance with departmental requirements and granting a variance on the balance of the tract.

C8s-72-26      St. Elmo Warehouse Addition  
St. Elmo Road

Mr. Foxworth, with the Planning Department, reported that this is a short form subdivision requiring a variance on the signatures of adjoining owners. He set forth background information. On November 23, 1971, a letter was received from Mr. John Felter, owner of all the property in the short form, offering twenty feet (20') of right-of-way on the north side of St. Elmo Road and twenty feet (20') on the south side of St. Elmo Road to bring the street to eighty feet (80') to comply with the subdivision ordinance and zoning recommendation for the area. A survey of the property was made by the Public Works Department establishing the existing right-of-way and it was discovered that thirty feet (30') of right-of-way would be required on either side of St. Elmo Road to obtain eighty feet (80') of right-of-way. On January 18, 1972, a letter was received from Mr. Felter offering whatever right-of-way needed to bring St. Elmo Street to eighty feet (80') of right-of-way, suggesting that whatever is necessary come from the southside. Subsequently, field notes were written, deeds prepared for thirty feet (30') on the south side and twenty feet (20') on the north side; Mr. Felter signed and executed the deed on the south side for thirty feet (30'). On February 6, 1972, a letter was received from Mr. Felter stating that a portion of the tract, Lot 2 on the plat, had been sold and he could not execute a deed for the twenty feet (20') on the northside of St. Elmo Road. On February 3, 1972, a short form subdivision was submitted to the Planning Department, with no signatures, with an indication that the new owners would not sign the plat nor dedicate the necessary right-of-way on Lot 2.

The staff recommendation is that the variance not be granted on this short form subdivision and that the short form be accepted for filing and disapproved pending signatures of all owners, the dedication of required right-of-way, ten feet (10') on Lots 1, 2 and 3, and compliance with departmental requirements.

The Commission, after taking action to reduce the required right-of-way on St. Elmo Road in connection with C10-72-5 to seventy feet (70')

VOTED:      To ACCEPT FOR FILING AND DISAPPROVE the short form subdivision plat of ST. ELMO WAREHOUSE ADDITION pending the signatures of all adjacent owners, the dedication of required right-of-way, ten feet (10') on Lots 1, 2 and 3, and compliance with departmental requirements.

AYE:          Messrs. Milstead, Barrow, Betts, Faulkner, Hetherly, Stewart,  
                Taniguchi and Mrs. Mather

ABSTAIN:      Mr. Chamberlain



RI46MASTER PLAN COMMITTEE

The Committee Chairman reported action taken on the Austin Development Plan changes at the meeting of January 19, 1972, and requested that this action be made a part of the minutes of this meeting of the Planning Commission.

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

Approximately 49 acres of land in southwest Austin located on the south side of U. S. Highway 290 (South Lamar Boulevard) west of Brodie Lane. Requested by Elmer Cullers to change the land use designation from Low Density Residential to Commercial Service and Semi-Industrial.

The staff reported that this case was postponed to the full Commission. There is extensive development planned to the north of this tract with Travis Country and other residential projects. On the south side of U. S. 290 the area as presently established for commercial service and semi-industrial designation is approximately one-half mile of frontage along U. S. 290 from Brodie Lane to an existing trailer park, and 600 feet in depth. This application would extend the line approximately one-fourth of a mile in depth from U. S. 290. This change would have some negative effect on property to the east, west and south. There is no subdivision development on the property to the south and there is no other industrial designation in the area. The exact plans for the tract are not known at this time. Anticipated use would be a subdivision for construction firms, etc.

The Department has requested that the owner consider the following conditions. The subject tract has only one access; therefore, it is recommended that any subdivision be limited to fifty lots. The south three hundred (300) feet be deleted from the request and be retained for residential use. The industrial street should have eighty feet of right-of-way. There should be a minimum building setback of fifty feet from the east, south and west property lines. It is recommended that there be screening of some type along the property lines. Mr. Lillie reported that Mr. Duncan has agreed, by letter, to all these requirements except the fencing, of which he has not been advised.

It was pointed out by members of the Commission that the surrounding area is designated residential and extending industrial use back this far would cause conflict with future residential development. There was a consensus that this change would be too much semi-industrial at this location.

Mr. Milstead felt that this request was premature and action to grant this change would commit the adjoining property also.

The Commission then

VOTED: To recommend that the request of Mr. Elmer Cullers for a change in the Austin Development Plan on approximately 49 acres of land in southwest Austin located on the southside of U. S. Highway 290 west of Brodie Lane from low density residential to commercial service and semi-industrial be DENIED.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Hetherly, Taniguchi and  
Mrs. Mather

NAY: Mr. Stewart

ABSTAIN: Mr. Faulkner

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

Approximately 818 acres of land known as Travis Country Subdivision located in southwest Austin north of U. S. Highway 290, west of Loop 360 between U. S. Highway 290 and Barton Creek. The request is by Walter Carrington to change the land use designation from undesignated and Suburban Residential to Low Density Residential. This area includes an additional 1,759 acres for study.

