

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting--November 13, 1973

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

Present

William Milstead, Chairman
Charles Betts
C. W. Hetherly
Betty Himmelblau
Philip Juarez
Jean Mather
Charles Nash
Bennie Washington

Also Present

Richard Lillie, Director of Planning
Jack Alexander, Assistant Director of Planning
Walter Foxworth, Supervising Planner
Jerry Harris, Assistant City Attorney
Gena Wommack, Clerk IV
Pat Page, Secretary I

Absent

O. P. "Bob" Bobbitt

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of November 5 and 6, 1973.

Present

C. W. Hetherly, Chairman
Betty Himmelblau
Jean Mather
William Milstead
*Bennie Washington
**Charles Nash

Also Present

Jack Alexander, Assistant Director of Planning
*Al Baker, Zoning Administrator
*Duncan Muir, Planner
*David Shaw, Assistant City Attorney
**Brian Schuller, Planner
**Gena Wommack, Clerk IV
Pat Page, Secretary I

*Present only on November 5, 1973

**Present only on November 6, 1973

None

C14-73-200 Austex Development Company, Ltd.--Contd.

COMMITTEE ACTION:

Members reviewed the request for postponement and recommended that this case be postponed for 30 days.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Austex Development Company, Ltd. for a zoning change from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area on property located at 2302-2822 and 2303-2823 William Cannon Drive be POSTPONED FOR 30 DAYS.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-208 John Dee Fuquay: A, 1st to O, 1st
3407 Glenview Avenue

STAFF REPORT:

This property is located in north Austin on a residential street and is part of an area in transition bounded by Jefferson Street, West 34th Street, West 35th Street and Mills Avenue. Retail zoning has been limited to tracts with frontage on West 35th Street and "O" Office zoning has been recommended to the interior and to the south as a buffer to the single-family neighborhood and elementary school further to the south. The staff will not be recommending for any change in zoning on the south side of 34th Street in deference to the very stable Brykerwoods neighborhood.

STAFF RECOMMENDATION:

That this case be granted, subject to one-half the right-of-way (five feet) to increase Glenview Avenue from 50 to 60 feet.

CITIZEN COMMUNICATION (WEST CENTRAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Bob Rowland (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended to grant this request, subject to one-half the right-of-way (five feet) to increase Glenview Avenue from 50 to 60 feet.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

C14-73-208 John Dee Fuquay--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of John Dee Fuquay for a zoning change from "A" Residence, First Height and Area to "O" Office, First Height and Area on property located at 3407 Glenview Avenue be GRANTED, subject to one-half the right-of-way (five feet) to increase Glenview Avenue from 50 to 60 feet.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-209 R. J. Del Giudice: Int. A, 1st to D, 1st
 2011 Rutland Drive

STAFF REPORT:

This property is located in north Austin on a collector street and lies within an area designated for manufacturing and related uses under the Austin Development Plan. The Planning Commission earlier this year recommended "D" Industrial for the adjoining property to the east of subject tract as well as to the northwest across Rutland Drive.

STAFF RECOMMENDATION:

That this case be granted, subject to a subdivision to identify this property and dedicate one-half the right-of-way to increase Rutland Drive from 60 to 80 feet.

The requested zoning is consistent with the Master Plan and with recent Commission recommendations for this area.

CITIZEN COMMUNICATION (NORTH AUSTIN CIVIC ASSOCIATION)

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMITTEE ACTION:

Members reviewed the information and recommended to grant this request, subject to a subdivision to identify this property and dedicate one-half the right-of-way to increase Rutland Drive from 60 to 80 feet.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

C14-73-209 R. J. Del Giudice--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of R. J. Del Giudice for a zoning change from Interim "A" Residence, Interim First Height and Area to "D" Industrial, First Height and Area on property located at 2011 Rutland Drive be GRANTED, subject to a subdivision to identify this property and dedicate one-half the right-of-way to increase Rutland Drive from 60 to 80 feet.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-210 Charles E. Arnold and Adolph Reinhardt: A, 1st to GR, 1st
1218-1220 East Live Oak Street

STAFF REPORT:

This property is located in south Austin on a neighborhood collector street with part of the street carrying one-way traffic. There are difficult intersections to the east and west due to the complicated traffic pattern. Retail zoning developed with a motel exists to the east but is served by the frontage road along the interregional highway, whereas subject tract is oriented to a one-way neighborhood collector street and is 400 feet from the closest major arterial. Apartments have been developed under the "GR" General Retail zoning to the north but there is no development on the westernmost 250 feet. Subject tract fronts a church and kindergarten, and single-family homes exist to the west along both sides of East Live Oak Street. The deed-restricted, well-maintained Travis Heights neighborhood is located to the northwest.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into an "A" Residence neighborhood served by a complicated street situation which is inadequate for a change in zoning. Retail zoning should be encouraged at major intersections. Any change in zoning for this property would be a precedent for other properties to the west and lead to a lot-by-lot rezoning to the further detriment of the Travis Heights neighborhood.

CITIZEN COMMUNICATION (SOUTH RIVER CITY CITIZENS)

WRITTEN COMMENT

Mrs. O. W. Gage

AGAINST

Mrs. Toothman

AGAINST

PERSONS APPEARING

Glenn Cortez (representing applicant)

Mrs. Pat Brown: 1713 Rockbridge Terrace

AGAINST

Mrs. Faulkenberg

AGAINST

Mrs. Preston Clark

AGAINST

Mr. & Mrs. Eric G. Nelson: 2125 Glendale

NO OPINION

C14-73-210 Charles E. Arnold and Adolph Reinhardt--Contd.

COMMITTEE ACTION:

Members reviewed the information presented. The applicant is requesting the change in zoning to provide additional parking space for the existing motel. Members felt this additional parking space would benefit the neighborhood by limiting the traffic on Live Oak Drive. They felt that "B" Residence zoning would be sufficient to provide for the proposed parking lot. The Commission then voted to recommend that this request be denied but grant "B" Residence, First Height and Area, with no access permitted to East Live Oak Drive for other than "A" Residence uses.

AYE: Messrs. Hetherly, Milstead and Washington. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Charles E. Arnold and Adolph Reinhardt for a zoning change from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area on property located at 1218-1220 East Live Oak Street be DENIED but GRANT "B" Residence, First Height and Area with no access permitted to East Live Oak Drive for other than "A" Residence uses.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington. Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-211 KVET Broadcasting Company, Inc.: Int. A, 1st to D, 1st (Tracts 1 & 3)
Rear of 1868-2040 Rundberg Lane (proposed) Int. A, 1st to B, 1st
9429-9701 Running Bird Lane (proposed) (Tracts 1A, 3A & 2)

STAFF REPORT:

This property is located in north Austin on a proposed major arterial street. A small portion of this property, Tract 2, is served by a commercial collector street which is planned to align with Rutland Drive to the east.

Tracts 1 and 3 lie within the southern limits of an area approved under the Austin Development Plan for manufacturing and related uses. Tracts 1a, 3a & 2 are part of an area recommended consistently by both the staff and the Planning Commission for medium density residential development as a buffer to the Quail Creek neighborhood to the north and east. Several cases requesting zoning consistent with the Master Plan have been recommended by the Commission as noted by the existing and pending zoning pattern.

STAFF RECOMMENDATION:

That this case be granted, subject to a subdivision to identify the property and provide for streets.

The requested zoning is consistent with Master Plan and Planning Commission recommendations for this area.

C14-73-211 KVET Broadcasting Company, Inc.--Contd.

CITIZEN COMMUNICATION (NORTH AUSTIN CIVIC ASSOCIATION)

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMITTEE ACTION:

Members reviewed the information presented and recommended to grant this request, subject to a subdivision to identify the property and provide for streets; and field notes to identify zoning boundaries.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of KVET Broadcasting Co., Inc. for a zoning change from Interim "A" Residence, Interim First Height and Area to "D" Industrial, First Height and Area on Tracts 1 and 3 and from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area on Tracts 1A, 3A and 2 on property located at the rear of 1868-2040 Rundberg Lane (proposed) and 9429-9701 Running Bird Lane (proposed) be GRANTED, subject to a subdivision to identify the property and provide for streets; and field notes to identify zoning boundaries.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-212 Discovery Properties, Ltd.: GR, 1st to C-2, 1st
Rear of 1908 East Riverside Drive

STAFF REPORT:

This property is located in southeast Austin and is a part of property which fronts on a major arterial street. The area is basically zoned and developed for retail and apartment use. The overall property on which subject tract is a part is being developed along shopping center lines. There are two other tracts in this overall property already zoned "C-2" Commercial. Another property to the southwest has five separate locations also zoned "C-2" Commercial. There are 13 locations of "C-2" Commercial zoning along East Riverside Drive within three blocks east of I. H. 35.

C14-73-212 Discovery Properties, Ltd.--Contd.

STAFF RECOMMENDATION:

The staff reluctantly recommends that this case be granted.

The request is not inconsistent with the Planning Commission policy of recommending this type of zoning on a limited area within a shopping center. However, the staff feels we may be approaching the saturation point with the large number of such cases unless some ratio to overall acreage is considered. Otherwise, a "C" Commercial zoning pattern could be established which would be in contradiction of this retail area.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Ruben E. Trevino (representing applicant)

John Barber (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended to grant this request.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Discovery Properties, Ltd. for a zoning change from "GR" General Retail, First Height and Area to "C-2" Commercial, First Height and Area on property located at the rear of 1908 East Riverside Drive be GRANTED.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-213 Don Byron Boitnott, Jr. and George Villalva, Jr.: B, 1st to O, 1st
 801-805 Waller Street
 1100 East 8th Street

STAFF REPORT:

This property is located in east Austin at the intersection of a minor residential street and a minor collector street. Subject tract lies within the interior of a neighborhood developed predominately with single-family homes although the core of the area, including subject property, was zoned for apartment use prior to 1946. More recent history shows that the Planning

C14-73-213 Don Byron Boitnott, Jr. and George Villalva, Jr.--Contd.

