

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 17, 1932.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; absent, Councilman Steck, 1.

The Minutes of the special meeting of November 9th and the regular meeting of November 10th were read and Councilman Gillis moved the adoption of same as read. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following ordinance, which had been read the first time at the last regular meeting and laid over:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY".

The above ordinance was read the second time and Mayor McFadden moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The ordinance was read the third time and Councilman Gillis moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The hearing called for this day, by published notice thereof, on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

To amend the Use designation and Height and Area designation of Lot No. 1, Outlot 43, Division "B" in the Foster and Ludlow Addition to the City of Austin, said property being located at the northeast corner of the intersection of East Sixteenth Street and East Avenue, so as to change same from "B" Residence District to "C" Commercial District and from First Height and Area District to Second Height and Area District,

was opened. No one appearing to protest the proposed change, the Mayor laid before the Council the following resolution of the Board of Adjustment:

"Austin, Texas, November 17, 1932.

Honorable City Council
City of Austin.

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on November 10, 1932, in regard to the changing of the Use and Height and Area designation of property located at the northeast corner of the intersection of East Sixteenth Street and East Avenue.

Yours respectfully,

(Sgd) H. F. Kuehne, Chairman
Board of Adjustment.

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, referred, on October 27, 1932, the following proposed amendment to the said ordinance to the Board of Adjustment for its consideration and report:

To amend the Zoning Ordinance so as to change the Use and Height and Area designation of Lot No. 1, Outlot 43, Division "B", in the Foster and Ludlow Addition to the City of Austin, said property being located at the northeast corner of the intersection of East Sixteenth Street and East Avenue, from "B" Residence District to "C" Commercial District and from First Height and Area District to Second Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on the above amendment on November 10, 1932, at the City Hall to hear those proposing said amendment and those opposed thereto; and

WHEREAS, Mr. H. F. Nitschke appeared before the Board on behalf of Mrs. Alice H. Nitschke affirming that the lot is unsuitable for residence purposes, having originally been traversed by a natural drain and subsequently filled with surplus earth from the excavation of graves in the nearby City cemetery, and that further, because of its location on the main approach to the cemetery where funeral processions constantly pass by, residences cannot be profitably rented; and further affirming that the lot is only suited for commercial uses for the reason that there are already several business uses on 16th Street, consisting of monument works and floral shops, and further that the intersection of 19th Street and East Avenue at the north end of the block in which this property is situated is already zoned as a Commercial "C" District, extending along East Avenue practically one-half of the block, and that the property on the opposite side of East Avenue is used by the University of Texas for dormitory and other purposes; and further affirming that the lot is now burdened with a paving assessment of \$900.00 which makes the value of the property excessive for any type of residential use which would be feasible in this location; and further affirming that he now has a prospective tenant who desires to build upon the corner to provide a store with living quarters above for himself and that the building would be approximately 75 feet from the adjoining property to the north thereof, and that in building, the sharp projecting corner would be cut back to provide an easy curve for traffic from East Avenue into 16th Street; and

WHEREAS, the written consent was filed with the Board to the above change by Anton Stasswender and Bessie Bergstrom who own property across 16th Street, being within 200 feet of the above described lot; and

WHEREAS, the property to the east of the lot and immediately south of the lot across 16th Street belongs to Mrs. Nitschke; and

WHEREAS, the only other property affected is to the north of the same on East Avenue, being occupied by a number of negro houses, said property being divided into narrow lots; and

WHEREAS, Mr. Max Silberstein appeared before the Board, on behalf of his mother, who owns said adjacent lots, objecting to the above change on the ground that it would permit the new building to be placed on the property line of East Avenue projecting in front of her cottages; and

WHEREAS, the Board of Adjustment carefully considered all arguments for and against the change and after considerable discussion and careful analysis of all the effects of said change found no objections thereto; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF AUSTIN:

That the amendment is hereby approved and recommended to the City Council of the City of Austin with the further recommendation that the said change shall include all the frontage on East Avenue between 16th Street and 19th Street, extending to the alley in the rear

thereof, for the following reasons:

(1) That an examination of the property in the neighborhood points to the unsuitability of this property for residence purposes owing to the proximity of the City Cemetery and its location on the main approach to the same and because of the existence of several commercial uses within the same block on 16th Street.

(2) That practically one-half of the block in which this property is situated is already zoned for business purposes fronting on East Avenue and that therefore to change the one lot would leave a small space between the two commercial areas for residence purposes which would be illogical and adversely affect the value of the property and that therefore it would be more desirable to zone the entire frontage on East Avenue for the same use.

