

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting--December 11, 1973

The meeting of the Commission was called to order at 7:00 p.m. in the Electric Building Auditorium.

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  
Jerry Harris, Assistant City Attorney  
John Sandlin, Environmental Intern  
Carl Newsom, Engineering  
Pat Page, Secretary I

Absent

O. P. "Bob" Bobbitt

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of December 3 and 4, 1973.

Present

C. W. Hetherly, Chairman  
Charles Betts  
Betty Himmelblau  
Jean Mather  
\*Charles Nash  
\*\*Bennie Washington

Also Present

Jack Alexander, Assistant Director of Planning  
Duncan Muir, Planner  
\*\*Brian Schuller, Planner  
Pat Page, Secretary I

\* Present only on December 3, 1973

\*\*Present only on December 4, 1973

C14-73-222     Manuel P. Garcia: A, 1st to LR, 1st  
                  1312 Redwood Avenue

STAFF REPORT:

This property is located south of 19th Street and east of Airport Boulevard in an established residential neighborhood. Located on a substandard 40-foot street by even single-family residential standards, this request represents an obvious intrusion into the interior of an established "A" residential area.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into the single-family neighborhood served by streets barely adequate for the existing "A" Residential use.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

Barber Callie: Rt. 2, Thorndale, Texas  
J. W. Holmes: 1410 Redwood Avenue

FOR  
AGAINST

PERSONS APPEARING

Mrs. Joe V. Limon (representing applicant)  
Joe M. Franklin: 1401 Greenwood Avenue  
Mrs. Lena Garner: 1403 Greenwood Avenue  
Mrs. Annie Mae Jones: 1400 Greenwood Avenue

AGAINST  
AGAINST  
AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that "LR" Local Retail zoning was inappropriate for a residential neighborhood. Mr. Hetherly stated that there non-conforming uses in this area which will be unable to get zoning in the event the businesses were to close down. Members recommended that this request be denied.

AYE:            Messrs. Hetherly, Betts 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 Manuel P. Garcia for a zoning change from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area on property located at 1312 Redwood Avenue be DENIED.

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

C14-73-223      Earl Lockhart, Jr. and Mike Turner: Int. A, 1st to GR, 1st  
8569-8603 Research Boulevard

STAFF REPORT:

The subject tract is located amidst a commercially-developing node on Research Boulevard. The staff considers this to be an appropriate zoning change.

STAFF RECOMMENDATION:

That this case be granted, subject to a subdivision to identify this tract.

The requested zoning is consistent with the existing zoning and development along Research Boulevard.

CITIZEN COMMUNICATION (NORTH AUSTIN CIVIC ASSOCIATION)

WRITTEN COMMENT

None

PERSONS APPEARING

Phil Mockford (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this case be granted, subject to a subdivision to identify this tract.

AYE:            Messrs. Hetherly, Betts 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 Earl Lockhart, Jr. and Mike Turner 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 8569-8603 Research Boulevard be GRANTED, subject to a subdivision to identify this tract.

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

ABSENT:        Messrs. Bobbitt and Juarez

C14-73-224      Edwin S. Hudson: A, 1st to LR, 1st  
5209-5215 Duval Street  
501-503 East 53rd Street

STAFF REPORT:

This property is located at the intersection of two arterials, Duval and East 53rd Street, both of which presently have inadequate right-of-way. Strip commercial and retail zoning was granted in excess of ten years ago

C14-73-224 Edwin S. Hudson--Contd.

along 53rd Street, although much of this zoning has not been used. The previous request on this property in 1972 was also for "LR" Local Retail. The staff and Planning Commission recommended "LR" for a depth of three lots from 53rd Street in order to prevent unnecessary encroachment into the neighborhood. The applicant then amended his application to "O" Office on the first three lots from 53rd Street and "B" Residence on the fourth lot. The Council granted the amended "O" Office and "B" Residence, subject to the numerous conditions which were necessary for this change. The conditions were not met and the case was subsequently dismissed.

**STAFF RECOMMENDATION:**

That this case be denied, but that "LR" Local Retail be granted only to a depth of three lots from 53rd Street, subject to the following conditions attached to the previous Council granting on this property: 1) dedication of twenty feet of right-of-way for widening of East 53rd Street to bring it up to 70 feet, 2) a 35-foot building setback from the new 53rd Street right-of-way line so that the City of Austin can purchase the remaining ten feet of right-of-way to bring 53rd Street up to the necessary 80 feet, 3) dedication of one-half the right-of-way (five feet) to bring Duval up to 70 feet, 4) a five-foot sidewalk easement on Duval Street, 5) a ten-foot setback and a six-foot privacy fence on the subdivision south property line. An additional requirement is suggested to convert the tract into one tract.

In recommending the "LR" Local Retail zoning on part of this tract, the staff is pursuing the established zoning policy of recommending retail zoning at the intersections of arterial streets, as well as recognizing the established zoning pattern along East 53rd Street.

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

Chester Crow: 905 Treasure Rd., Garland, Texas

Mrs. W. P. Jacobs: 5205 Duval

J. D. Hayes: 5206 Evans Avenue

FOR

AGAINST

AGAINST

**PERSONS APPEARING**

Chris Crow (representing applicant)

Edwin S. Hudson (applicant)

**COMMITTEE ACTION:**

Members reviewed the information presented. Mr. Hetherly felt that the applicant should not be required to give the entire 30' of right-of-way. Members were in agreement that this request should be granted, subject to 15' of right-of-way dedication on East 53rd Street; a 40' building setback from the new right-of-way line on 53rd Street; 5' right-of-way dedication along Duval Street; 5' sidewalk easement along Duval Street; a subdivision to combine the tracts; a 6' privacy fence along the south property line.

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

C14-73-224 Edwin S. Hudson--Contd.

COMMISSION ACTION:

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

COMMISSION VOTE:

To recommend that the request of Edwin S. Hudson for a zoning change from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area on property located at 5209-5215 Duval Street and 501-503 East 53rd Street be GRANTED, subject to 15 feet of right-of-way dedication on East 53rd Street; a 40-foot building setback from the new right-of-way line on 53rd Street; 5 feet of right-of-way dedication along Duval Street; 5-foot sidewalk easement along Duval Street; a subdivision to combine the tracts; and a 6-foot privacy fence along the south property line.

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

ABSENT: Messrs. Bobbitt and Juarez

C14-73-225 Lynn H. King: A, 1st to B, 1st  
3512 East 17th Street also  
bounded by Redwood Avenue

STAFF REPORT:

The subject tract is located amidst a single-family residential area just south of 19th Street. At the intersection of Redwood and 19th Street is a cluster of apartment/commercial-type uses. The staff recommends that the neighborhood in which the subject tract is found be protected from more intensive zoning.

STAFF RECOMMENDATION:

That this zoning change be denied as an intrusion into the interior of a residential area served by minor residential streets.

A change in zoning for this tract will require one-half the additional right-of-way (five feet) to bring Redwood Street and East 17th Street up to 60 feet.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

Mr. & Mrs. Charles L. Harris: 2940 East 12th Street FOR  
PERSONS APPEARING  
Lynn H. King (applicant)

COMMITTEE ACTION:

Members reviewed the information presented and questioned the need for a zoning change for this particular purpose. Members were in agreement to refer this case to the full Commission to allow the staff time to verify the necessity of a zoning change.

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

C14-73-225      Lynn H. King--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were of the opinion that the requested zoning would be an intrusion into a single-family neighborhood.

COMMISSION VOTE:

To recommend that the request of Lynn H. King for a zoning change from "A" Residence, First Height and Area to "B" Residence, First Height and Area on property located at 3512 East 17th Street also bounded by Redwood Avenue be DENIED.

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

                Mmes. Himmelblau and Mather

ABSENT:        Messrs. Bobbitt and Juarez

C14-73-226      Fred W. Adams, et ux: GR, 1st to C, 1st  
                    1500-1502 Fort View Road

STAFF REPORT:

Subject tract is surrounded by "GR" General Retail zoning except to the north which is being protected from zoning encroachment as evidenced by the two zoning change denials on Morgan Lane. Pending case C14-71-272 was granted for the expressed purpose of extending a mobile home park use on the adjacent property fronting on Fort View Road. A change to the permissive "C" Commercial zone on the subject property would encourage further extension of this zone. Fort View Road has a varying right-of-way and is presently inadequate for commercial purposes.

STAFF RECOMMENDATION:

That this case be denied. All additional uses allowed in the "C" Commercial zone are considered inappropriate for this tract which backs up to "A" Residential.