Commission in 1969 recommended against additional apartment zoning for this area in two instances; one case to the north on East 9th Street between Waller and Lydia Streets, and the other at the southwest corner of San Marcos and East 9th Street adjoining the Old French Legation. "O" Office permits the same apartment density as "B" Residence, but the staff suggests that all uses permitted in the "O" Office District should be considered compatible with the area before a change in zoning is recommended.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into a residential neighborhood much more stable than a brief glance at the zoning pattern would indicate. It is felt that the earlier rezoning in this area, particularly within the interior, was premature. The uses permitted in "O" Office would be out of character with the large number of remaining homes in this neighborhood and be a precedent for additional rezoning. The request also appears to be inconsistent with the more recent Commission recommendation for denial of additional apartment zoning in this area.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

C. L. Ruiz: 2013 Hardy Circle	FOR
Agustin Lanciro: 1210 East 7th Street	FOR
Agustin Lanciro, Jr.: 4403 Jinx Avenue	FOR
Blasa G. Santa Ann: 1011 East 8th Street	FOR
Harry E. Montandon: 2304 Hancock Drive #4	FOR
Truman H. Montandon: 2304 Hancock Drive #4	FOR
Mr. & Mrs. Genaro P. Briones: 1204 East 7th Street	FOR
Joe A. Gonzales: 1100 East 8th Street	FOR

PERSONS APPEARING

George Villalva, Jr. (applicant)	
Tom Novosad (representing applicant)	
Tom Hatch: 5503 Bee Cave Road	FOR
John Taylor: K104 Colorado Apts.	FOR
Clara Macias: 1106 East 8th Street	AGAINST
Maria M. Hernandez: 1106 East 8th Street	AGAINST
Carmen Salas: 1112 East 8th Street	AGAINST
Mr. & Mrs. Frank Rios: 1113 East 8th Street	AGAINST
Gilbert Barba	AGAINST
Maria Prado	AGAINST
Jesse Guajardo	AGAINST
Mr. Villanto	AGAINST
Mrs. Angelela Limon: 1103 East 9th Street	NO OPINION

COMMITTEE ACTION:

Members reviewed the information presented. While the members were in sympathy with the applicant in his efforts to preserve a building of historical significance, they felt that "O" Office zoning would be an intrusion into this single-family neighborhood. The Committee recommended that this request be denied.

AYE: Messrs. Hetherly, Milstead and Washington. Mmes. Himmelblau and Mather

C14-73-213 Don Byron Boitnott, Jr. and George Villalva, Jr.--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Don Byron Boitnott, Jr. and George Villalva, Jr. for a zoning change from "B" Residence, First Height and Area to "O" Office, First Height and Area on property located at 801-805 Waller Street and 1100 East 8th Street be DENIED.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-214 Hixon Development Company: B, 1st to LR, 1st (as amended)
 1611-1705 East Riverside Drive (Original request: B, 1st to LR, 2nd)
 1614-1705 Old Riverside Drive

STAFF REPORT:

This shallow property is located in southeast Austin and is served by a major arterial street and a substandard minor residential street. Properties fronting along this section of new Riverside Drive are in transition to retail and apartment use. However, we are concerned with subject tract's close relationship to the Sunnydale neighborhood to the south which is deed restricted to single-family and duplex development.

The Planning Commission has reacted unfavorably to four cases, three for a zoning change and one for a special permit which were felt to encroach upon the Sunnydale neighborhood. The Commission recommended against Second Height and Area zoning on the adjoining tract to the west and in 1971 recommended denial of "B" Residence zoning south across old Riverside Drive from subject tract. The Commission also has recommended against Second and Fifth Height and Area at the southwest corner of Parker Lane and Riverside Drive to the south in 1963. Just last month, the Commission disapproved a special permit request for an outdoor advertising sign adjacent to this same neighborhood.

STAFF RECOMMENDATION:

That this case be denied, but recommends that "LR" Local Retail, First Height and Area be granted, subject to a subdivision to identify this property, provide for one-half of a varying right-of-way to increase old Riverside Drive from 40 to 50 feet, and no access permitted to old Riverside Drive. If access is permitted to old Riverside Drive, approximately fifteen feet of right-of-way should be required to facilitate the additional traffic.

C14-73-214 Hixon Development Company--Contd.

The staff makes this recommendation only on a reluctant basis since "O" Office would be a more appropriate use in relation to the adjoining neighborhood. "O" Office zoning with an approved special permit would allow specific local retail use of subject tract. However, we recognize the existing retail zoning in this immediate block and recommend this case as an extension of existing zoning. We are however, very much against any development above First Height and Area in this section due to the possible visual intrusion and high signs in relation to the neighborhood.

CITIZEN COMMUNICATION (SOUTH RIVER CITY CITIZENS)

WRITTEN COMMENT

James F. Finney: 1207 Upland Drive	FOR
Cornelia Strauss: 1205 Upland Drive	FOR
Mrs. M. A. Barr: 1614 Lupine Lane	FOR
Nick G. Ledesma, Sr.: 1209 Loma Drive	FOR
Mrs. Eugene Whitworth: 1201 Upland Drive	FOR
D. W. Ellis: 1103 Upland Drive	FOR
Vanita Von Geyso: 1208 Loma Drive	FOR
Hubert E. Rossy: P. O. Box 5614	FOR
Claudia R. Holley: 1105 Summit Street	FOR

PERSONS APPEARING

Chris Crow (representing applicant)	
Cecil Ghormley: 5602 Savoy, Houston, Texas	FOR
Jim Finney: 1207 Upland Drive	FOR
Pat Brown: 1713 Rockbridge Terrace	AGAINST

COMMITTEE ACTION:

The applicant amended his request to "LR" Local Retail, First Height and Area. Members reviewed the information presented and a majority felt the request should be granted as amended. Ms. Mather expressed concern that Riverside Drive not be strip-zoned like Burnet Road. The Committee then voted to recommend that this request be granted as amended, subject to a subdivision and with no access to Old Riverside Drive.

AYE: Messrs. Hetherly, Milstead and Washington. Ms. Himmelblau
NAY: Ms. Mather

COMMISSION ACTION:

Members reviewed the information presented and a majority were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Hixon Development Company for a zoning change from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area, as amended, on property located at 1611-1705 East Riverside Drive and 1614-1705 Old Riverside Drive be GRANTED, as amended, subject to a subdivision and with no access to Old Riverside Drive.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather
ABSENT: Mr. Bobbitt

C14-73-215 Gibson Products Company of Ben White Boulevard, Inc.: GR, 1st
2111-2119 Ben White Boulevard to C, 1st (as amended)
(as amended) (Original request: B, 1st &
GR, 1st to C, 1st)

STAFF REPORT:

This property which is wooded on its southern half is located in south Austin and is served by a major arterial street and a neighborhood collector street. Subject tract adjoins homes to the west which are part of the deed-restricted Western Trails single-family neighborhood and is across Ben White Boulevard from single-family homes. A combined playground/elementary school exists to the south. Although some "C" Commercial zoning does exist along certain sections of Ben White Boulevard, these properties are being developed predominantly with retail uses. The "C" Commercial zoning to the immediate east was granted in 1966 for the purpose of allowing the sale of packaged beer and wine within a food store, a use now permitted in the "LR" Local Retail district. Other "C" Commercial tracts further to the east are also developed with local retail uses.

Subject property was zoned "GR" General Retail and "B" Residence in 1967 at which time the stated purpose was future expansion of the Gibson's Discount Center to the east. Both properties are now under common ownership.

STAFF RECOMMENDATION:

That this case be DENIED as incompatible with the homes in this area and out of character with the retail developments. "C" Commercial is a very permissive zoning district designed for semi-industrial, wholesale, and warehousing type uses. The requested zoning would permit additional uses such as commercial recreation, contractor's operations, and sale of mobile homes, portable buildings, etc. It is felt that the existing zoning pattern is the most that should exist on this property.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Buford Stewart: 1219 South Lamar Boulevard	FOR
Walter L. Butler: 4411 Pack Saddle Pass	AGAINST
Gardiner K. Seymour: 4407 Pack Saddle Pass	AGAINST
Mr. & Mrs. Earl Chitwood: 4409 Pack Saddle Pass	NO OPINION

PERSONS APPEARING

Jerry M. Coleman (representing applicant)	
Walter L. Butler: 4411 Pack Saddle Pass	AGAINST

COMMITTEE ACTION:

The applicant amended his request to 149 feet. Members reviewed the information presented. The Committee voted to recommend that this request be granted as amended to "C" Commercial, First Height and Area on approximately 149 feet to align with the "GR" General Retail zoning to the west of subject tract, subject to field notes.

AYE: Messrs. Hetherly, Milstead and Washington. Mmes. Himmelblau
 and Mather

C14-73-215 Gibson Products Company of Ben White Boulevard, Inc.--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Gibson Products Company of Ben White Boulevard, Inc. for a zoning change from "GR" General Retail, First Height and Area, as amended, to "C" Commercial, First Height and Area on approximately 149 feet to align with the "GR" General Retail zoning to the west of subject tract on property located at 2111-2119 Ben White Boulevard be GRANTED, as amended, subject to field notes.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-216 Sam Harris, et ux and Vernon Lemens: A, 1st to GR, 1st
 503-507 East Rundberg Lane

STAFF REPORT:

This small tract is located in north Austin on an inadequate major arterial street with only 20 feet of surfacing. Subject tract lies within an area with substantial retail zoning beginning at the intersection of I. H. 35. The properties on this street have been strip-zoned to the west to a much greater extent than recommended by the staff. The south side of this street poses additional difficulty of rezoning, as it represents not only strip-zoning but is a part of a developed neighborhood. The tracts further to the west are even smaller and will be more difficult to develop.