The staff reported that the Master Plan Committee recommended that this case be granted. There are three areas of concern within this request.

1. There are only two acres of park designated for the 818 acres; the golf course is not included as park area. There should be, at a minimum, twenty or thirty acres of public or private open space for this size development.
2. This area is in need of a school site. Locations should be coordinated with the Austin Independent School District.
3. The outer loop and entrance street need to have a minimum of seventy feet of right-of-way with forty-four feet of paving.

The Commission then

VOTED: To recommend that the request of Walter Carrington for a change in the Austin Development Plan from undesignated and Suburban Residential to Low Density Residential on 818 acres of land known as Travis Country Subdivision located north of U. S. Highway 290, west of Loop 360 between U. S. Highway 290 and Barton Creek, be APPROVED, recognizing the need for improvement in the three areas designated by the staff.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather.

C2-72-1(a)      AMENDMENT TO THE AUSTIN DEVELOPMENT PLAN

Approximately thirty acres of land located in north Austin, north of Rutland Drive and east of the H. & T. C. Railroad. The request is by Ronald Tynes for a change in the land use designation from Manufacturing and Related Uses to Medium Density Residential.

The staff reported that a letter has been received from Mr. Richard Dorell withdrawing this application.

OTHER BUSINESS

C2-72-5      SPECIAL ZONING DISTRICTS

Consideration of technical requirements for "C-2" Commercial zoning district.

The staff requested a policy statement from the Commission concerning technical requirements for the "C-2" Commercial zoning district. The department does not now request right-of-way on applications for a zoning change to "C-2" Commercial zoning. A small amount of footage out of a large tract or shopping center is usually involved in this type of zoning change request and the area does not justify the amount of right-of-way which would be required; however, there may be exceptional circumstances where a request for right-of-way would be justified.

The Commission reviewed the information and unanimously

C2-72-5          Special Zoning Districts--Contd.

VOTED:      To keep the present policy of not requesting right-of-way on "C-2" Commercial zoning change applications.

C2-72-8          SUBDIVISION ORDINANCE AMENDMENT  
Street grading recommendations.

Mr. William Milstead, Chairman of the Planning Commission, reading from the Subdivision Ordinance, stated that "variations may be allowed by the Commission where because of soil conditions, topography or valuable trees, the establishment of such grades would result in undue hardship." The Public Works Department has set up standards for street grading and the staff of the Planning Department has suggested a procedure for processing variances from these standards which needs the approval of the Commission. It is not the prerogative of the Commission to change these standards but to work out a procedure for processing variances from them. It is within their prerogative to make suggestions as to the standards. He stated that he would like to have, as a result of this meeting, an adoption of a procedure for the granting of variances and comments or suggestions to the City Manager and City Council on the standards.

Mr. Charles Graves, City Engineer, reviewed the criteria set up by the Director of Public Works; that for a distance back of the curb of four feet the maximum grade would be one foot from the top of the curb. Back of the four feet to the eight foot limit there should not be a rise of more than thirty-six inches above any proposed driveway. The enforcement of this ordinance is intended to fall in the planning stage of the subdivisions. Mr. Graves presented slides showing various unsafe areas along some streets.

Mr. Richard Lillie, Director of Planning, presented the procedure for processing variances from these standards.

- A.    Submit request for variance from Section 23.37, Street Grading Standards, with Preliminary Plan.
  - 1.    To include technical engineering information.
  - 2.    Specific request: relating to topography, soils, trees.
- B.    Review by Public Works Department as related to standards for street grading.
  - 1.    Recommendation on the request.
  - 2.    Recommendation to grant: to what maximum variance.
- C.    Review by Subdivision Committee (Public Hearing), and recommendation to the Planning Commission.

Mr. Lillie stated that the request for a variance would not cause a delay as long as the request is submitted at the time the preliminary plat is submitted.

Mr. Tom Watts, with Bryant Curington, stated that the submission of the request with the preliminary plat is premature as the engineer or surveyor has not actually gone out to the property and done surveying for lots, streets, etc. Once the preliminary has been accepted he surveys for street cutting. The surveyor then submits plans to Public Works for cutting, and only then does the engineer know exactly what exists on the property. The plans submitted to Public Works are complete about the same time the final plat is submitted to the Planning Department.

C2-72-8Subdivision Ordinance Amendment--Contd.

Mr. Graves agreed with Mr. Watts but was concerned with getting the request soon enough so as not to hold up the construction; he stated that he would like to have the request for a variance before approving the construction plans.

Mr. Joe Ternus, Director of Traffic and Transportation, stated that the procedure as set forth is in agreement with the Traffic and Transportation Department.