If the Commission favors this request, the staff feels that conditions for granting this zoning change should be consistent with those attached to the "GR" General Retail zoning change two lots west. These are: 1) provision of right-of-way on Fort View Road to bring this street up to 70 feet; 2) a 25-foot building setback from the north property line and 3) a six-foot privacy fence on the north property line.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Edward Witkowski: 2304 Monarch Drive

FOR

Procter & Jones: 805 Capitol National Bank

FOR

Fred W. Adams: 2200 Windsor Road

FOR

Mr. & Mrs. Wiley Wheeler: 1504 Fort View Road

AGAINST

H. M. McWright: 1601 Morgan Lane

AGAINST

PERSONS APPEARING

Fred Adams (applicant)

C14-73-226 Fred W. Adams, et ux--Contd.

**COMMITTEE ACTION:**

Members reviewed the information and recommended that this request be granted, subject to a 25-foot building setback on the north property line; a six-foot privacy fence on the north property line; dedication of right-of-way on Fort View Road to bring this street up to seventy feet.

AYE: Messrs. Hetherly, Betts 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 Fred W. Adams, et ux for a zoning change from "GR" General Retail, First Height and Area to "C" Commercial, First Height and Area on property located at 1500-1502 Fort View Road be GRANTED, subject to a 25-foot building setback on the north property line; a six-foot privacy fence on the north property line; and dedication of right-of-way on Fort View Road to bring this street up to seventy feet.

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

ABSENT: Messrs. Bobbitt and Juarez

C14-73-227 Mrs. E. R. Youngblood: A, 1st to O, 1st (as amended)  
Rear of 2001-2045 South I. H. 35  
also bounded by Mariposa Drive

**STAFF REPORT:**

This property is located in South Austin and fronts on a portion of Mariposa Drive which is presently undeveloped. Vacation of Mariposa Street from I. H. 35 to a point approximately 160 feet west of Matagorda Street pending as a condition to a previous granting of "O" Office on the property directly north of subject tract. The subject property is traversed by a branch of Harper's Creek, is bounded by "O" Office and "LR" Local Retail zoning to the west and south, and the Woodland Hills single-family neighborhood to the north and east.

The previous amended request for "O" Office on this property earlier this year was recommended by the staff and Commission, subject to deleting the easternmost 120 feet which fronted on Matagorda Street, as the previous case included the 50-foot strip of land between present request and Matagorda Street. This condition was recommended so that single-family homes could be developed on the west side of Matagorda Street. In addition, the vacation of Matagorda Street was recommended. The applicant agreed to these conditions, but the Council denied the zoning change.

C14-73-227 Mrs. E. R. Youngblood--Contd.

The present request incorporates the wishes expressed by neighborhood representation that a 50-foot buffer strip of "A" Residence be left along the western edge of Matagorda Street.

**STAFF RECOMMENDATION:**

That this case be granted, subject to Mariposa Drive being vacated, access being prohibited from Mariposa Drive, Matagorda Street and Windoak Street (should it be extended), and subject to a subdivision to combine subject tract with property fronting on I. H. 35.

The staff recommends this zoning only with attention to buffering and street traffic as protection for the adjacent single-family neighborhood.

**CITIZEN COMMUNICATION (SOUTH RIVER CITY CITIZENS)****WRITTEN COMMENT**

Mr. & Mrs. B. W. Dulin: 1703 Antler Drive	AGAINST
Austin Savings & Loan Assn.: 1008 Lavaca Street	AGAINST

**PERSONS APPEARING**

Adon Sitra (representing applicant)	
William Walter Turner: 1703 Mariposa Drive	AGAINST
Elizabeth Gammon: 1701 Antler Drive	AGAINST
Sam W. Gammon: 1701 Antler Drive	AGAINST
S. P. Jones: 1704 Wind Oak Drive	AGAINST
Mrs. S. P. Jones: 1704 Wind Oak Drive	AGAINST
Elmer Hyden: 1702 Mariposa Drive	AGAINST
Mrs. Elmer Hyden: 1702 Mariposa Drive	AGAINST
Maymie W. Carskadon: 1814 Matagorda Street	AGAINST
Milan Carskadon: 1814 Matagorda Street	AGAINST
Terry Weeks	AGAINST

**COMMITTEE ACTION:**

Members reviewed the information presented and recommended that this request be granted, as amended, subject to finalization of vacation of Mariposa Drive; no access on Mariposa Drive, Matagorda Street, Wind Oak Street; subject to a subdivision to combine subject tract with property fronting on I. H. 35; the 50' strip on both the north and east side of subject tract to remain "A" Residence and to be left in its natural state.

AYE: Messrs. Hetherly, Betts 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 Mrs. E. R. Youngblood for a zoning change from "A" Residence, First Height and Area to "O" Office, First Height and Area, as amended, on property located at the rear of 2001-2045 South I. H. 35 also bounded by Mariposa Drive be GRANTED, as amended, subject



C14-73-227      Mrs. E. R. Youngblood--Contd.

to finalization of vacation of Mariposa Drive; no access on Mariposa Drive, Matagorda Street and Windoak Street; subject to a subdivision to combine subject tract with property fronting on I. H. 35; with the 50-foot strip on both the north and east side of subject tract to remain "A" Residence and to be left in its natural state.

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

C14-73-228      Lumbermen's Investment Corporation: Int. A, 1st to BB, 1st  
                 7000 Decker Lane (Tract 1)  
                 8100 Loyola Lane (Tract 2)  
                 8000 Loyola Lane (Tract 3)  
                 7900 Loyola Lane (Tract 4)  
                 (Loyola Lane also known as Decker Lake Road)

STAFF REPORT:

This property is located in east Austin and is part of the Colony Park conceptual plan. Subject tracts will provide a buffer between the commercial-type uses proposed for tract at the corner of Loyola and Decker Lane and the single-family development planned to the west and north. Housing densities for the subject tracts were included in the Commission approved conceptual plan for this area.

STAFF RECOMMENDATION:

That this case be granted, subject to a subdivision to identify these tracts and to provide for streets; and subject to restrictive covenants limiting densities on Tracts 3 and 4 to 10 units per acre and densities on Tracts 1 and 2 to 15 units per acre.

The requested zoning and staff recommendation is consistent with the Planning Commission recommendation for the conceptual plan.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Robert Davis (representing applicant)

COMMITTEE ACTION:

The applicant requested deferred zoning and sign notification. Members reviewed the information presented and recommended that this request be granted, subject to a subdivision to identify these tracts and to provide for streets; subject to restrictive covenants limiting densities on Tracts 3 and 4 to 10 units per acre and densities on Tracts 1 and 2 to 15 units per acre.

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

C14-73-228      Lumbermen's Investment Corporation--Contd.

COMMISSION ACTION:

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

COMMISSION VOTE:

To recommend that the request of Lumbermen's Investment Corporation for a zoning change from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area on property located at 7000 Decker Lane (Tract 1), 8100 Loyola Lane (Tract 2), 8000 Loyola Lane (Tract 3), and 7900 Loyola Lane (Tract 4) be GRANTED, subject to a subdivision to identify these tracts and to provide for streets; and subject to restrictive covenants limiting densities on Tracts 3 and 4 to 10 units per acre and densities on Tracts 1 and 2 to 15 units per acre; and recommend approval of request of applicant for deferred zoning and sign notification.

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

C14-73-229      Maudine O. Cloer: A, 1st to C, 1st  
                  2700-2702 South First Street  
                  601-603 Cumberland Road

STAFF REPORT:

The staff reported that the applicant has requested that this case be postponed for 30 days.

CITIZEN COMMUNICATION (SOUTH AUSTIN NEIGHBORHOOD)

WRITTEN COMMENT

Clyde B. Harding: 4500 Stearns Lane

FOR

PERSONS APPEARING

None

COMMITTEE ACTION:

The applicant requested that this case be postponed for 30 days. Members reviewed the information and were in agreement that this case should be postponed.

AYE:            Messrs. Hetherly, Betts 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 Maudine O. Cloer for a zoning change from "A" Residence, First Height and Area to "C" Commercial, First Height and Area on property located at 2700-2702 South First Street and 601-603 Cumberland Road be POSTPONED FOR 30 DAYS.

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

C14-73-230	Merritt, Darden & Hetherly, et al:	LR, 2nd to LR, 3rd (as amended)
	2220-2316 North Loop Boulevard	(Original Request: LR, 2nd to C, 3rd)

STAFF REPORT:

This 4+ acre tract is located on North Loop Boulevard, an arterial, between Burnet Road and Hancock Drive. Proposed for this tract is an 87-foot high, multi-family public housing building for the elderly. The staff does not think that the "C" Commercial zone is appropriate for this area, but that a multi-family residential usage of this property is compatible, with proper safeguards for the adjoining single-family homes to the west of the subject tract.