Our past recommendations have stressed the need to terminate the non-residential zoning by establishing a buffer and terminating any further rezoning to the west. However, we recognize the substantial "GR" General Retail zoning across the street and feel some change in zoning is appropriate for subject tract. We suggest that zoning changes to no more than "O" Office begin on the west boundary of the adjoining tract and that rezoning go no further than North Drive.

STAFF RECOMMENDATION:

That this case be denied, but recommends that "LR" Local Retail, First Height and Area be granted, subject to a subdivision to identify this property and dedicate one-half the right-of-way (approximately 15 feet) to increase East Rundberg Lane to 90 feet.

Subject tract lacks sufficient size for the internal access necessary for uses requiring "GR" General Retail. "LR" Local Retail could represent a good precedent for beginning a transitioning down of the zoning from the major intersection 500 feet to the east.

C14-73-216 Sam Harris, et ux and Vernon Lemens--Contd.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Trumon H. Montandon: 2304 Hancock Drive	FOR
G. M. Bettis, Inc. #4: 5230 Burnet Road	FOR
Richard Dorrell: 223 East Anderson Lane #200	FOR

PERSONS APPEARING

Edna Anne Rice (representing applicant)	
Jack E. Bunch: 503 Rundberg Lane East	NO OPINION
Mrs. Jack E. Bunch: 503 Rundberg Lane East	NO OPINION

COMMITTEE ACTION:

Members reviewed the information presented and a motion was made to deny this request but grant "LR" Local Retail. However, the motion failed. A majority of the members felt the requested zoning was not inappropriate for this area. The Committee then recommended to grant "GR" General Retail, First Height and Area subject to a subdivision to identify this property and dedicate one-half the right-of-way (approximately 15 feet) to increase East Rundberg Lane to 90 feet.

AYE: Messrs. Hetherly, Milstead and Washington
 NAY: Mmes. Himmelblau and Mather

COMMISSION ACTION:

Ms. Mather felt that "GR" General Retail and "LR" Local Retail zoning should not go any deeper into the neighborhood. Mr. Hetherly stated that "GR" General Retail zoning exists deep into the neighborhood and this request is not inappropriate. Ms. Himmelblau expressed some concern over the internal access to this tract. A majority of the members felt this request should be granted.

COMMISSION VOTE:

To recommend that the request of Sam Harris, et ux and Vernon Lemens for a zoning change from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area on property located at 503-507 East Rundberg Lane be GRANTED, subject to a subdivision to identify this property and dedicate one-half the right-of-way (approximately 15 feet) to increase East Rundberg Lane to 90 feet.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Ms. Himmelblau
 NAY: Ms. Mather
 ABSENT: Mr. Bobbitt

C14-73-217 James M. Dyess and Walter and Ruby Lawrence: A, 1st, BB, 1st & C, 1st
9021-9109 Capital Drive to GR, 1st
601-605 and rear of 607-701 Middle Lane

STAFF REPORT:

This property is located in north Austin on two minor residential streets. Subject property lies within an "A" Residence neighborhood with commercial zoning on property to the east which is located along the I. H. 35 frontage road. Subject property faces single-family homes across both Capital Drive and Middle Lane. Deeper retail/commercial zoning is acknowledged north of Middle Lane, but it does not intrude into a residential neighborhood to the extent of subject tract. Subject property also is served primarily by narrow minor residential streets adequate for only "A" Residence uses.

Part of this property was subject of a zoning case in 1970 requesting "C" Commercial. The Planning Commission recommended "BB" Residence on the western half fronting on Capital Drive.

STAFF RECOMMENDATION:

That this case be DENIED, but reluctantly recommends that "BB" Residence be GRANTED for the lot at the southeast corner of Capital Drive and Middle Lane, subject to one-half the right-of-way (5 feet) to increase both streets from 50 to 60 feet.

We definitely feel that a change to any form of commercial zoning would be an intrusion into a neighborhood with inadequate streets, and recommend for a change to "BB" Residence zoning only because of the existing apartment zoning to the south. This is an awkward situation, as we prefer that like uses face like uses and we cannot recommend for additional rezoning for properties across the street or further to the south.

If less restrictive zoning than "BB" Residence is granted, it is suggested that the Commission consider no access or, at least, a limitation of vehicular access onto Capital Drive.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Richard Dorrell

Mrs. Mamie B. Bourke: 9106 Capital Drive

LeRoy Neely: 9106 Capital Drive

FOR
AGAINST
AGAINST

PERSONS APPEARING

Bob R. Howerton (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted subject to one-half the right-of-way (five feet) to increase both Capital Drive and Middle Lane from 50 to 60 feet; no access to Capital Drive; and one curb cut on Middle Lane.

AYE: Messrs. Hetherly, Milstead and Washington. Mmes. Himmelblau
 and Mather

C14-73-217 James M. Dyess and Walter and Ruby Lawrence--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of James M. Dyess and Walter and Ruby Lawrence for a zoning change from "A" Residence, First Height and Area, "BB" Residence, First Height and Area and "C" Commercial, First Height and Area to "GR" General Retail, First Height and Area on property located at 9021-9109 Capital Drive and 601-605 and rear of 607-701 Middle Lane be GRANTED, subject to one-half the right-of-way (five feet) to increase both Capital Drive and Middle Lane from 50 to 60 feet; no access to Capital Drive; and one curb cut on Middle Lane.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-218 C. C. Cook, Ray Thomas and Bernard Lauterborn: Int. A, 1st to LR, 1st
1735 Rutland Drive

STAFF REPORT:

This property is located in north Austin on a collector street. Subject tract lies within an area with industrial zoning to the west and some retail zoning to the north, but is basically oriented to "A" Residence and "BB" Residence uses to the north and east. An established church is located across the street from subject tract and a church-owned site adjoins to the south.

The staff has consistently proposed to the Planning Commission that subject property be zoned no more permissively than "BB" Residence as a continuation of the apartment zoning established to act as a buffer to the Quail Creek neighborhood to the immediate east. The Commission recognized such need and recommended a transitioning of zoning on the property to the north as noted by the pattern of zoning which becomes progressively more restrictive as it approaches the Quail Creek neighborhood.

STAFF RECOMMENDATION:

That this case be denied, but recommends that "BB" Residence, First Height and Area be granted, subject to a subdivision to identify this property and dedicate ten feet of right-of-way to increase the east-west section of Rutland Drive to 80 feet.

The staff feels additional apartment zoning instead of retail zoning would be more appropriate for this tract so closely oriented to the Quail Creek neighborhood. Also, it is felt that there is sufficient retail zoning to serve the needs of this neighborhood without granting additional zoning within the interior.

C14-73-218 C. C. Cook, Ray Thomas and Bernard Lauterborn--Contd.

CITIZEN COMMUNICATION (NORTH AUSTIN CIVIC ASSOCIATION)

WRITTEN COMMENT

None

PERSONS APPEARING

Dick Baker (representing applicant)

C. C. Cook (applicant)

Peter Taylor (representing Lamar-Rundberg Assoc.)

NO OPINION

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this case be continued at the full Planning Commission meeting November 11, 1973.

AYE: Messrs. Hetherly, Milstead and Washington. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented. Ms. Mather expressed opposition to zoning a tract this size "LR" Local Retail. She felt this site would be ideal for a Planned Unit Development. Mr. Washington was in agreement with Ms. Mather and also felt the residences and church in the neighborhood would be facing this tract. Mr. Betts felt that "LR" Local Retail zoning was not inappropriate, as the area was not suitable for single-family use.

COMMISSION VOTE:

To recommend that the request of C. C. Cook, Ray Thomas and Bernard Lauterborn for a zoning change from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area on property located at 1735 Rutland Drive be GRANTED, subject to a subdivision to identify this property and dedicate ten feet of right-of-way to increase the east-west section of Rutland Drive to 80 feet.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez and Nash.
Ms. Himmelblau

NAY: Mr. Washington. Ms. Mather

ABSENT: Mr. Bobbitt

C14-73-219	Manchaca-Stassney, Ltd.: Rear of northeast corner of Manchaca Road and Stassney Lane	O, 1st to A, 1st - Tracts 1A & 2A O, 1st to B, 1st on 25' of Tracts 1 and 2 GR, 1st on remainder of Tracts 1 and 2 (Original request: O, 1st to GR, 1st - Tracts 1 and 2; O, 1st to A, 1st - Tracts 1A and 2A)
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STAFF REPORT:

This property is located in south Austin and is a part of a tract at the intersection of two major arterial streets. Subject tracts are on the periphery of property basically zoned "GR" General Retail in 1968. Subject

C14-73-219 Manchaca-Stassney, Ltd.--Contd.

tracts total 110 feet where zoned "O" Office as a buffer to the adjoining Deer Park single-family neighborhood to the north and east. Retail zoning exists on two other corners of this intersection and Crockett High School is on the remaining corner. An abandoned contractor's operation also exists on the northern portion of the overall property of which subject property is a part.

When the subdivision was approved for this property, the Planning Commission required a 25-foot building setback from the Brittany Boulevard cul-de-sac and a 6-foot privacy fence around same to protect the Deer Park neighborhood and prohibit vehicular access. There are a large number of trees on the eastern boundary of subject tract south of the cul-de-sac, but the majority of the large trees lie outside the 25-foot strip of "A" Residence zoning proposed by the applicant. The north and northeast sections of subject property contain practically no trees.

STAFF RECOMMENDATION:

That this case be denied.