(3) That to change this area to Commercial "C" District and Second Height and Area District would not adversely affect any of the surrounding property but would classify the property for the use to which it is best adapted and enable the development of the same for the benefit of the owner as well as the City.

(4) That to permit the property to remain as now classified would cause an economic loss to the property owners as well as the City and permit of no beneficial development thereof.

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne, Chairman."

Mayor McFadden moved that the recommendation of the Board of Adjustment affecting the lot described in the petition, being Lot 1, Outlot 43, Division "B", in the Foster and Ludlow Addition, be approved and the City Attorney be instructed to prepare an ordinance carrying out that recommendation, and that the further recommendation of the Board of Adjustment that all of the frontage on East Avenue between 16th and 19th Streets extending to the alley in the rear be changed from Residence "B" District to Commercial "C" District be referred to said Board for their hearing and action. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The following resolution from the Park Board was read:

"WHEREAS, in order to drill the artesian well in Blunn Creek, South Austin Park, deep enough to secure an adequate flow, it has been necessary to drill approximately 450 feet deeper than had been estimated at first; and

WHEREAS, said well has been successfully completed and the total cost of said well has become known; therefore,

BE IT RESOLVED BY THE PARK BOARD OF THE CITY OF AUSTIN:

That the City Council of the City of Austin is hereby requested to appropriate the additional sum of \$1553.56 for the purpose of completing the artesian well and the incidental outlet connections.

(Sgd) PARK BOARD OF THE CITY OF AUSTIN,

By W. T. Caswell, Chairman;

H. F. Kuehne, Vice Chairman;

W. Gillespie Stacy,

Orin E. Metcalfe

James A. Garrison

Mrs. Herman Pressler. "

The Mayor then laid before the Council the following resolution:

WHEREAS, the Park Board of the City of Austin has requested the City Council to appropriate additional money for the development of the Blunn Creek, South Austin, well; and

WHEREAS, the recommendation of the Park Board has been reviewed and approved by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the additional sum of \$1883.86 is hereby appropriated out of the Parks and Playgrounds Bond Fund for the purpose of the development of the artesian well in the Blunn Creek, South Austin Park.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, the City Engineer of the City of Austin has presented a plan for the re-numbering of houses, which plan consists of the selection of block numbers for that area shown on a map named "House Numbering Revision - Area No. II", which map is marked 2-G-180 and

WHEREAS, the City Council of the City of Austin has favorably considered the block numbering scheme as presented and shown on said map; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the plan of numbering of blocks of that area shown on the accompanying map named "House Numbering Revision - Area No. II" and marked 2-G-180, is hereby approved; said area being more particularly described by metes and bounds as follows:

HOUSE NUMBERING REVISION - AREA NO. II.

Beginning at the intersection of East Avenue and the center of the Colorado River;

Thence N. 19° E. following the center line of East Avenue to the center line of East Nineteenth Street;

Thence easterly with the center line of East Nineteenth Street to the west line of Oakwood Cemetery;

Thence southerly with said west line of Oakwood Cemetery to the south line of said Oakwood Cemetery;

Thence easterly following said south line of Oakwood Cemetery to the center line of Comal Street;

Thence southerly with the center line of Comal Street to the center line of Rosewood Avenue;

Thence easterly with the center line of Rosewood Avenue to the east city limit line;

Thence in a southerly and easterly direction following the various courses of said city limit line to the center of the Colorado River;

Thence up the center of the Colorado River with its meanders to the place of beginning.

BE IT FURTHER RESOLVED: That the City Engineer of the City of Austin is hereby instructed to complete plans for renumbering of this area in accordance with the block numbering system hereby adopted.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas regulator pit in NEWTON STREET, the center of which pit shall be located at a point 4 feet south of and 10 feet east of the intersection of the south line of Nellie Street and the west line of Newton Street. Said regulator pit shall be constructed so that one axis of same will be parallel to the west line of Newton Street.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

Councilman Mueller moved that the City Manager be authorized to grant free water and light service to the Austin Garden Club for their Flower Show to be held at 821 Congress Avenue in the building owned by the Austin Public Free Schools, and to the Salvation Army Bunk Hall at 121 Congress Avenue, where transient men are given a night's lodging, as requested by each of said organizations. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The claim of D. N. Stark for damages sustained on May 20th by reason of a faulty condition of the street at 10th and Congress Avenue, resulting from the laying of an underground conduit, was read and referred to the City Attorney and City Manager, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

No further business coming before the Council, Councilman Mueller moved to recess, subject to call of the Mayor. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Mueller, 4; nays, none; Councilman Steck absent, 1.

The Council then recessed.

Approved: _____

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