**STAFF RECOMMENDATION:**

That this case be denied, but that "LR" Local Retail, Third Height and Area be granted for the area of the building only, which shall not be closer than 100 feet from the west property line; subject to a six-foot privacy fence along the west boundary. The Commission might also consider limiting the use of the Third Height and Area District to a multi-family housing building for the elderly and limiting the height of the structure to a maximum of 90 feet.

## CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

St. David's Community Hospital: 919 East 32nd Street	FOR
Conway Taylor, Realtors: 1805 West 35th Street	FOR
Luby's Cafeteria: 2233 North Loop Boulevard	FOR

PERSONS APPEARING

Robert Sneed (representing applicant)

COMMITTEE ACTION:

The applicant amended the application to LR, Third Height and Area for the outline of the building plus 5 feet with a provision that Third Height and Area be rolled back if the proposed use as a multi-family housing building for the elderly is not accomplished; also subject to a restrictive covenant specifying that the roof level of the building not exceed 90 feet (the elevator shaft being excluded.)

Members reviewed the information presented and were in agreement that this request should be granted as amended subject to a 100-foot building setback from the west boundary; a 6-foot privacy fence along the west boundary.

AYE:       Messrs. Betts and Nash.   Mmes. Himmelblau and Mather  
 ABSTAIN:   Mr. Hetherly

COMMISSION ACTION:

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

C14-73-230      Merritt, Darden & Hetherly, et al--Contd.

COMMISSION VOTE:

To recommend that the request of Merritt, Darden & Hetherly, et al for a zoning change from "LR" Local Retail, Second Height and Area to "LR" Local Retail, Third Height and Area, as amended, on property located at 2220-2316 North Loop Boulevard be GRANTED, as amended, to "LR" Local Retail, Third Height and Area for the outline of the building plus 5 feet with a provision that Third Height and Area be rolled back if the proposed use as a multi-family housing building for the elderly is not accomplished; subject to a restrictive covenant specifying that the roof level of the building not exceed 90 feet (the elevator shaft being excluded); subject to a 100-foot building setback from the west boundary; and a 6-foot privacy fence along the west boundary.

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

C14-73-231      Will E. Odom: B, 2nd to GR, 2nd  
                  616-700 Blanco Street  
                  701-707 Harthan Street

STAFF REPORT:

This property is located in a stable West Austin neighborhood in an area which received blanket "B" Residence, Second Height and Area prior to 1940. That the zoning was and is premature is evidenced by the fact that this neighborhood still retains its single-family character. The homes are well maintained; many have been renovated and restored by their owners. Relatively few properties in this large "B"-zoned neighborhood have actually used this less restrictive zoning in those 30-plus years, and the recent introduction of apartments allowed under "B" Residence, Second Height and Area, has generally been met with unfavorable neighborhood reaction.

The uses which are allowed under the requested "GR" General Retail zone, such as an auto repair garage, commercial billboards, and auto car wash, are definitely not compatible with the character of this neighborhood. The subject tract is located on residential streets, not on a major street which is desirable for major retail zoning.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into the interior of a stable residential neighborhood and also because the access to the tract is not from a major street, but rather from residential streets. The staff is reluctant to recommend for any non-residential uses in this stable and predominantly single-family neighborhood.

C14-73-231      Will E. Odom--Contd.

A change in zoning on this tract will require prohibited access to Harthan Street, a six-foot privacy fence on all but the eastern boundaries, and a 25-foot building setback from all property lines.

## CITIZEN COMMUNICATION (OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION)

## WRITTEN COMMENT

Roger Joseph: P. O. Box 7	FOR
Jim Novy Estate: P. O. Box 2115	FOR
Carlos Ruiz: 701 Blanco Street	FOR
R. L. Ogden: 2604 Bridle Path	FOR
Dr. J. D. Vance: 612 Blanco Street	AGAINST
Madge Simmons: 607 Blanco Street	AGAINST

## PERSONS APPEARING

Tom Curtis (representing applicant)	
Will Odom (applicant)	
Roy C. Lane: 600 Harthan Street	FOR
Dink Swearingen: 614 B Blanco Street	FOR
Jerry R. Lee: 614 A Blanco	FOR
Stephen W. Darby: 810 Blanco Street	AGAINST
Mrs. A. N. Darby: 810 Blanco Street	AGAINST
Nathan Darby: 810 Blanco Street	AGAINST
Leonard Gustafson: 808 Blanco Street	AGAINST
Mrs. L. Gustafson: 808 Blanco Street	AGAINST
Bette Oliver Matlage: 704 Highland Avenue	AGAINST
Fred Hoffman: 1502 Wethersfield Road	AGAINST
Sandra Weinstock: 1109 West 9th Street	AGAINST
Ernie Eden: 608 Oakland	AGAINST
Peter F. MacNeilage: 606 Harthan Street	AGAINST
Linda MacNeilage: 606 Harthan Street	AGAINST
Paul R. Davis, Jr.: 607 Oakland	AGAINST
Mrs. Charles Huntley	AGAINST
Charles O. Barr: 802 Blanco Street	NO OPINION

## COMMITTEE ACTION:

The applicant stated that he would be willing to file a restrictive covenant limiting the use to a restaurant only.

Members reviewed the information presented. While the members were in sympathy with the owner to preserve the old home rather than have additional apartments in the area, they felt the requested "GR" General Retail zoning would be detrimental to the neighborhood and set a bad precedent. Members were in agreement that this request should be denied.

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

## COMMISSION ACTION:

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

C14-73-231 Will E. Odom--Contd.

COMMISSION VOTE:

To recommend that the request of Will E. Odom for a zoning change from "B" Residence, Second Height and Area to "GR" General Retail, Second Height and Area on property located at 616-700 Blanco Street and 701-707 Harthan Street be DENIED.

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

C14-73-232 James Laroy Milstead: A, 1st to C, 1st  
4308-4310 Banister Lane

STAFF REPORT:

Subject property is located south of Ben White Boulevard on Banister Lane, a residential street. It faces a single-family neighborhood. The adjacent "C" Commercially-zoned tract is developed as apartment use. A change to the uses allowed under "C" Commercial on the subject tract would generate added traffic on the residential streets; the intersection of Banister Lane and Ben White Boulevard is a poor intersection because of the angle. The non-residential uses allowed by the "C" Commercial zone, which include warehouses, equipment yards and auto repair garages, are not compatible with the single-family residential uses which this property faces and borders to the south.

STAFF RECOMMENDATION:

That this case be denied as an incompatible intrusion into a single-family neighborhood served by streets not built to handle non-residential traffic.

Any change in zoning on this tract will require one-half the additional right-of-way (five feet) to increase Banister Lane to 60 feet.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Martin Boozer (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented. Ms. Mather felt that "C" Commercial zoning would be incompatible with the single-family neighborhood. A motion was made to recommend that this request be granted, subject to one-half the right-of-way (five feet) to increase Banister Lane to 60 feet and a 6' privacy fence on the southern boundary line.

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

C14-73-232 James Laroy Milstead--Contd.

COMMISSION ACTION:

Members reviewed the information. Ms. Mather felt "C" Commercial zoning would be too heavy for the area. Ms. Himmelblau stated that the neighbors in the area were under the impression that a storage facility was going in but that with this zoning, many other type uses could go in.

COMMISSION VOTE:

To recommend that the request of James Laroy Milstead for a zoning change from "A" Residence, First Height and Area to "C" Commercial, First Height and Area on property located at 4308-4310 Banister Lane be GRANTED, subject to one-half the right-of-way (five feet) to increase Banister Lane to 60 feet and a 6-foot privacy fence on the southern boundary line.

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

NAY: Mr. Milstead. Mmes. Himmelblau and Mather.

ABSENT: Messrs. Bobbitt and Juarez

C14-73-233 Travis County, Texas: B, 1st to O, 1st  
511 West 11th Street

STAFF REPORT:

This tract is located on West 11th Street, a major arterial in Central Austin. The requested "O" Office zoning is appropriate with the character of the surrounding development and is served with more than adequate streets.

STAFF RECOMMENDATION:

That this case be granted, as the uses in "O" Office for subject tract are very compatible with the surrounding uses.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Martin Boozer (representing applicant)

COMMITTEE ACTION:

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

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

COMMISSION ACTION:

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

C14-73-233      Travis County, Texas--Contd.

COMMISSION VOTE:

To recommend that the request of Travis County, Texas for a zoning change from "B" Residence, First Height and Area to "O" Office, First Height and Area on property located at 511 West 11th Street be GRANTED.