There is no change in this neighborhood since the original zoning except for the Deer Park lots now being fully developed with homes, and if anything, the neighborhood is more deserving of protection. There is sufficient retail zoning in the immediate and general area to serve the many residences without the need to remove an appropriate buffer. The existing zoning pattern offers more overall protection of the neighborhood than the zoning pattern proposed by the applicant. "O" Office with an approved special permit would permit "LR" Local Retail uses on subject tract and would give the Commission an opportunity to review specific plans as would affect the neighborhood.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)**WRITTEN COMMENT**

Calhoun-Smith Dist. Co.: P. O. Box 6156

H. D. Motsenbocker: 2159 South Lamar Boulevard

John B. Kohl: 1704 Brittany Boulevard

FOR

FOR

AGAINST

PERSONS APPEARING

Robert Sneed (representing applicant)

COMMITTEE ACTION:

The applicant amended his application from "O" Office, First Height and Area to "A" Residence, First Height and Area on Tracts 1A and 2A and "B" Residence, First Height and Area on 25 feet of Tracts 1 and 2 and "GR" General Retail, First Height and Area on remainder of Tracts 1 and 2. Members reviewed the information presented and were in agreement that this request should be granted as amended, subject to a six-foot privacy fence where adjoining the Deer Park neighborhood; a 50-foot building setback and field notes to identify zoning for Tracts 1 and 2.

AYE: Messrs. Hetherly, Milstead and Washington. Mmes. Himmelblau and Mather

C14-73-219 Manchaca-Stassney, Ltd.--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Manchaca-Stassney, Ltd. for a zoning change from "O" Office, First Height and Area to "A" Residence, First Height and Area on Tracts 1A and 2A and from "O" Office, First Height and Area to "B" Residence, First Height and Area on 25 feet of Tracts 1 and 2 adjacent to Tracts 1A and 2A and "GR" General Retail, First Height and Area on the remainder of Tracts 1 and 2, as amended, on property located at the rear of the northeast corner of Manchaca Road and Stassney Lane be GRANTED, as amended, subject to a six-foot privacy fence where adjoining the Deer Park neighborhood; a 50-foot building setback and field notes to identify zoning for Tracts 1 and 2.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-220 City of Austin and E. G. Hestilow, et ux: A, 1st to O, 1st (as amended)
 1101-1221 West Ben White Boulevard (Original request: A, 1st to
 4211 Banister Lane GR, 1st)
 North dead-end of Jinx Avenue
 also bounded by the I. & G.N. Railroad

STAFF REPORT:

This wooded property is located in south Austin on a major arterial street which is part of a U. S. Highway system. Tract 1 is city-owned property up for sale and Tract 2 is under private ownership. Subject property lies within an area of mixed zoning along Ben White Boulevard and adjoins a single-family neighborhood to the south. At first glance this property would appear to be suitable for the requested zoning, but a number of problems are posed by topography and differences in grades relative to streets and adjoining developments. At present, the only access without massive fill of the property is to Jinx Avenue, a narrow minor residential street to the south designed to serve only low-density, non-commercial developments. The northern boundary of Tracts 1 and 2 is approximately 20 feet below the roadbed of Ben White Boulevard and the westernmost part of subject property is also 10 to 20 feet below the grade level of Banister Lane. A guardrail adjoins the right -of-way along Ben White Boulevard and the city and highway department have jointly agreed to permit vehicular access only to the westernmost 300 feet along Ben White Boulevard.

The elevation of subject property rises to the south forming a natural buffer for the single-family neighborhood. The topography and wooded character of this property, particularly Tract 2, causes water to flow to the east toward the railroad tracks and away from Ben White Boulevard and the neighborhood.

Cl4-73-220 City of Austin and E. G. Hestilow, et ux--Contd.

The Street and Bridge Department and the Engineering Department have expressed their concern for any development which could cause drainage into the residential area to the south or onto Ben White Boulevard. We have been further advised that the drainage system to the south is designed for only low-density residential development and is incapable of handling additional run-off.

STAFF RECOMMENDATION:

That this case be denied, but recommends "O" Office, First Height and Area be granted, subject to a subdivision to identify this property and provide for the proper termination of Jinx Avenue and subject to no vehicular access to Jinx Avenue.

The Commission may wish to consider some buffering for the neighborhood such as a strip of "A" Residence or a building setback, or both.

The staff would normally recommend development under the Planned Unit Development concept for property with this type of topography. However, it is felt some change in zoning is considered appropriate, as this tract is located along a combination major arterial/U. S. Highway and is across the street from a pending case of "O" Office zoning recommended by the staff and the Planning Commission.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Mrs. S. S. Townsley: 2204 Arpdale Street

FOR

Gladys R. Smith: 2204 Arpdale Street

FOR

PERSONS APPEARING

Dick Baker (representing applicant)

COMMITTEE ACTION:

The applicant amended the application from "A" Residence, First Height and Area to "O" Office, First Height and Area and agreed to a 25-foot building setback from the southern boundary line and a 10-foot strip to remain in its natural state. Members reviewed the information presented and recommended to grant this request, as amended, subject to a subdivision to identify this property and provide for the proper termination of Jinx Avenue; no vehicular access to Jinx Avenue; the southernmost 10 feet to remain in its natural state; and a 25-foot building setback from the southern boundary.

AYE: Messrs. Hetherly, Milstead and Washington. Mmes. Himmelblau and Mather

COMMISSION VOTE:

Members reviewed the information presented and were in agreement with the Committee action.

C14-73-220 City of Austin and E. G. Hestilow, et ux--Contd.

COMMISSION VOTE:

To recommend that the request of the City of Austin and E. G. Hestilow, et ux for a zoning change from "A" Residence, First Height and Area to "O" Office, First Height and Area, as amended, on property located at 1101-1221 West Ben White Boulevard, 4211 Banister Lane, the north dead-end of Jinx Avenue also bounded by the I. & G.N. Railroad, be GRANTED, as amended, subject to a subdivision to identify this property and provide for the proper termination of Jinx Avenue; no vehicular access to Jinx Avenue; the southernmost ten feet to remain in its natural state; and a 25-foot building setback from the southern boundary.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C14-73-221 Buckingham Ridge Developers: Int. A, 1st to GR, 1st (Tract 1)
 Southwest corner of South Congress Int. A, 1st to BB, 1st
 Avenue and William Cannon Drive (Tracts 2 & 3)

STAFF REPORT:

This property is located in south Austin with most of the acreage oriented to the major intersection of South Congress Avenue and William Cannon Drive. Subject property is covered by a preliminary subdivision indicating proposed single-family development adjoining to the west and southwest. The south 100 feet of Tract 1 and part of the north boundary of Tract 2 are affected by an electrical power utility easement which precludes development of structures although it could be used for parking purposes. This easement will act as a partial buffer for some of the adjoining residences. The Planning Commission earlier this year recommended for the "GR" General Retail zoning at the northwest corner of this same major intersection.

STAFF RECOMMENDATION:

That this case be granted, subject to a subdivision to identify this property and provide for streets. It is suggested that the Commission consider a six-foot privacy fence where adjoining "A" Residence and that these tracts be subject to the provisions of deferred zoning and sign notification of approved zoning.

The requested zoning is considered compatible with the anticipated residential development on the west side of South Congress and subject tracts are oriented to a major arterial intersection, one street being the old San Antonio Highway. The request is also consistent with the recent Planning Commission recommendation for property on the north side of William Cannon Drive.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Robert Sneed (representing applicant)

CP14-73-221 Buckingham Ridge Developers--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted, subject to a subdivision to identify the property and provide for streets; a six-foot privacy fence where adjoining "A" Residence zoning; subject to deferred zoning and sign notification provision.

AYE: Messrs. Milstead and Washington. Mmes. Himmelblau and Mather
ABSTAIN: Mr. Hetherly

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To recommend that the request of Buckingham Ridge Developers for a zoning change from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area on Tract 1 and Interim "A" Residence, First Height and Area to "BB" Residence, First Height and Area on Tracts 2 and 3 be GRANTED, subject to a subdivision to identify this property and provide for streets; a six-foot privacy fence where adjoining "A" Residence zoning; subject to deferred zoning and sign notification provision.

AYE: Messrs. Milstead, Betts, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather
ABSTAIN: Mr. Hetherly
ABSENT: Mr. Bobbitt

SPECIAL PERMITS

CP14-73-043 Cannon Development Corp.: 477 Apartment Units called "Canlen
8520-8602 North Lamar Boulevard House Apartments"
824-934 Thurmond Drive

STAFF REPORT:

This application has been filed as required under Section 45-19, Sub-section (i), Paragraph (5), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The applicant proposes the construction of 477 apartment units on 14.18 acres of land located at North Lamar and Thurmond Avenue. The density proposed for the tract is 33.7 units per acre. This tract is a portion of a larger tract along the west side of Lamar that is zoned "GR" General Retail. The applicant proposes 276 efficiency apartments, 112 one-bedroom apartments and 88 two-bedroom apartments with a manager's apartment. Access to the tract is from Thurmond Avenue, a 60-foot street, and North Lamar Boulevard, having 120 feet of right-of-way. The property to the north is undeveloped, and the area to the west is developed with single-family residences. The staff recommends approval of this application, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

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CP14-73-043 Cannon Development Corp.--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Eugene J. Sladek: 8505 Jamestown Drive

AGAINST

PERSONS APPEARING

Martin Boozer (representing applicant)

Gene Meek (representing applicant)

Robert Sindermann: 8503 Jamestown Drive

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this special permit be approved subject to departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information on the proposed development.

COMMISSION VOTE:

To APPROVE the request of Cannon Development Corp. for a special permit for the construction of a 477-unit apartment project called "Canlen House Apartments" on property located at 8520-8602 North Lamar Boulevard and 825-934 Thurmond Drive, subject to departmental requirements as on file with the City of Austin Planning Department and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

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.