Mr. Dick Slaughter, President of the North Austin Civic Association, endorsed the standards as set up by the Public Works Department.

Mr. Tom Bradfield addressed the Commission, stating that he is opposed to there being any change in the standards and enforcement of these standards on street grading. He presented several people who spoke on various points of the standards as set forth by Public Works.

Mr. Bill Williams stated that history shows why the street grading standards have not been enforced in Austin on a regular basis. It is impossible to determine, until the house is built, where the driveway is going to be placed. He supported Mr. Watt's statement that the preliminary filing time is not the best time for requesting a variance on these standards. He agreed that the Planning Commission has no authority to approve or disapprove the standards. Mr. Williams pointed out that utilities have always been placed in the street with the gas lines behind the curb on one side or the other. Telephone and electric lines are usually placed to the rear of the lot in that utility easement. The exception to that would be a low rear lot line and then the lines would be moved out to the sidewalk area. Water and gas meters are placed behind the curb.

Mr. Robert Tinstman stated that when the Sidewalk Ordinance was prepared there was no intent to place sidewalks throughout the community. It was planned to be flexible so that adjustments could be worked out with the developer. Mr. Tinstman was asked if he felt the guidelines are flexible and he replied that there is danger of getting too specific on a broad basis. Each situation should be looked at and a mutual agreement reached within guidelines. The procedure proposed is compatible with general procedures for other variances.

Mr. David Barrow, Sr. agreed that the Commission has no authority to change the standards but has an obligation to make recommendations to the Council. He pointed out that streets with more than ample vision tend to encourage people to speed up. He would like to see the Public Works Department have more authority to vary the standards within subdivisions without having to go through more delays. He requested that the Commission be liberal in granting variances when a safety factor is not involved.

Mr. Klapproth stated that there has been too much of an attempt to generalize in the establishment of a fixed dimension without going into the specifics of items that make up the necessity for these standards. He suggested that the standards be given a trial period of sufficient time to see what aspects of the Ordinance are good and what is bad. Mr. Klapproth stated that he agreed with most of the comments made by the City Engineer but that he would not go to the depth that he has indicated for driveway vision.

C2-72-8Subdivision Ordinance Amendment--Contd.

Mr. Tom Bradfield stated that safety is tied into the subdivision from the beginning; from the engineer down to the homeowner. In his opinion there are many things about these standards that may not be enforced or processed with any efficiency. He asked that the Commission request a modification in the standards so that most situations can be accommodated in a reasonable manner.

Mr. Graves pointed out that within the Sidewalk Ordinance is a provision for homeowners to petition the City to construct sidewalks and if there is no area on which to build that option cannot be taken by the homeowner. He presented, for review, a revised procedure of variances from street standards as follows:

- A. Submit request for variance from Section 41.37 Chapter 41, Austin City Code concerning right-of-way grading standards prior to the approval of construction plans.
  - 1. To include technical engineering information.
  - 2. Specific request: relating to topography, soils, trees.
- B. Review by Public Works Department as related to standards for street grading.
  - 1. Recommendation on the request.
  - 2. Recommendation to grant: to what maximum variance.

There was concern among members of the public that this process would lengthen the time of recording by sixty days. Mr. Lillie stated that the request for a variance can be anticipated by the developer and if the request for a variance is submitted along with the final plat it can be responded to by the City Departments in time for the Commission to act on it in the normal way. The subdivisions can be approved subject to departmental reports and can be released when the report is in.

Mr. Graves stated that perhaps the Director of Public Works could grant a variance himself and then the Commission can act only on those he does not approve.

The Commission then

VOTED: To ACCEPT the procedure as revised and outlined below

- A. Submit request for variance from Section 41.32 Chapter 41, Austin City Code concerning right-of-way grading standards, prior to the approval of construction plans.
  - 1. To include technical engineering information.
  - 2. Specific request: relating to topography, soils, trees.
- B. Review by Public Works Department as related to standards for street grading.
  - 1. Recommendation on the request.
  - 2. Recommendation to grant: to what maximum variance.

AYE: Messrs. Milstead, Betts, Faulkner, Hetherly and Stewart

ABSTAIN: Messrs. Barrow, Chamberlain, Taniguchi and Mrs. Mather

C2-72-8Subdivision Ordinance Amendment--Contd.

Mr. Milstead requested that the members consider the standards and decide whether or not the Commission should make a recommendation to the City Manager and City Council or if there should be a recommendation for an ordinance change if it is felt necessary. Mr. Milstead pointed out that it should be recognized that there are areas of the city that should be recognized in applying these standards. The Commission needs to decide whether or not these standards should apply to all streets or just to major arterials and collector streets, and if space should be required on one side or on both sides, or only of safe school routes for side walks.