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

C14-73-234      Mrs. Adele Richter: A, 1st to O, 1st  
                 947-949 East 50th Street  
                 4916-4918 Harmon Avenue

STAFF REPORT:

The staff reported that the applicant has requested that this case be postponed for 30 days.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMITTEE ACTION:

Members reviewed the request and recommended that this request be POSTPONED FOR 30 DAYS.

AYE:            Messrs. Hetherly, Betts 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 Mrs. Adele Richter for a zoning change from "A" Residence, First Height and Area to "O" Office, First Height and Area on property located at 947-949 East 50th Street and 4916-4918 Harmon Avenue be POSTPONED FOR 30 DAYS.

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



C14-73-235      Glenn W. Casey, et al: B, 1st to LR, 1st  
1800-1806 Colony Creek Drive (Tract 2)  
Rear of 1800-1806 Colony Creek Drive (Tract 1)

STAFF REPORT:

This property is located in a newly developing area in North Austin just south of Rundberg Lane. It is located on Colony Creek Drive which has 40 feet of paving and is surrounded by intensive zoning; "B" Residence zoning to the north and east, "GR" General Retail zoning to the south and west. Of note, though, is the proposed residential use of the "GR" zoned tract to the southwest of subject tract. Although the staff has generally been opposed to the proliferation of retail zoning in this area, the addition of the subject tract is not out of character with the zoning pattern of the area.

STAFF RECOMMENDATION:

That this case be granted as consistent with the surrounding area and having adequate street access.

CITIZEN COMMUNICATION (NORTH AUSTIN CIVIC ASSOCIATION)

WRITTEN COMMENT

Snyder-Raffa Investments, Inc.: P.O. Box 4911      FOR

PERSONS APPEARING

Maryann Harden (representing applicant)

Glenn W. Casey (applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted.

AYE:      Messrs. Hetherly, Betts 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 Glenn W. Casey, et al for a zoning change from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area on property located at 1800-1806 Colony Creek Drive (Tract 2) and the rear of 1800-1806 Colony Creek Drive (Tract 1) be GRANTED.

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

ABSENT:   Messrs. Bobbitt and Juarez

C14-73-236      George R. Roberdeau: BB, 1st to B, 1st  
                 310 East 34th Street  
                 3400-3404 Tom Green Street

**STAFF REPORT:**

This property is located north of the University of Texas and is served by residential streets with adequate right-of-way but narrow surfacing. Subject tract is within an area south of 38th Street and between Speedway and Duval Street which has seen a number of changes since the mid-1960's. The preponderance of apartment zoning to the south goes back a number of years. Several cases of "B" Residence, First Height and Area, have been recently recommended by the Planning Commission for tracts in this block. However, the most recent Planning Commission recommendation for the corner tract immediately across Tom Green Street was to deny. Subsequently, the case was withdrawn prior to Council hearing. The subject tract, on the other hand, is oriented toward the existing apartment zoning and not toward the single-family areas to the east and to the north.

**STAFF RECOMMENDATION:**

That this case be granted, as there is adequate right-of-way and the requested zoning is consistent with the recent zoning recommendation for the properties in this block. However, the staff will be reluctant to recommend for changes in the surrounding areas to the north and east.

**CITIZEN COMMUNICATION (NORTH UNIVERSITY NEIGHBORHOODS ASSOCIATION)****WRITTEN COMMENT**

George R. Roberdeau (applicant)	
Byron N. Smith, D. D. S.: Medical Park Tower	FOR
Louise McElroy: 1614 Westover Road	FOR
Rosa Lee S. Womack: 405 East 35th Street	AGAINST
Mary K. Vallance: 310 Oak Drive, Lake Jackson, Tex.	AGAINST
Mrs. Mattie C. Park: 3304 Tom Green Street	AGAINST

**PERSONS APPEARING**

Arthur E. Philgran (representing applicant)	
Mrs. Leigh Cardwell: 302 East 35th Street	AGAINST
Stroud Kelley	AGAINST

**COMMITTEE ACTION:**

Members reviewed the information presented. Mr. Hetherly stated he had no objection to rezoning this property since "B" Residence was located across the street and throughout the neighborhood. Ms. Mather felt the area was reaching the saturation point with apartments and that "B" Residence was too dense. A motion was made to deny this request but failed 2-3. A motion was then made to recommend that the request for "B" Residence, First Height and Area be granted.

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

C14-73-236      George R. Roberdeau--Contd.

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 George R. Roberdeau for a zoning change from "BB" Residence, First Height and Area to "B" Residence, First Height and Area on property located at 310 East 34th Street and 3400-3404 Tom Green Street be GRANTED.

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

C14-73-237      Mrs. Wenonah Green Tull: C, 3rd to C-2, 3rd  
407-409 West 15th Street  
(locally known as 401-403)

STAFF REPORT:

Subject tract is located on a major arterial, West 15th Street, one lot west of Guadalupe Street. In addition to the 15th Street frontage, the tract also has access to a one-way-west alley. There are three uses presently on this property: a residence, a massage parlor, and a recently vacated retail store. The proposal is to convert the building previously used for the retail store into a lounge, and a special permit is to be reviewed by the Commission on this proposal following this case.

The requested "C-2" Commercial zoning which allows a lounge, bar or night club is not inconsistent with the surrounding "C" Commercial zoning, but it is incompatible with most of the existing uses adjacent to the subject tract.

STAFF RECOMMENDATION:

That this case be granted as consistent with the surrounding zoning pattern.

CITIZEN COMMUNICATION (SAVE UNIVERSITY NEIGHBORHOODS)

WRITTEN COMMENT

None

PERSONS APPEARING

Kevin Holcomb (representing applicant)  
Mrs. Wenonah Tull (applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted.

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

C14-73-237 Mrs. Wenonah Green Tull--Contd.

**COMMISSION ACTION:**

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

**COMMISSION VOTE:**

To recommend that the request of Mrs. Wenonah Green Tull for a zoning change from "C" Commercial, Third Height and Area to "C-2" Commercial, Third Height and Area on property located at 407-409 West 15th Street (locally known as 401-403) be GRANTED.

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

Mmes. Himmelblau and Mather

ABSENT: Messrs. Bobbitt and Juarez

C14-73-238 Truman H. Montandon: A, 1st to O, 1st  
301 East 38th Street  
3705-3709 Grooms Street

**STAFF REPORT:**

This tract is presently zoned "A" Residence and is facing the deed-restricted Shadow Lawn residential subdivision across 38th Street. In 1966, an application for "O" Office zoning was made on this same property. That application resulted in an area study which involved the area from East 38th Street south to the University area and from Guadalupe to Duval Street. The Planning Commission concluded that "B" Residence, First Height and Area would permit proper development within the area. They recommended that the request on this property for "O" Office be denied, but that "B" Residence, First Height and Area be granted. Our records indicate that no further action was taken on this application. The staff feels that conditions have not changed significantly since the area study was conducted and that "B" Residence zoning would be the proper zoning for this tract.

**STAFF RECOMMENDATION:**

That this case be denied, but recommends "B" Residence, First Height and Area, be granted, subject to one-half the right-of-way (ten feet) to increase 38th Street to 80 feet.

**CITIZEN COMMUNICATION (NORTH UNIVERSITY NEIGHBORHOODS ASSOCIATION)****WRITTEN COMMENT**

Truman H. Montandon (applicant)

Frank J. Marchak: 5802 Shoal Creek Boulevard

FOR

Clark C. Gill: 4102 B Avenue H

FOR

Mrs. T. E. Turpin: 204 East 35th Street

FOR

Mrs. Gertrude Von Rosenberg: 106 East 35th Street

FOR

Andy Jacobsen: 2401 Bowman

FOR

Mrs. W. B. Ervin: 107 B East 38th Street

FOR

Richard H. Pettway: 2525 N. W. 19th Way  
Gainesville, Florida

AGAINST

Mr. & Mrs. Joseph E. Wiseman: 3812 Avenue G

AGAINST

C14-73-238 Truman H. Montandon--Contd.

## PERSONS APPEARING

Robert Girling (representing applicant)	
Mrs. Walter Richter: 3901 Avenue G	AGAINST
Joseph E. Wiseman: 3812 Avenue G	AGAINST
Lewis Pennock: 3810 Avenue G	AGAINST
Stroud Kelley	AGAINST

## COMMITTEE ACTION:

Members reviewed the information presented. Ms. Mather stated that she felt this was a very difficult case but that the requested use was probably the best use if a restrictive covenant were placed on this request, limiting it to office use only. A majority of the members felt that "O" Office would be an intrusion into a residential neighborhood. A motion was made to grant this request but failed 2-3. The motion was then made to recommend that "O" Office be denied.