CP14-73-044 Roy E. Millican, Jr.: A Veterinary Clinic
5716 Manchaca Road

STAFF REPORT:

This application has been filed as required under Section 45-23, Sub-section (73), Paragraph (6), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application to allow a veterinary clinic at 5716 Manchaca Road. The clinic is to be located within the proposed Cherry Creek Plaza Shopping Center which is zoned "GR" General Retail, with the exception of the clinic site which has been approved for "C" Commercial to allow a veterinary clinic. While a

CP14-73-044 Roy E. Millican, Jr.--Contd.

special permit is not required for a shopping center in a "GR" General Retail district, a veterinary clinic on a tract of less than five acres requires "C" Commercial zoning and is subject to a special permit. It is the recommendation of the staff that the entire center be reviewed but only that portion directly affected by the veterinary clinic be tied down by special permit approval.

The staff recommends approval of this special permit application for a veterinary clinic on the limited area shown, subject to departmental requirements as on file with the City of Austin Planning Department.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Ray Dinges: 2002 Whitestone

AGAINST

PERSONS APPEARING

Wayne Leubner (representing applicant)

Dr. Fred Martin: 5707 Lewood Drive

FOR

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that this request should be approved subject to departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To APPROVE the request of Roy E. Millican, Jr. for a special permit for a veterinary clinic on property located at 5716 Manchaca Road, subject to departmental requirements as on file with the City of Austin Planning Department, and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

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.

CP14-73-045 William J. Scudder & Richard F. Lannert: 29-Unit Dwelling Group
3601-3603 Manchaca Road called "The Treetops Apartment Complex"

STAFF REPORT:

This application has been filed as required under Section 45-18, Sub-section (g), Paragraph (6), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application to allow the construction of 29 apartment dwelling units on 1.26 acres of land located at 3601-3603 Manchaca Road. The property is zoned "BB" Residence, First Height and Area and the density proposed is 23 units per acre. The applicant proposes 16 one-bedroom apartments and 13 two-bedroom apartments with access to Manchaca Road. The staff recommends approval of this application subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Bertrand J. Duesing: 3603 Fleetwood Drive	AGAINST
T. M. Burnett: 1810 Larchmont Drive	AGAINST
Gerald W. Allamon: 3503 Fleetwood Drive	AGAINST

PERSONS APPEARING

Bill Scudder (applicant)	
Gary Brown: 1909 Larchmont Drive	AGAINST
Clarence Menzel	AGAINST

COMMITTEE ACTION:

The applicant requested that he be granted a variance to allow him to erect a sign closer than the setback requirement. Members reviewed the information presented and recommended that this special permit be approved, subject to departmental requirements as on file with the City of Austin Planning Department; granted a variance on the sign; subject to a 4-foot privacy fence along the lot line between subject tract and the duplex lot to the east; subject to a fence as proposed by the applicant along the southern property line as shown on the site plan.

AYE: Messrs. Hetherly, Milstead and Nash. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.

COMMISSION VOTE:

To APPROVE the request of William J. Scudder and Richard F. Lannert for a special permit for the construction of a 29-unit apartment dwelling group called "The Treetops Apartment Complex" on property located at 3601-3603 Manchaca Road, subject to departmental requirements as on file with the City of Austin Planning Department, and granted a variance on the sign; subject to a four-foot privacy fence along the lot line between subject tract and the duplex lot to the east; subject to a fence as proposed by the applicant along the southern property line as shown on the site plan, and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

CP14-73-045 William J. Scudder & Richard F. Lannert--Contd.

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.

ZONING COMMITTEE WORK SESSION

Mr. David Shaw, Assistant City Attorney, met with the Zoning Committee on November 5, and discussed many of the problems that are associated with differentiating between restaurants and bars or taverns. He pointed out that the differences in the zoning ordinance are unclear and need redesigning. He will have a recommendation for amending these differences for the Zoning Committee at the December meeting.

An informal discussion was held on November 6 on the zoning ordinance. The staff was directed to present some proposals for possible amendment to the zoning ordinance at the December Zoning Committee meetings.

STREET VACATIONS

C10-73-122 Provident Development Company
Shadywood Drive from 220 feet south of Blackberry
Drive southerly 200 feet to termination

The staff reported that this was a request from Provident Development Company for the vacation of that portion of Shadywood Drive from 220 feet south of Blackberry Drive southerly 200 feet to termination to be used for a model home area. The applicant plans to landscape the area and agrees to rededicate the area within four years and be responsible for the restoring of the street. Members reviewed the information presented. The Commission then

VOTED: To APPROVE the request of Provident Development Company for a temporary street vacation of Shadywood Drive from 220 feet south of Blackberry Drive southerly 200 feet to termination for a period not to exceed four years, subject to adequate arrangements made with the City Legal Department and Public Works Department to insure the eventual improvement of subject area and subject to retention of easements.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C10-73-123 Henna Chevrolet, Inc.
Martin Avenue from Delmar Avenue
Northerly 150 feet to termination

The staff reported that this was a request from Henna Chevrolet, Inc. for the vacation of a portion of Martin Avenue from Delmar Avenue northerly 150 feet to termination. The members were informed that the vacated area is zoned "A" Residence and cannot be used for access to Henna Chevrolet, Inc. without being rezoned. Members reviewed the information presented. The Commission then

VOTED: To APPROVE the request of Henna Chevrolet, Inc. for the vacation of a portion of Martin Avenue from Delmar Avenue northerly 150 feet to termination, subject to retention of easements.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C10-73-124 University of Texas
Park Street, Dell Street, Short Street,
Dwarf Street, Lake Austin Blvd. Alley

The staff reported that this was a request by the University of Texas for the vacation of Park Street, Dell Street, Short Street, Dwarf Street and Lake Austin Boulevard Alley. The members reviewed the information presented. The Commission then

VOTED: To APPROVE the request of the University of Texas for street vacation of Park Street, Dell Street, Short Street, Dwarf Street and Lake Austin Boulevard Alley, subject to retention of easements and subject to agreement between the City Council and the Board of Regents of the University of Texas on dedication of additional right-of-way on Enfield Road.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C10-73-125 University of Texas
Exposition Boulevard from Enfield Road
to Lake Austin Boulevard

The staff reported that this was a request by the University of Texas for vacation of the right-of-way easement located on Exposition Boulevard from Enfield Road to Lake Austin Boulevard. Members reviewed the information presented. The Commission then

C10-73-125 University of Texas--Contd.

VOTED: To APPROVE the request of the University of Texas for vacation of the right-of-way easement located on Exposition Boulevard from Enfield Road to Lake Austin Boulevard, subject to retention of easements and subject to agreement between the City Council and the Board of Regents of the University of Texas for dedication of right-of-way for Exposition Boulevard.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C10-72-131 University of Texas
 Redbud Trail

The staff reported that this was a request by the University of Texas to vacate and rededicate Redbud Trail so that the paved roadway would be within the limits of the dedicated right-of-way. Members reviewed the information presented. The Commission then

VOTED: To APPROVE the request of the University of Texas for street vacation of Redbud Trail, subject to retention of easements and subject to agreement between the City Council and the Board of Regents of the University of Texas on rededication of Redbud Trail.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

MASTER PLAN AMENDMENT

C2-73-1(j) Elmer Cullers
 From Suburban Residential to Commercial
 Service and Semi-Industrial

STAFF REPORT:

This is an area of 59 acres requested by Elmer Cullers by Mr. A. S. Duncan, owner of tracts of land located in southeast Austin. The tracts are southeast of the intersection of Hergotz Lane and Dalton Lane north of State Highway #71. The request is to change the land use designation from Suburban Residential to Commercial Service and Semi-Industrial. The applicant is developing several Light Industrial and Heavy Commercial subdivisions in Austin and feels there is demand for areas of this kind, particularly in this area of the city. Forty acres have been added because of adjacency for consideration by the Planning Commission.

C2-73-1(j) Elmer Cullers--Contd.

The land area under consideration is within an alluvial plain of the Colorado River. It is gently sloping with a 2% to 5% slope toward the Colorado River. There is a small creek south of the request. Existing development in the area bounded by the bend in the Colorado River and State Highway #71, an area of approximately 4-1/2 square miles, is located along the highway. The balance of the area is predominantly rural in character. There is a dairy and cattle auction located within the area and general retail uses, mobile homes, mobile home parks and two subdivisions located in the vicinity of the highway. The retail developments are concentrated toward both Montopolis Drive and the Bergstrom field entrance. The two subdivisions are developed with single-family housing. They are Bergstrom Downs and Richland Estates. Richland Estates is located on the east side of Dalton Lane and about 55 homes have been constructed. On the south property line of the request is an industrial subdivision, Turbine South, which is presently being developed. There are three private land fills in the immediate vicinity.

The Austin Development Plan was approved in June of 1961 and amended March 15, 1973. The amendment designated this general unincorporated area as Suburban Residential. The frontage along State Highway #71 is within the City of Austin and is zoned for Commercial and General Retail Uses. This area is within the control area of Bergstrom airport zoning and height limitations. The aerial map illustrates areas of high noise levels resulting from the Bergstrom Airport operation. These noise levels have been a major constraint to residential development. In addition, the Air Force, on several occasions, has unofficially requested the City to consider restricting the development of residences within these zones.

The area can be served with water and sewer facilities; however, a lift station and appropriate mains will be required to provide sewer service.

Dalton Lane is proposed as an arterial street with two twenty-four foot roadways on 100 feet to 120 feet of right-of-way in the Expressway and Arterial Plan. At present, Dalton Lane is a county-type road with approximately 20 feet of paving. Dalton Lane has been considered as a possible extension of Ed Bluestein Boulevard.