There was concern among members of the Commission in regard to the cost to the developer and the home buyer as well as concern for the terrain that is being bulldozed out. There was some feeling that the standards should be applied as they have been in the past and that those standards were adequate. There was further discussion on the standards as set forth by the Public Works Department and the Commission then

- VOTED: To forward an opinion to the City Manager that consideration be given to the following:
1. Minor residential streets: fifty feet of right-of-way (50')-grade behind the curb on one side only.
    - a. fill side - maximum 1/4 inch rise per foot for four feet (4').
    - b. cut side - maximum one foot (1') rise in four feet (4').
  2. Collector and Major Arterial Streets: sixty feet (60') of right-of-way and over, grade behind curb both sides.
    - a. fill side - maximum 1/4 inch rise per foot for four feet (4').
    - b. cut side - maximum one foot (1') rise in four feet (4').
  3. Where utilities are required to be located between the curb and property line that the engineer and/or developer reach an agreement on space assignment and cost of installation with City Departments, Telephone and Gas Company.

AYE: Messrs. Milstead, Betts, Hetherly, Stewart and Mrs. Mather  
NAY: Messrs. Barrow, Chamberlain and Taniguchi  
ABSTAIN: Mr. Faulkner

C9-72-8LIBRARY PLAN

Austin Library Plan System 1970-1980

Mr. Richard Lillie, Director of Planning, stated that for the past several months the Planning Department and Library staff have worked on the Austin Library Plan System for 1970-1980 and the Library Board has approved the Plan as it is submitted to the Commission for approval.

CP-72-8Library Plan--Contd.

Mr. David Earl Holt, Library Director, stated that it will be necessary to have in Austin, within the time allotted in the Plan, a new central library, two regional libraries, three additional local libraries and three additional neighborhood libraries. Austinites use their libraries more than any other city of Austin's size and the Library system is a very good public relations arm for the City.

Mr. Luther Polnau, Planner with the Planning Department, summarized the report stating that the order of the system is very important for it to be effective and without unnecessary duplication. The needs as outlined by Mr. Holt need to be undertaken during the 1972-1976 period, with a feasibility study for a new main library taking priority. From 1976 to 1982 the plan is more flexible.

Mrs. Kenneth Ashworth, President of the Austin League of Women Voters, and Kay Goodwin, President of the American Association of University Women, spoke in support of the Library Plan as presented and stressed the order of the plan.

The Commission reviewed the information, and with the knowledge that funds for this study and construction will have to come from bonds;

VOTED: To ENDORSE the report and proceed with whatever plans are necessary to implement it.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

CP10-72-5STREET WIDENINGRight-of-way within the Ben White Industrial Area

The staff reported that this industrial area in south Austin is divided by Ben White Boulevard and bounded on the east by Interstate Highway 35, on the west by South Congress Avenue, on the south by St. Elmo Road and on the north by a line approximately 1600 feet north of Ben White Boulevard. When this industrial subdivision was originally laid out the streets had thirty feet of right-of-way and are now sub-standard in regards to requirements for streets in an industrial subdivision. Due to the location of some existing structures within this subdivision the right-of-way required for some industrial streets cannot be realized. Therefore, the staff is requesting that the Commission change the right-of-way requirements on some of these streets as follows:

Willow Springs Road be reduced to sixty feet (60') of right-of-way  
St. Elmo Road be reduced to seventy feet (70') of right-of-way  
Payload Pass be reduced to seventy feet (70') of right-of-way  
Lucksinger Lane be reduced to seventy feet (70') of right-of-way

This action would enable the Department to release subdivisions and various requests for zoning change within the industrial area as they are requested, rather than holding them for a right-of-way requirement which cannot be obtained.

The Commission reviewed the information and

VOTED: To REDUCE the required rights-of-way on Willow Springs Road, St. Elmo Road, Payload Pass, and Lucksinger Lane as recommended by the staff.

AYE: Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather.

C10-72-101      STREET VACATIONS

Selected streets and alleys within the University East Urban Renewal area bounded by: Interstate Highway 35, East 19th Street, Comal Street, Manor Road, Red River Street, East 19th Street, Trinity Street and East 16th Street.

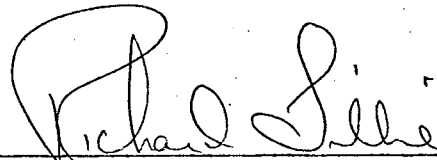
The staff requested postponement of any action or hearing on this case for thirty days.

The Commission then

VOTED:      To POSTPONE C19-72-101 STREET VACATIONS for thirty days.

AYE:          Messrs. Milstead, Barrow, Betts, Chamberlain, Faulkner, Hetherly, Stewart, Taniguchi and Mrs. Mather

ADJOURNMENT: The meeting was adjourned at 1:10 a.m.



Richard Lillie  
Executive Secretary