AYE: Messrs. Hetherly and Betts. Mmes. Himmelblau and Mather  
NAY: Mr. Nash

## COMMISSION ACTION:

Members reviewed the information presented and a majority felt that "O" Office would be an intrusion into a single-family neighborhood.

## COMMISSION VOTE:

To recommend that the request of Truman H. Montandon for a zoning change from "A" Residence, First Height and Area to "O" Office, First Height and Area on property located at 301 East 38th Street and 3705-3709 Grooms Street be DENIED.

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

C14-73-239 Housing Authority of Austin: B, 1st to D, 1st  
750-826 and rear of 876-998  
Ed Bluestein Boulevard  
6101-6403 Bolm Road  
701-1015 Gardner Road

## STAFF REPORT:

This 38-plus acre tract located in east Austin fronts on an industrial collector street, Bolm Road, an expressway, Ed Bluestein Boulevard, and a residential street, Gardner Road. To the west is the State School for the Blind, Deaf and Orphan and a new single-family subdivision, Colorado East. To the north along Bolm Road are a number of Commercial, Retail,

C14-73-239      Housing Authority of Austin--Contd.

and Apartment tracts; to the east across Ed Bluestein is the Govalle Wastewater Treatment Plant. Prior to the granting of the present "B" Residential zoning on the subject tract, a Master Plan change was required from Industrial to Residential. Since that time, the proposed multi-family public housing project for the property has been abandoned. Before the present request for "D" Industrial zoning can be granted, another Master Plan change must be accomplished from Residential back to Industrial.

**STAFF RECOMMENDATION:**

That this case be granted, subject to a Master Plan redesignation of this tract as Industrial, subject to the right-of-way requirements on Bolm Road and Gardner Road, and a restrictive covenant prohibiting access to Gardner Road, a residential street. The required street right-of-way on Bolm Road from this tract for the proposed industrial use is ten feet to bring Bolm Road up to 80 feet. On Gardner Road, one-half the right-of-way is required to bring the varying right-of-way up to 60 feet to a point approximately 600 feet south of Bolm Road ending in a cul-de-sac to be taken from the subject tract.

**CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)****WRITTEN COMMENT**

None

**PERSONS APPEARING**

Forest Pearson (representing applicant)

George Brooking (representing applicant)

**COMMITTEE ACTION:**

Members reviewed the information presented and recommended that this request should be granted, subject to a Master Plan redesignation of this tract as Industrial; subject to right-of-way to increase Bolm Road to 80'; a restrictive covenant prohibiting access to Gardner Road; one-half the right-of-way necessary to bring Gardner Road up to 50' for a distance of approximately 600' south of Bolm Road ending in a cul-de-sac to be taken from the subject property.

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

**COMMISSION ACTION:**

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

C14-73-239      Housing Authority of Austin--Contd.

## COMMISSION VOTE:

To recommend that the request of the Housing Authority of Austin for a zoning change from "B" Residence, First Height and Area to "D" Industrial, First Height and Area on property located at 750-826 and rear of 876-998 Ed Bluestein Boulevard and 6101-6403 Bolm Road and 701-1015 Gardner Lane be GRANTED, subject to a Master Plan redesignation of this tract as Industrial; subject to right-of-way to increase Bolm Road to 80 feet; a restrictive covenant prohibiting access to Gardner Road; one-half the right-of-way necessary to bring Gardner Road up to 50 feet for a distance of approximately 600 feet south of Bolm Road ending in a cul-de-sac to be taken from the subject property.

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

                Mmes. Himmelblau and Mather

ABSENT:        Messrs. Bobbitt and Juarez

<u>C14-73-240</u>	<u>Austex Development Company, Ltd.:</u>	<u>Int. A, 1st to BB, 1st - Tracts A &amp; E</u>
	2302-2822 and 2303-2823	<u>Int. A, 1st to O, 1st - Tracts B &amp; D</u>
	William Cannon Drive	<u>Int. A, 1st to GR, 1st - Tracts C &amp; F</u>

## STAFF REPORT:

These tracts are located at the proposed intersection of two arterials, West Gate Boulevard and William Cannon Drive, which traverse newly developing single-family neighborhoods in south Austin. It is a good location for some retail and office land use. The present request for "GR" General Retail totals 25.8 acres and "O" Office totals 4.4 acres. The total for these uses exceeds 30 acres and is spread over three of the four corners of the intersection.

The staff feels that given the low-density nature of the developing area surrounding this intersection that the request for a regional facility at this point is not warranted, but that a neighborhood facility of approximately 10 to 12 acres would adequately serve this developing single-family neighborhood. Additionally, the staff recommends that this center be located on the northwest corner of this intersection to minimize impact on the neighborhood and discourage strip development which may be anticipated, especially eastward to Manchaca Road.

A regional facility should ideally be located on a major highway or expressway. Eastward along William Cannon Drive, which is not considered a highway, to South First Street, 57 acres of retail and commercial zoning has been granted this year alone. Prior to 1973, another 30-plus acres had been granted, totaling over 85 acres between Manchaca Road and South First Street along William Cannon Drive. The staff has consistently discussed with the applicant that we could not recommend for as much non-residential zoning as they have requested during the preliminary subdivision process. The Subdivision Committee disapproved those tracts for other than "A" Residential uses pending zoning.

C14-73-240 Austex Development Company, Ltd.--Contd.

STAFF RECOMMENDATION:

That this case be denied as an excessive request for non-residential zoning which if granted would inhibit the proper development of a low-density single-family neighborhood.

The staff recommends that a compatible neighborhood facility of 10 to 12 acres of "GR" and "O" Office be granted on the northwest corner of the intersection of William Cannon Drive and West Gate Boulevard, and that the other three corners of this intersection be developed as "BB" or "A" Residence. A subdivision is required.

CITIZEN COMMUNICATION (NO CRUSHER COMMITTEE - SOUTH WEST AUSTIN HOMEOWNERS ASSOCIATION)

WRITTEN COMMENT

None

PERSONS APPEARING

Phil Mockford (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be denied but grant "BB" Residence, First Height and Area (Tracts A & E); "O" Office, First Height and Area (Tracts B & D); and "GR" General Retail, First Height and Area (Tract C) and "GR" General Retail, First Height and Area (Tract F) excluding a 120' strip along the northwest boundary of Tract F from West Gate Boulevard south to the northern boundary of Tract E, subject to limitation of curb cuts on William Cannon Drive to a maximum of 5 on Tracts A, F & E; and to a maximum of 5 on Tracts B, C & D; limitation of curb cuts along West Gate Boulevard to a maximum of 3 on Tract A; and to a maximum of 4 on Tract F; no curb cuts on Berkley Avenue from Tract A.

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

COMMISSION ACTION:

A request for deferred zoning and sign notification was made by the Planning Department staff. 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 "BB" Residence, First Height and Area on Tracts A & E; from Interim "A" Residence, Interim First Height and Area to "O" Office, First Height and Area on Tracts B & D; and from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area on Tracts C & F on property located at 2302-2822 and 2303-2823 William Cannon Drive be DENIED, but GRANT "BB" Residence, First Height and Area on Tracts A & E; "O" Office, First Height and Area on Tracts B and D and "GR" General Retail, First Height and Area on Tract C and "GR" General Retail, First



CI4-73-240 Austex Development Company, Ltd.--Contd.

Height and Area on Tract F, excluding a 120-foot strip along the northwest boundary of Tract F from West Gate Boulevard south to the northern boundary of Tract E, subject to limitation of curb cuts on William Cannon Drive to a maximum of 5 on Tracts A, F and E and to a maximum of 5 on Tracts B, C and D; limitation of curb cuts along West Gate Boulevard to a maximum of 3 on Tract A; and to a maximum of 4 on Tract F; no curb cuts on Berkley Avenue from Tract A; and recommend that the Council approve deferred zoning and sign notification for subject tracts.