STAFF RECOMMENDATION:

The development in this area is under the influence and constraint of the Bergstrom flight path and the intersection of two major highways. This area is located in the bend of the Colorado River, and is also under the influence of industrial development north of the river and sewerage treatment facilities to the north and east across the river. In view of the above constraints to residential development, the staff recommends the request be granted, subject to the following requirements:

C2-73-1(j) Elmer Cullers--Contd.

1. That the sanitary sewer service be provided within the subdivision.
2. That the requirements established for Turbine-South be the minimum requirements, including but not limited to list requirements below:
 - a. All streets be paved to City urban subdivision standards, including curbs and gutters.
 - b. Owners be required to maintain their property.
 - c. A six-foot privacy fence would be installed if adjacent areas were developed residentially.
 - d. That the Industrial performance standards established for a Planned Development Area be required.

The question of how much of the agricultural land in this area will be converted to Industrial Use is a serious one. It is recommended that this area be studied with the possibility of a line being established for industrial uses or certain areas being established for agricultural uses.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Nelson Puett

Mrs. R. B. Thrasher

Miss Maude Hergotz and sister: 9521 Hergotz Lane

FOR

AGAINST

AGAINST

PERSONS APPEARING

A. S. Duncan (representing applicant)

Nelson Puett

Adeline Sedwick: Rt. 1, Box 976

Fannie H. Templeton: P. O. Box 405

Nora H. Gaddy: 604 Josephone

FOR

AGAINST

AGAINST

AGAINST

Summary of Testimony:

Mr. A. S. Duncan, representing the applicant, stated that the area north and west of the subject property was being used for the purpose of excavating top soil, and he felt the proposed use for the area would be a more appropriate use for this land. Several of the area residents were opposed to the proposed extension of the area to be considered. They felt a definite boundary line should be drawn.

Mr. Duncan assured the property owners that no request had been filed for the additional acreage but that this was only a recommendation to be considered.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that an industrial subdivision would be a more desirable use than the excavating activity being carried on at the present time.

C2-73-1(j) Elmer Cullers--Contd.

COMMISSION VOTE:

To recommend that the request of Elmer Cullers for an amendment to the Austin Development Plan for an area of 59 acres located southeast of the intersection of Hergotz Lane and Dalton Lane north of State Highway #71' from Suburban Residential to Commercial Service and Semi-Industrial be APPROVED, subject to departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather
ABSENT: Mr. Bobbitt

PUBLIC HEARINGS

C2-73-3a Zoning

Amendment to the Zoning Ordinance with
regard to carport setbacks from front
and side streets

The staff reported that this was a request for an amendment to the Zoning Ordinance to reduce the setback requirements for carports. The Commission heard this request at their July 10, 1973 meeting. The recommendation of the Commission was to recommend against reducing the setback requirements. That recommendation was submitted to the City Council who held a public hearing in October but referred the issue back to the Planning Commission.

On May 10, 1973, Mr. Louie White appeared before the City Council appealing a City Building Department order that a carport at his residence be removed due to a violation of the 20-foot setback requirement. The City Council asked that the City Manager's office study the problem, formulate a recommendation, and freeze enforcement of the existing code provision pending Council review and action. At that point the various departments of the City, at the request of the City Manager, placed some information before the City Council and it was the recommendation of the City Manager that the Zoning Ordinance be amended to reduce the setback requirement for carports to 15 feet from 20 feet. This allowance of an additional 5 feet would remedy most problems with existing or future carports. A report from the Building Official's office indicated there was a report from Mr. Michael Markley, attorney for Mr. Louie White, submitting a list of 78 locations in the city where carports were in violation of the Zoning Ordinance. Building officials found only 44 of the 78 were in violation and of the 44 in violation, only ten would be corrected if the setback were reduced 5 feet. The Board of Adjustments has considered 18 setback variances since 1970. Of the 18, 14 were denied and 4 were granted. These were requests to construct carports between the property line and the 20-foot building setback line. The City Council at their meeting in October heard a request from Mr. Markley that he had not had the opportunity to discuss his problem with the Commission at their meeting in July. Therefore, the Council referred the item back to the Commission at this time so that Mr. White and his attorney would have an opportunity to present their case. Photographs of property showing carports in the community, including Mr. White's, were distributed for the Commission's review.

C2-73-3a Zoning--Contd.

Amendment to the Zoning Ordinance with
regard to carport setbacks from front
and side streets

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Michael Markley (representing Mr. White)

Louie White

Harold Loftis

James Obed

FOR

FOR

FOR

SUMMARY OF TESTIMONY:

Mr. Markley stated that there appeared to be no objections as a matter of public safety or convenience in changing the present 20-foot setback. The confusion came about because Mr. White was under the impression that the setback requirement was measured from the pavement instead of the property line which is ten feet from the curb. Mr. White did not take out a building permit, as he was under the impression that the builder would do it. However, he did not. The structure stood for about one year before an inspector noticed it and "red tagged" it. Mr. Markley stated that they had appealed the case to all authorities and requested that the Commission reconsider the case and allow some adjustment.

A number of other citizens appeared and spoke in favor of this change.

COMMISSION ACTION:

Members reviewed the information presented and were in sympathy with those citizens who unintentionally violated the ordinance or those who had purchased property whose carports were erected by prior property owners. However, the members felt that reducing the setback requirement would not solve the total problem.

COMMISSION VOTE:

To recommend that the request for an amendment to the Zoning Ordinance to reduce the building setback requirement for carports from 20 feet to 15 feet be DENIED.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.

 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C2-73-5c Historic Zoning Ordinance

To consider a proposed Historic Zoning Ordinance

Mr. Milstead reported that this request was referred to the Commission by the City Council. A committee of the Planning Commission was appointed to study the recommendation from the Committee for the Development of a Program for Historic Preservation. Members of this sub-committee are:

Charles Betts, Chairman
Betty Himmelblau
Philip Juarez
Jean Mather

Mr. Betts reported that this sub-committee had met with members of the Committee for the Development of a Program for Historic Preservation and suggested the following changes in the proposed ordinance:

Sec. 45-45 (b) "Recognititon as a Recorded Texas Historic Landmark, a National Historic Landmark, or entered into the National Register of Historic Places."

The following Sections were to be reworded for compatibility:

Sec. 45-50 (a) (2) and (3)
Sec. 45-50 (b) (2) and (3)
Sec. 45-51 (a) (3) and (4)

Also for consideration for change was the wording in Sec. 45-50 (d) and Sec. 45-51 (c) from "any applicant" to "any interested party." Sec. 45-54 was to include "by registered mail."

Members of the Committee felt Sec. 45-50 (d) and Sec. 45-51 (c) should be changed to allow appeal to the City Council rather than to the District Court.

Copies of the revised proposed ordinance were distributed to those in the audience.

Mr. Lillie explained the responsibilities of the various organizations within the Historic Zoning Ordinance. Included in his explanation was the relationship and responsibilities of the proposed Historic Landmark Commission to the Planning Commission and to the City Council.

CITIZEN COMMUNICATION:

WRITTEN COMMENT

None

PERSONS APPEARING:

Dr. Emma Linn: 316 East 6th Street
J. Roy White
Roxanne Williamson: 7106 West Rim Drive
Ann Weber: 1407 Newfield Lane
Bob Fowler
Jim Prebble: 1702 Exposition
Charles Phillips

FOR
FOR
FOR
FOR
AGAINST
AGAINST

C2-73-5c Historic Zoning Ordinance--Contd.

SUMMARY OF TESTIMONY:

Several members representing the Historical Society spoke in favor of the proposed ordinance in its unaltered form. It was brought out that this ordinance is an enabling ordinance which creates a Landmark Commission and states the City's interest in historic zoning but it does not state any specific building at this point.

Some opposition was expressed toward Sections 50, 51 and 53 of the proposed ordinance dealing with the City's power over any alterations, demolition or removal and of the penalties involved. It was felt that mandatory maintenance was unfair and that this would possibly cause some owners to demolish structures before the proposed ordinance is adopted in order to avoid being forced to comply with this requirement.

Roxanne Williamson stated that there is a recommended demolition permit but that it is not a permanent restriction but sets a period of time during which the Landmark Commission and others would seek to find a buyer or vital use for the building. At the end of that time the building would be able to be demolished. She also pointed out that an owner would have recourse to the City Council.

COMMISSION ACTION:

Members reviewed the information and testimony. Mr. Betts expressed some difficulty with Sec. 45-53 in that he felt private property rights were involved in this one section. Ms. Himmelblau stated that appeals going to the District Court would cause a hardship on citizens, therefore, she felt that appeals should go to the City Council. Mr. Nash questioned the number of personnel involved and the cost to the taxpayers in enforcing this ordinance. Mr. Juarez expressed opposition to Sec. 45-51 (b). He felt this section should be deleted, as it would be impossible to force an owner to maintain his building. He also felt that the wording "any applicant" should not be changed to "any interested party", and that Sec. 41-51 (c) should be left as originally written. He also favored appeal to the City Council. Mr. Hetherly stated that he felt that basically the proposed ordinance was good but he felt that perhaps the ordinance was too broad in the area it covered. Members agreed that more time was needed to work out these various questions.

COMMISSION VOTE:

To set a public hearing for November 19, 1973 at 7:00 p.m. for further discussion of this proposed Historic Zoning Ordinance.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C17-73-001 Environment
Dam Construction Site
1803 and 1805 Barton Hills Drive

The staff reported that this is a request from Mr. Mickey Bently representing the Austin Southwest Development Company for the construction of a small dam in a 40-foot drainage easement located in Barton Hills, Section Six on Lots 1 and 2 (1803 and 1805 Barton Hills Drive.) The dam will be located ten feet upstream from the south right-of-way line of the Barton Hills Drive bridge. Austin Southwest Development Company owns both lots involved and the construction of the dam which is in accordance with current City ordinances is to be provided with a re-circulation system and with a six-inch drain.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Robert Lloyd (representing applicant)

Mickey Bently (applicant)

COMMISSION ACTION:

Members reviewed the information presented and felt this request should be granted.