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

## SPECIAL PERMITS

CP14-73-046 Carl D. Heather, D.V.M.: Hyde Park Animal Clinic  
405-413 East 43rd Street  
4208-4210 Duval Street

## STAFF REPORT:

This application has been filed as required under Section 45-23, Sub-section (73), Paragraph (b), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application for a veterinary clinic to be located in the existing Hyde Park Shopping Center at the southwest corner of Duval Street and 43rd Street. The area to be used by the clinic will be located in a 21' x 28' area of the shopping center that fronts on 43rd Street. There will be no outside runs or kennels. The existing zoning on the tract is "C" Commercial. The staff recommends approval of this special permit, subject to compliance with departmental requirements.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

J. E. and Earl O. Wukasch: P. O. Box 4904	FOR
James F. Reeves	FOR
L. Ben Howell: 4311 Avenue H	AGAINST
John Dudley Rutland: 80 I.H. 10N, Beaumont, Texas	AGAINST
E. L. Stryke: 4304 Avenue H	AGAINST
Mrs. B. B. Arledge: 310 East 43rd Street	AGAINST
Mrs. W. G. Clarkson: 4202 Duval Street	AGAINST
Rossie B. Dykes: 4206 Avenue H	AGAINST

## PERSONS APPEARING

Carl D. Heather (applicant)	
Earl O. Wukasch: 2000 Guadalupe	FOR
Eugene Wukasch: 2000 Guadalupe	FOR
Rossie B. Dykes: 4206 Avenue H	AGAINST
Frankie Waggner: 4206 Avenue H	AGAINST

CP14-73-046 Carl D. Heather, D. V. M.--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that this case should be granted, subject to departmental requirements.

COMMISSION ACTION:

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

COMMISSION VOTE:

To APPROVE the request of Carl D. Heather for a special permit for a veterinary clinic to be located at 405-413 East 43rd Street and 4208-4210 Duval Street, 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, Nash and Washington.  
Mmes. Himmelblau and Mather

ABSENT: Messrs. Bobbitt and Juarez

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.

CP14-73-047 Richard Habbinga: Windsor Park Veterinary Clinic  
1901-1907 Wheless Lane also bounded by  
Briarcliff Boulevard and Linda Lane

STAFF REPORT:

This application has been filed as required under Section 45-22, Subsection 39, Paragraph (b), and according to the procedures, as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application for a veterinary clinic to be located in the existing Windsor Park Shopping Center, which is in the area bounded by Wheless Lane, Linda Lane and Briarcliff Boulevard. The tract is zoned "GR" General Retail. This application falls under the revised zoning ordinance approved by the City Council on November 15, 1973, to allow veterinary clinics in "LR" Local Retail and "GR" General Retail districts subject to special permit approval.

The tract has access from Wheless Lane on the north and from Briarcliff Boulevard on the south.

The staff recommends approval, subject to departmental requirements as on file with the City of Austin Planning Department.

CP14-73-047     Richard Habbinga--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Louise McElroy

FOR

Joseph Goergen: 2008 Wheless Lane

FOR

Mrs. Eleanor Crow Hutchings: 6207 Linda Lane

AGAINST

PERSONS APPEARING

Arthur Philgren (representing applicant)

Richard Habbinga (applicant)

Mr. & Mrs. Roy W. Jackson: 1904 Wheless Lane

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that this case should be granted, subject to departmental requirements.

AYE:            Messrs. Hetherly, Betts and Washington.  
                 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 Richard Habbinga for a special permit for a veterinary clinic to be located at 1901-1907 Wheless Lane also bounded by Briarcliff Boulevard and Linda Lane, 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, Nash and Washington.  
                 Mmes. Himmelblau and Mather

ABSENT:        Messrs. Bobbitt and Juarez

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.

CP14-73-048     Highland Veterinary Clinic  
                 2117 East Riverside Drive

STAFF REPORT:

This application has been filed as required under Section 45-22, Sub-section 39, Paragraph (b), 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 in an existing shopping center located at the southwest intersection of East Riverside Drive and Burton Drive. The tract is zoned "GR" General Retail with the exception of the lounge which is zoned "C-2". Access to the area is from Riverside Drive and Burton Drive.

CP14-73-048 Highland Veterinary Clinic--Contd.

The Board of Adjustment has approved a variance to allow parking for the shopping center on the area designated for future right-of-way for Riverside Drive, and the owner of the property has entered into a license agreement with the City of Austin to allow him to pave that certain portion of the right-of-way and use it for parking. At this time, there is pending litigation on this site (Ace Drug Mart vs. City of Austin and Matthews Enterprises, Inc., Owner) having to do with the decision by the Board of Adjustment on parking requirements.

The staff recommends approval of this application, subject to compliance with departmental requirements as on file with the City of Austin Planning Department. It should be noted that while there is pending litigation on this site, the Board of Adjustment has approved the off-site parking, which brings the shopping center into compliance with parking requirements.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Tommy Holmes (representing applicant)

## COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that this request should be granted, subject to departmental requirements.

AYE: Messrs. Hetherly, Betts and Washington.  
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 Highland Veterinary Clinic for a special permit for a veterinary clinic to be located at 2117 East Riverside 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, Nash and Washington.  
Mmes. Himmelblau and Mather

ABSENT: Messrs. Bobbitt and Juarez

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.

CP14-73-049      Discovery Properties, Ltd.: A Lounge Called "Trader John's"  
Rear of 1908 East Riverside Drive

## STAFF REPORT:

This application has been filed as required under Section 45-24.1, 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 lounge with 72 seats in an existing shopping center located along the north side of East Riverside Drive between Arena Drive and Town Creek Drive. There is a pending zoning application for the area of the proposed lounge which was recommended by the Planning Commission on November 13, 1973 and appeared before the City Council on December 6, 1973. Access to the shopping center is from Arena Drive and Town Creek Drive, and parking and traffic circulation are adequate. 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

None

## PERSONS APPEARING

Robert Tiemann (representing applicant)

Joseph L. Anderson, III: 3505A Southridge

FOR

## COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that this request should be granted, subject to departmental requirements.

AYE:            Messrs. Hetherly, Betts and Washington.  
                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 Discovery Properties, Ltd. for a special permit for a lounge called "Trader John's" to be located at the rear of 1908 East Riverside 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, Nash and Washington.  
                Mmes. Himmelblau and Mather

ABSENT:        Messrs. Bobbitt and Juarez

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.

CP14-73-050      Child, Incorporated: Child Care Center for 65 Children Called  
1700-1714 Schieffer Avenue      "Wilshire Child Development  
1501-1507 Wilshire Boulevard      Center of Child, Inc.

## STAFF REPORT:

This application has been filed as required under Section 45-17, Sub-section (h), Paragraph (2), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application for a day care center for 65 children to be located in the Wilshire Presbyterian Church at 1507 Wilshire Boulevard. The site does have provision for ample off-street parking for loading and unloading of children along Schieffer Avenue. 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

Mrs. G. A. Youngquist: 4010 Maplewood	FOR
Mrs. Merrill: Lullwood Drive	FOR
Leona Sims Pecenka: 4101 Lullwood Drive	AGAINST
Mr. & Mrs. Ernest F. Hardin: 1506 Wilshire Blvd.	AGAINST
Mrs. Dora Lee McLean: 4103 Lullwood Drive	AGAINST
Mrs. A. C. Krey: 4203 Whilshire Parkway	AGAINST

## PERSONS APPEARING

Mary Jane Vasquez (representing applicant)	
Edwin T. Salvant, Jr. (representing applicant)	
Margaret Youngquist: 4010 Maplewood	FOR

## COMMITTEE ACTION:

Members reviewed the information and were in agreement that this request should be granted, subject to departmental requirements.

AYE:            Messrs. Hetherly, Betts, and Washington.  
                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 Child, Inc. for a special permit for a child care center for 65 children called "Wilshire Child Development Center of Child, Inc." to be located at 1700-1714 Schieffer Avenue and 1501-1507 Wilshire Boulevard, 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, Nash and Washington.  
                Mmes. Himmelblau and Mather

ABSENT:        Messrs. Bobbitt and Juarez

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.

CP14-73-051      Child, Incorporated: Child Care Center for 70 Children Called  
1802-1808 Canterbury Street      "Canterbury Child Development  
Center of Child, Inc."

STAFF REPORT:

This application has been filed as required under Section 45-17, Sub-Section (h), Paragraph (2), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application for a day care center to be located in the existing Baptist Temple Church located at 1804 Canterbury Street, a 60-foot street. Access to the ample off-street parking and loading area is from Canterbury Street. 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

Mrs. Anne McCormick: 401 East 30th Street

FOR

Carl E. Jackson: 1706 Canterbury Street

AGAINST

Maurice Uriegas: 4223 Avenue Q, Galveston

AGAINST

PERSONS APPEARING

Mary Jane Vasquez (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that this request should be granted, subject to departmental requirements.

AYE:            Messrs. Hetherly, Betts and Washington.  
                  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 Child, Incorporated for a special permit for a child care center for 70 children called "Canterbury Child Development Center of Child, Inc." to be located at 1802-1808 Canterbury Street, 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, Nash and Washington.  
                  Mmes. Himmelblau and Mather

ABSENT:       Messrs. Bobbitt and Juarez

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.

CP14-73-052     Mrs. Wenonah Green Tull: A Mixed Drink Bar Called "Cedar Door"  
407-409 West 15th Street  
(locally known as 401 and 403)

## STAFF REPORT:

This application has been filed as required under Section 45, Sub-section (24) and (24.1), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application for a special permit to allow a lounge at 401-403 West 15th Street. The applicant proposes an 18-seat lounge to be located in the building recently vacated by the Maharani Shop. The zoning on the tract is currently "C" Commercial, Third Height and Area. An application has been filed to rezone the property to "C-2" Commercial, Third Height and Area. There are three existing structures on the lot: a retail shop (Maharani), a massage parlor (Ceasar's Retreat) and a residence. The access to the limited parking area is from the one-way alley at the rear of the lot. Although the existing uses are allowed in this zoning district, adequate parking was never provided and it appears the parking would be considered as non-conforming. The proposed parking would not be consistent with the Commission's recent requirement that required parking be doubled for night clubs, bars and taverns. The staff reluctantly recommends approval of this application, subject to compliance with departmental requirements.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Kevin Holcomb (representing applicant)

Mrs. Wenonah Green Tull (applicant)

## COMMITTEE ACTION:

Members reviewed the information presented. Concern was expressed about the parking situation, but members felt that if the requirements were met, there would be no objection to this request. Members were in agreement that this case should be granted, subject to departmental requirements.

AYE:            Messrs. Hetherly, Betts and Washington.  
                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 Mrs. Wenonah Green Tull for a special permit for a mixed drink bar called "Cedar Door" to be located at 407-409 West 15th Street, 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, Nash and Washington.  
                Mmes. Himmelblau and Mather  
ABSENT:        Messrs. Bobbitt and Juarez



CP14-73-052      Mrs. Wenonah Green Tull--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.

CP14-73-053      Edward P. Gerstner, et ux:    Day Care Center and Kindergarten  
1506 Romeria Drive                            for 17 Children

#### STAFF REPORT:

This application has been filed as required under Section 45-17, Sub-section (h), Paragraph (2), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application for a day care facility to be located in an existing single-family residence located at 1506 Romeria Drive. The applicant proposes to use the entire house for the day care facility. The staff is concerned that the use proposed, in addition to the existing day care facility adjoining to the west, would create an undesirable traffic load on Romeria Drive since there are no provisions for off-street loading and unloading of children at either location. Based on ordinance requirements, the staff reluctantly 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

Joe M. Saunders, Jr.: 1304 S.E. 15th Street, Mineral Wells	AGAINST
Mr. & Mrs. W. E. Sumner: 1511 Alegria Road	AGAINST
Mr. & Mrs. Lee Galloway: 1509 Romeria Drive	AGAINST
Mr. & Mrs. Nolan E. House: 1500 Romeria Drive	AGAINST
Mr. & Mrs. W. E. Davenport: 1411 Alegria Drive	AGAINST
Mr. & Mrs. Alfred Rust: 1411 Romeria Drive	AGAINST
William E. Chrisner: 1510 Romeria Drive	AGAINST
C. W. Goodwin: 1507 Alegria Drive	AGAINST
Mr. & Mrs. F. L. Daniel: 1506 Alegria Road	AGAINST
Steven J. Rice: 1504 Romeria Drive	AGAINST
T. E. Thiele: 1511 Romeria Drive	AGAINST
Petition bearing 34 names	AGAINST

##### PERSONS APPEARING

Pete Gerstner (applicant)	
Angel Gerstner (applicant)	
Mr. & Mrs. Alexander Maynard: 108 West Croslin Street	FOR
Mrs. Edna Fry: 1411 Payne Avenue	FOR
Mrs. A. J. Hamilton, Jr.: 1413 Romeria Drive	FOR
Mr. & Mrs. F. L. Daniel: 1506 Alegria Road	FOR
Mr. & Mrs. Lee Galloway: 1509 Romeria Drive	AGAINST
Mr. & Mrs. Steve Rice: 1504 Romeria Drive	AGAINST
Mr. & Mrs. W. E. Sumner: 1511 Alegria Drive	AGAINST
Mr. & Mrs. Nolan E. House: 1500 Romeria Drive	AGAINST
Mr. & Mrs. William E. Chrisner: 1510 Romeria Drive	AGAINST

CP14-73-053      Edward P. Gerstner, et ux--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that additional facilities would be an intrusion into a single-family neighborhood. Also, they felt the additional traffic created by additional facilities could not be handled on the residential streets. Members were in agreement that this case should be denied.

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

COMMISSION ACTION:

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

COMMISSION VOTE:

To DENY the request of Edward P. Gerstner, et ux for a special permit for a day care center and kindergarten for 17 children on property located at 1506 Romeria Drive, and authorized the Chairman to sign the necessary resolution upon completion.

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

ABSENT:        Messrs. Bobbitt and Juarez

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.

STREET VACATIONS

C10-73-126      City of Austin  
                 Mueller Street from Bull Creek Road to MoPac

The staff reported that this is a request by the City of Austin to vacate Mueller Avenue from Bull Creek Road to its termination at the right-of-way line of MoPac Boulevard. This street was never opened and the property owners to the north and south have agreed to give the right-of-way for MoPac Boulevard, and in return, each will receive a portion of the vacated Mueller Avenue.

Members reviewed the information presented. The Commission then

VOTED:        To APPROVE the street vacation of Mueller Avenue from Bull Creek Road to its termination at the right-of-way line of MoPac Boulevard, subject to retention of easements.

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

## MASTER PLAN AMENDMENT

C2-73-1(k) Austin Housing Authority

From Medium Density Residential (Austin Housing Authority's 39-acre tract) and Commercial Services and Semi-Industrial (Gene Howard's 15-acre tract) to Manufacturing and Related Uses.

## STAFF REPORT:

This is a request for an area of approximately 39 acres requested by Mr. Druce Evans for the Austin Housing Authority, plus an additional area of approximately 15 acres added by the staff for Planning Commission consideration. The request is to change the land designation from Medium Density Residential and Commercial Service and Semi-Industrial to Manufacturing and Related Uses. The request is located in east Austin west of Ed Bluestein Boulevard, south of Bolm Road and east of Gardner Road. The applicant has a firm offer for the site as an electronic component manufacturing firm and related offices.

The land is predominantly level and covered with a substantial number of trees and ground cover. The site was the proposed location of a 300-unit public housing project. The project has been abandoned by the Public Housing Authority. Industrial uses exist in the area to the east and south. A State School exists to the west with the nearest building about 200 feet to this property at the closest point. Residential uses have developed to the north. Primary access exists to Ed Bluestein and Bolm Road. Utility services are available. This area was originally designated in the Development Plan as Manufacturing and Related Uses in 1961. The Plan was amended in October 1969 to permit the Public Housing program. A zoning case (C14-73-239) is presently being processed that will be considered by the City Council on January 3.

## STAFF RECOMMENDATION:

Since the major influence for the change requested in 1969 no longer exists, the staff recommends approval of the request, subject to conditions that were recommended in the zoning case currently being processed.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

Darrell Cummings: 2207 Hope Trail

Gene Howard: 719 Shady Lane

FOR

FOR

## PERSONS APPEARING

Forrest Pearson (representing applicant)

## COMMISSION ACTION:

The staff reported that a letter has been received from Gene Howard, an adjacent property owner, requesting that this property consisting of approximately 15 acres be considered in the proposed change. Members reviewed the information presented. Ms. Mather felt the "A" Residential area and the State School for the Deaf should be protected.

C2-73-1(k) Austin Housing Authority--Contd.

COMMISSION VOTE:

To recommend that the request of the Austin Housing Authority for an amendment to the Austin Development Plan from Medium Density Residential to Manufacturing and Related Uses on an area of approximately 39 acres located west of Ed Bluestein Boulevard, south of Bolm Road and east of Gardner Road be APPROVED, subject to requirements on zoning case C14-73-239.

To recommend that the request for the additional 15 acres from Commercial Service and Semi-Industrial to Manufacturing and Related Uses be APPROVED.

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

C2-73-1(L) Robert Shapard, Owner (Centex Materials, Inc., lessee)  
From Suburban Residential to  
Manufacturing and Related Uses

STAFF REPORT:

This request is for an area of approximately four acres of land located southeast of Austin within the bend of the Colorado River north of Fallwell Lane. The tract is approximately one and one-half miles north of State Highway #71 and one and one-half miles east of F.M. 973. The request is to change the land use designation from Suburban Residential to Manufacturing and Related Uses. The applicant proposes to construct a concrete brick manufacturing plant on the four-acre site. The staff added the area being used for the gravel operation for consideration by the Planning Commission.