COMMISSION VOTE:

To recommend that the request of Mickey Bently for the construction of a small dam in a 40-foot drainage easement located in Barton Hills, Section Six on Lots 1 and 2 (1803 and 1805 Barton Hills Drive) be GRANTED.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

OTHER BUSINESS

C8s-73-005 Bee Caves Tract
Consider conceptual plan

The applicant reported that this is a conceptual plan for an area in excess of 300 acres located in southwest Austin near Bee Caves Road and MoPac Boulevard. The applicant presented a slope analysis in explaining his plan. One natural amenity is a ridge which divides the site into two distinct areas. The area is heavily wooded. The general land use concept is based around the creek which runs through the tract and the ridge line. The proposed use along MoPac Boulevard is office and apartment sites along the slope of the ridge. The opposite side of the ridge is intended to be used for single-family use. The Eanes School District has expressed interest in having

C8s-73-005 Bee Caves Tract--Contd.

an elementary school on this site. If negotiations with the school district do not materialize, plans for this area are for a P.U.D. for medium-density type housing. Because of the topographical problems on Barton Skyway and Bee Caves Road, this area is designated retail, office or apartments. The streets will be designed to eliminate any retail traffic through the single-family area. Plans include a recreation center with a swimming pool and other features including a greenbelt by utilizing the drainageways. The applicant reported that this application will come in in the form of a P.U.D. and that they will be asking for a new kind of street design to accomplish several ecological, environmental and sociological factors including flooding problems, street radii, turning and grades a street can be built.

Mr. Lillie reported that this plan proposed approximately 1,950 units on this 300-acre tract. This is about 6.5 units per gross acre. If the land that is shown as the school tract and that portion shown for office and commercial purposes are not used for these purposes, the number of units would change to approximately 2,500 units or approximately 8 units per acre. Assuming utility service can be provided, there should be no problem. Waste water is not available but water is available from the City of Austin or Water District No. 10. Information is that Water District No. 10 is no longer annexing land into their district. Barton Skyway already has a water easement and line that would be able to serve this property. This project can be served by wastewater lines that are in Barton Creek on the east side of the ridge. The west side of the ridge would have to be served by a lift station. Wherever streets connect to state highway facilities, these connections will have to be approved by the Highway Department. Under the P.U.D. Ordinance, the Planning Commission has power to vary requirements of specific ordinances dealing with right-of-way, grades or radii.

The staff recommends approval of the land use designation as identified on the land use plan with a maximum density of 6.5 to 8 units per acre subject to approval of water and wastewater to handle this density and approval by the State Highway Department on connections to the state facilities. It is also suggested that the applicant may want to consider some additional area that might be used for a park area.

COMMISSION VOTE:

To APPROVE the general concept of the land use designation of the Bee Caves tract conceptual plan.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C2-73-8a Subdivision

Recommend ordinance in relation to park land in conjunction with subdivisions and determine City policy on donation of wilderness parks to the City

The staff reported that the City Council voted to request the Planning Commission and the Planning staff to begin to develop language for an amendment to the Subdivision Ordinance to require dedication of land for parks or money in lieu of. A letter from Les Gage, Chairman of the Environmental Board, was received which offered assistance to the Commission in developing this language. Members were informed that there are some problems with developing this proposed ordinance in the State of Texas in that home-ruled cities under state legislation have power that is not expressly prohibited by state law. There is nothing in the state statutes that prohibit any city requiring subdividers to dedicate land for parks or money in lieu of. The staff reported that they are beginning to do research with the Legal Department, the Parks Department and the Environmental Department on the alternatives and the options that a city has under state statutes to do this without being taken to court the first time that the requirement is made.

C2-73-9a Planning Commission
Rules and Regulations

The staff reported that according to the provisions of the Rules and Regulations any changes to the Rules and Regulations must be submitted 30 days prior to any action taken. The revised Rules and Regulations were submitted by mail to Planning Commission members prior to the October, 1973 meeting at which time they were briefly discussed. The revised Rules and Regulations are appearing on the agenda at this time for Commission Action.

CITIZEN COMMUNICATION:

WRITTEN COMMENT

Andrea Winchester

AGAINST

PERSONS APPEARING

Karen Endres

AGAINST

COMMISSION ACTION:

Mr. Milstead stated that the major change in the Rules and Regulations occurs in the area of subdivisions in that in effect, the Subdivision Committee will be eliminated and all subdivisions will be heard by the Planning Commission. A quorum of five members will be necessary for action. All Planning Commission members will be notified of the subdivision cases that will appear on the agenda. Since final action is taken on these subdivisions, for legal reasons it will be necessary for five members to act on subdivisions.

Opposition was expressed from members of the Austin Women's Political Caucus and the Task Force on Equal Opportunity in Education concerning the wording of the text in the Rules and Regulations.

C2-73-9a Planning Commission--Contd.
Rules and Regulations

COMMISSION VOTE:

To APPROVE the revised Rules and Regulations.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C2-73-9a Planning Commission
1973-1974 Work Program

Members reviewed the schedule for the 1973-1974 Work Program. Mr. Milstead suggested that the Commission review this program each month to see the progress being made.

C14-73-181 Jagger Associates, Inc.
Review site plan

This was a zoning case heard last month for "LR" Local Retail zoning on Timberline Drive and Barton Skyway. Part of the stipulation was that a site plan be submitted showing the environmental controls that go with the site. These controls were to include visual compatibility with the neighborhood, control of graphics, preservation of the natural environment, control of trash disposal, and control of vehicular access.

COMMISSION ACTION:

Members reviewed the site plan submitted by the applicant.

COMMISSION VOTE:

To APPROVE the site plan of Jagger Associates, Inc.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C17-73-001 Environment
Proposed amendments to the Creek Ordinance
Chapters 29 and 41 of the City Code

The staff reported that the Work Committee of the Planning Commission and the Environmental Board, along with Jerry Harris of the Legal Department, Stewart Henry of the Environmental Department, Charles Graves and Richard Lillie have, over the last six months, developed amendments to the Austin Code, Chapter 29 dealing with those rivers, creeks and water courses within

C17-73-001 Environment--Contd.

the corporate limits of the city and Chapter 41 dealing with the subdivision ordinance pertaining with creeks outside the city limits of Austin. Maps prepared by the Environmental Department were presented which showed the creeks in the Austin area. A metropolitan map shows the creeks beyond the city limits but still within the five mile jurisdiction.

Mr. Milstead reported that the Work Committee and the Environmental Board were still working on this proposed ordinance in order to come up with a workable ordinance that would be enforceable. He reported that a public hearing by the Planning Commission and the Environmental Board is scheduled for November 27, 1973 at 7:30 p.m. in the Electric Building.

C10-73-119 Street Vacation Study
Closing of Webberville Road
Railroad Crossing and Gomez Street

The staff reported that this was presented last month for comments and suggestions from the Commission. The proposed improvements include the closing of Webberville Road at its intersection with the MKT Railroad between Northwestern Street and Pedernales. Pedernales will be realigned to intersect with Webberville Road. Gomez, between Pedernales and Webberville Road will also be closed.

The Commission reviewed the information presented and were in agreement that action should be initiated to close the Webberville Road railroad crossing.

C8s-73-257 Rutland Square
Discuss Variance from the Subdivision Ordinance

The staff reported that a letter from the applicant had been received requesting a variance to exclude a portion of the tract on the short form. Because the request was received too late to allow posting of notice 72 hours in advance, the Commission was unable to take any action. The case was postponed to the Subdivision Committee meeting on November 27, 1973 for their action.

C1-73-3 Minutes

The members then

VOTED: To APPROVE the September, 1973 Subdivision minutes and the October, 1973 Planning Commission minutes as previously distributed.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

R146 Subdivision Committee

The Committee Chairman reported action taken on the subdivisions at the meeting of October 23, 1973, and requested that this action be made a part of the minutes of this Planning Commission.

C8-73-87 Spring Valley Subdivision
F. M. 1826 and Spring Valley Drive

The staff reported that this subdivision was appealed from the Subdivision Committee to consider the preliminary plan. The staff stated that neither the water system nor the septic tank system have been approved in their entirety and are recommending that this case be disapproved, pending approval from the State Health Department and the local Health Department and compliance with departmental requirements.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Karl Moeller (representing applicant)

Leon Griffin

COMMISSION ACTION:

Mr. Karl Moeller, representing the applicant, stated that the water system and septic tank system had been in use for about two years before this plat was submitted and that no problems had been encountered. Mr. Milstead read a letter from H. E. Hargis, Sanitary Engineer for the City-County Health Department to the effect that even though recent water samples indicated no bacteria, the chemical quality was not suitable for consumption. The letter also indicated that some septic system failures as a result of the heavy rains had been reported. Ms. Himmelblau raised the question of how soon could this tract tie in to Water District No. 14. Mr. Leon Griffin, owner of this subdivision, indicated that Water District No. 14 had an inadequate water supply and he would be unable to tie in to this district until such time as the supply was adequate to serve the area. It was reported that the District Court had ruled that the water system was acceptable. However, the state and local health departments have not approved the systems. It was reported that at the time this subdivision went in, it was outside the five mile extraterritorial jurisdiction but it is now located within the five mile extraterritorial jurisdiction because of annexation to the City which extended the five mile line.

COMMISSION VOTE:

To APPROVE the preliminary subdivision of Spring Valley, subject to approval from the state and local health departments of the water system, and subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Betts, Hetherly, Juarez, Nash and Washington.

Mmes. Himmelblau and Mather

NAY: Mr. Milstead

ABSENT: Mr. Bobbitt

C8-73-87 Spring Valley Subdivision--Contd.

The Commission then

VOTED: To DISAPPROVE the final subdivision plat of Spring Valley, subject to departmental requirements as on file with the City of Austin Planning Department and subject to approval of the water system by the State Health Department.

AYE: Messrs. Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

NAY: Mr. Milstead

ABSENT: Mr. Bobbitt

C8-73-109 Woodlake Trails
 Commons Ford Road and
 Cuernavaca Drive

The staff reported that this case has been referred to the full Commission to consider the preliminary plan. The Health Department had given an unfavorable report on the septic tank system but the staff has now received a memorandum from the Health Department approving the system.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this case should be approved. The Commission then

VOTED: To APPROVE the preliminary subdivision plan of Woodlake Trails, subject to departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C8-73-114 Cherry Creek, Phase VI
 William Cannon Drive and
 West Gate Boulevard

The staff reported that the applicant had submitted a preliminary plan which showed West Gate Boulevard in relation to this subdivision. The applicant has now submitted an amended plan showing a shift in West Gate Boulevard. The staff reported that all departments have now made a review of the plan and either alignment is satisfactory with all departments including Traffic and Transportation and the Planning Department provided that all property owners are in agreement.

C8-73-114 Cherry Creek, Phase VI--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Phil Mockford (representing applicant)

T. U. Bryant

AGAINST

COMMISSION ACTION:

Members reviewed the information presented. Mr. T. U. Bryant, an adjoining property owner, was opposed to the new alignment, as he was under the impression that West Gate Boulevard would go through his property. It was pointed out that in the Arterial Plan, West Gate Boulevard is only proposed. The Commission then

VOTED: To APPROVE this request, subject to departmental requirements as on file with the City of Austin Planning Department and DISAPPROVE the commercial and multi-family tracts pending zoning.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C8-73-116 Turbine South
 Dalton Lane and
 Fentress Circle South

The staff reported that this case was referred to the full Commission to consider the preliminary plan. The staff recommends approval of this preliminary plan, subject to departmental requirements and not requiring the extension or cul-de-sac of Hyman Lane and Harrison Lane for the following reasons:

1. a sanitary sewer lift station is presently located at the north end of Hyman Lane which prevents extension or cul-de-sac
2. the extension of Harrison Lane is not needed from a planning standpoint nor for circulation purposes (street is 270 feet long)
3. there is a topographic problem involved in the extension or cul-de-sac placement of Harrison Lane
4. the City has changed the Master Plan on subject tract permitting more intensive uses
5. developer has changed pattern of street and lot layout from original plan and plans a different type and class of homes from those existing in Richland Estates to the south

C8-73-116 Turbine South--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Jerry Riddle (representing applicant)

Nelson Puett (applicant)

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this request should be granted. The Commission then

VOTED: To APPROVE the preliminary subdivision of Turbine South, subject to departal requirements as on file with the City of Austin Planning Department and not requiring the extension or cul-de-sacing of Hyman Lane and Harrison Lane.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C8-73-88 Rutland Drive Business Park
Rutland Drive and Running Bird Lane

The staff reported that the applicant is requesting a variance on the cul-de-sac requirement of the subdivision ordinance. The applicant proposed to provide an area to be utilized for truck maneuvering on subject tract.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this request should be granted. The Commission then

VOTED: To GRANT a variance on the cul-de-sac requirement for the Rutland Drive Business Park subdivision

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

C8-73-113 Castlewood Forest, Section 9
Castlewood Drive and Castledale Drive

The staff reported that the applicant was requesting a variance on the cul-de-sac requirement of the subdivision ordinance in order to save a number of elm and live oak trees.

C8-73-113 Castlewood Forest, Section 9--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Herndon C. Bailey (representing applicant)

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this request should be granted. The Commission then

VOTED: To GRANT a variance on the cul-de-sac requirement for the Castlewood Forest, Section 9 subdivision.

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED

The following final subdivision has appeared before the Commission in the past and has now met all departmental requirements. The staff recommends that it be approved. The Commission then

VOTED: To APPROVE the following final subdivision plat under the Commission's amended Rules and Regulations:

C8-72-69 Rosewood Village, Section Nine
 Pleasant Valley Road

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following subdivision plat pending easements required; pending fiscal arrangements required; and pending compliance with departmental requirements as on file with the City of Austin Planning Department:

C814-73-06 Old Town, Phase Two
 North of Coronado Hills Drive

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

The staff reported that the following short form plats have complied with all departmental requirements and recommended that they be approved. The Commission then

VOTED: To APPROVE the following short form subdivisions:

<u>C8s-73-149</u>	<u>Buddingtons Subdivision, Resub.</u>
	<u>West 31st Street and Maiden Street</u>
<u>C8s-73-166</u>	<u>Replat of Lots 1 and 2, Blk. 1</u>
	<u>Colony Park, Section 1, Phase 2</u>
	<u>Colony Park Drive and Decker Lake Road</u>
<u>C8s-73-209</u>	<u>Austin Doctors Addition</u>
	<u>I. H. 35 and East 30th Street</u>
<u>C8s-73-233</u>	<u>2nd Resub. Bl. K, Mesa Park, Sec. 4</u>
	<u>Natrona Drive and Wind River</u>
<u>C8s-73-237</u>	<u>Resub. Lt. 1, Bl. H, Spring Hill Village</u>
	<u>Horborne Lane</u>
<u>C8s-73-241</u>	<u>Mount Zion Subdivision</u>
	<u>Elliott Street</u>
<u>C8s-73-242</u>	<u>2nd Resub., Lot 8, Blk. 1,</u>
	<u>Fiskville School Addition</u>
	<u>Elliott Street</u>
<u>C8s-73-243</u>	<u>Resub. of a portion of Lot 1,</u>
	<u>Blk. M, Ridgetop Addition</u>
	<u>Harmon and 51st Street</u>
<u>C8s-73-245</u>	<u>Barnett-Schultz Addition</u>
	<u>U. S. Highway 183 and Jamestown Drive</u>
<u>C8s-73-246</u>	<u>Resub. of Lot 12, and a portion</u>
	<u>of Lot 11, Bl. F, Highland Terrace West</u>
	<u>Highland Park West</u>
<u>C8s-73-248</u>	<u>Colony Park, Sec. 1, Comm. Tract A</u>
	<u>Johnny Morris Lane and Decker Lake Road</u>
<u>C8s-73-253</u>	<u>Thom Farrell Subdivision</u>
	<u>South Congress and Sheraton Avenue</u>
<u>C8s-73-259</u>	<u>Resub. Lots 6, 6A, 7 & 8, Timberwood</u>
	<u>Timberwood Circle</u>
<u>C8s-73-262</u>	<u>Idea</u>
	<u>Houston Street and Clay Avenue</u>
<u>C8s-73-263</u>	<u>Lakeway Schooner Court</u>
	<u>Star Avenue</u>
<u>C8s-73-265</u>	<u>Resub. Lots 10-12 & a portion of</u>
	<u>Lots 13 & 14, Bl. 1, Pleasant Hill Add.</u>
	<u>South Congress Avenue</u>

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

Short Form Subdivisions--Filed and Considered--Contd.

The Commission then

VOTED: To ACCEPT THE WITHDRAWAL of the following short form plat:

C8s-73-152 Northwest Hills, Section 9-F
Farwest Boulevard

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form
plats pending compliance with departmental requirements as on
file with the City of Austin Planning Department:

C8s-73-272 Denise Subdivision
Anderson Lane
C8s-73-275 Jewell S. Shannon Addition
Braker Lane

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form
plat pending fiscal arrangements required; pending compliance
with departmental requirements as on file with the City of Austin
Planning Department; and pending showing survey tie across Encinas
Rojas:

C8s-73-268 Casa Diablo
Encinas Rojas

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form
plat, pending compliance with departmental requirements as on
file with the City Planning Department; and pending receipt
of current tax certificates:

Short Form Subdivisions--Filed and Considered--Contd.

C8s-73-269 1st Resub. Meadowcreek, Section One
Shadywood Drive and Meadow Lea Drive

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form
 plat, pending compliance with departmental requirements as on
 file with the City of Austin Planning Department and granting
 a variance to exclude the balance of the tract:

C8s-73-270 Resub. Lots 7, 8 & 13, Block H,
Point Vista, Section 2 and 3
Tartan Lane and Stone Briar

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form
 plat, pending compliance with departmental requirements as on
 file with the City of Austin Planning Department and showing
 survey tie across Old Dallas Highway:

C8s-73-273 B. J. Addition
Old Dallas Highway

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form
 plat, pending fiscal arrangements required; and pending approval
 of zoning change which would require 10 feet of right-of-way
 on Friedrich Lane instead of 5 feet:

C8s-73-274 Peppertree Park Commercial Addition
Teri Road, Pepper Lane & Friedrich Lane

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
 Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

Short Form Subdivisions--Filed and Considered--Contd.

The Commission then

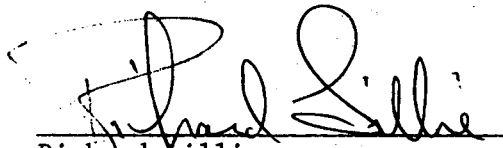
VOTED: To POSTPONE the following short form plat pending receipt of a variance letter:

C8s-73-271 Bergstrom Terrace, Section Two
U. S. 183, Dalton Lane and Riverside Drive

AYE: Messrs. Milstead, Betts, Hetherly, Juarez, Nash and Washington.
Mmes. Himmelblau and Mather

ABSENT: Mr. Bobbitt

The meeting was adjourned at 1:45 a.m.


Richard Lillie
Executive Secretary