The topography in this area is very gently sloping toward the Colorado River. The slope is approximately 2-5% toward the river. The surrounding land is presently being used for agricultural uses, that is, crops and grazing. There is a gravel operation to the north of the application. The only other development in the area is for mobile homes and residences located in the vicinity of Fallwell and State Highway #71, approximately one and one-half miles away.

This area was not originally a part of the Austin Development Plan as approved in June, 1961. The Plan was amended on March 15, 1973 to include approximately 410 square miles surrounding the City of Austin. This area was designated for Suburban Residential Uses.

C2-73-1(L) Robert Shapard--Contd.

Departmental Report

Water and Wastewater: Service is not available.

Electric Department: Service is available from L. C. R. A.

Health Department: Additional information on the operation is required. Septic tank approval will be required. Water Quality Board approval will be required of any industrial discharge.

C.A.P.C.O.: This property is located adjacent to the paddleway planned for the Colorado River in this area. One point of entrance is located at F.M. 973. The C.A.P.C.O. staff indicated the paddleway did not anticipate the acquisition of any private land. The staff indicated a concern for the redevelopment of the gravel pit and maintenance of the ecological integrity and beauty of the area.

STAFF RECOMMENDATION:

The staff recommends approval of the request subject to approval of waste discharge by the appropriate City and State Agencies.

CITIZEN COMMUNICATION:

WRITTEN COMMENT

None

PERSONS APPEARING

Tom Crockett (representing applicant)

Jim Huey (representing County Commissioner Samuelson's Office

AGAINST

COMMISSION ACTION:

Members reviewed the information presented. Mr. Jim Huey, a representative of County Commissioner Samuelson's office, informed the Commission of the proposed paddleway for the Colorado River and expressed a desire for some type buffer zone to preserve the scenic beauty of the river and approval of any industrial waste discharge that might result from the proposed operation. Mr. Crockett stated that this would not be applicable since the operation is not located on the river and that any waste discharge would have to meet all State requirements.

COMMISSION VOTE:

To recommend that the request of Robert Shapard for an amendment to the Austin Development Plan from Suburban Residential to Manufacturing and Related Uses on an area of approximately four acres of land located southeast of Austin within the bend of the Colorado River north of Fallwell Lane be APPROVED, subject to approval of waste discharge by the City and State authorities; and excluding the additional area proposed by the staff.

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

ABSENT: Messrs. Bobbitt and Juarez

## PUBLIC HEARINGS

C7-73-2            Natural Resources  
                  Teague-Buda, Inc.  
                  Plans to enclose Harper's Branch

The staff reported that this was a request from Teague-Buda, Inc. to enclose a portion of Harper's Branch west of I. H. 35. Plans include enclosing that portion extending from two existing 60' reinforced pipes northerly to within approximately 600' of where Harper's Branch crosses I. H. 35. Plans also include the enclosure of a secondary branch known as The Ramble. Also, a pond is proposed on the lower end of the project adjacent to I. H. 35 culvert crossing.

Mr. David Graber, architect for the applicant, presented a conceptual plan for the area, including plans for a motel and office complex which would be constructed along the lines of residential human scale. Plans include a roof-top parking area. Mr. Graber explained the amount of cut and fill that would be necessary to develop this area.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Robert Davis (representing applicant)  
Richard Baker (representing applicant)  
David Graber (representing applicant)  
Louie Barbash  
Howard Long  
Don Cox (South River City Citizens)  
Lorraine Silvanage  
Mary Barbash  
Sandra Weinstock  
Hudson Matlock

AGAINST  
AGAINST  
AGAINST  
AGAINST  
AGAINST  
AGAINST  
AGAINST

## SUMMARY OF TESTIMONY:

A number of area citizens spoke concerning the environmental impact of enclosing Harper's Branch. It was felt that any action taken at this time would be premature since the Creek Ordinance is under consideration. Consideration should be given to the energy crises, in that a motel would encourage travel, and it was felt that the authorities should discourage this type development. Another item to be considered is the AUSTIN TOMORROW program and the plans that will be developed from this program for the proposed area. Other areas of concern included traffic congestion created on Parkinson Street, Reagan Terrace and along the I. H. 35 frontage road. Area residents expressed concern that this request would be granted with the idea that the plan presented would be carried out, but that at a later date the owner might change his plans.

C7-73-2      Natural Resources--Teague-Buda, Inc.--Contd.

## COMMISSION ACTION:

Members reviewed the information. Ms. Himmelblau questioned whether or not a site plan could be required if this permit were granted. Staff pointed out that a site plan could not be required but that perhaps the applicant would be agreeable to submitting a site plan. Ms. Mather stated that she felt this was a good plan but expressed concern that the office buildings would back up to the residential lots. She also was concerned about the loss of trees if there is very much grading. Mr. Milstead agreed that this was a good plan and that the applicant was making an attempt to meet any objections.

Mr. Richard Baker, representing the applicant, stated that it would be agreeable with the applicant to request a special permit before any improvements or construction on the property is undertaken.

## COMMISSION VOTE:

To recommend that the request of Teague-Buda, Inc. for a permit to enclose Harper's Branch be GRANTED with a provision that an arrangement be worked out that would be agreeable to the applicant and the City of Austin which would require special permit approval before any improvements or construction can be undertaken on subject property.

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

C5-66-6      Housing and Construction  
              Amendment to Glen Oaks Urban Renewal Plan

Mr. Clifford Coffman of the Urban Renewal Agency presented information pertaining to the Glen Oaks Urban Renewal Plan. The agency is requesting amendments to the original plan as follows:

1. Exterior construction shall be 30 per cent masonry, exclusive of window and door openings
2. All lots shall have a width of at least 50' at the minimum setback line
3. Corner lots shall have a width of 60' at the minimum setback line
4. That Neal Street not be closed

Mr. Coffman stated that the original lot sizes were from 70' to 80', but for the purpose of low-cost housing, the lots were cut back to 50' lots. The school system no longer wants to purchase the land because of the closing of Anderson school. Therefore, a request is being made to not close Neal Street.

C5-66-6            Housing and Construction--Amendment to Glen Oaks  
Urban Renewal Plan--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this request be approved.

COMMISSION VOTE:

To recommend that the request of the Urban Renewal Agency for amendment to the Glen Oaks Urban Renewal Plan be APPROVED.

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

ABSENT:        Messrs. Bobbitt and Juarez

C5-72-6            Housing and Construction (Requested by Texas State Bank of Austin)  
Amendment to Saint John's Urban Renewal Plan

Mr. Richard Lillie presented information pertaining to the Saint John's Urban Renewal Plan. The applicant is requesting that Bennett Avenue be terminated with a cul-de-sac rather than a cut onto Highway 183. The request has been reviewed and approved by the Board of Commissioners of the Urban Renewal Agency.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Larry Neimann (representing applicant)

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this request should be approved.

COMMISSION VOTE:

To recommend that the request for amendment to the Saint John's Urban Renewal Plan to terminate Bennett Avenue with a cul-de-sac rather than intersecting with Highway 183 be APPROVED.

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

ABSENT:        Messrs. Bobbitt and Juarez



## OTHER BUSINESS

C2-73-8a      Subdivision

Proposed amendments to Chapter 29 of the Rivers, Waters and Lakes Code, and Chapter 41 of the Plats and Subdivision Code

The staff reported that this item was on the agenda for the Commission to discuss. A work session was scheduled for January 7, 1974 at 7:00 p.m. in the Conference Room of the Municipal Building for the purpose of further discussion and consideration to the proposed "Creek Ordinance."

C2-73-8a      Subdivision

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

Mr. Lillie reported that this item is a result of the City Council's instructions to begin research for possible amendments to the Subdivision Ordinance that require dedication of park lands or money in lieu of. Mr. Lillie reported that a report had been submitted to the City Manager last year and copies of this report were being submitted to the Commission at this time. This report presented four or five alternatives in which parks can be acquired. Mr. Milstead read a letter from Les Gage, Chairman of the Citizen's Board of Natural Resources and Environmental Quality, offering this board's help in the Commission's efforts to develop these amendments. Discussion was postponed until a later Commission meeting to give the Commission members a chance to review the report.

C2-73-5c      Historic Zoning Ordinance

Further Consideration of Proposed Historic Zoning Ordinance

The Commission was presented with copies of the proposed Historic Zoning Ordinance with the suggested revisions agreed upon by the sub-committee and members of the ad hoc committee at their meeting of December 10, 1973. Mr. Betts informed the members of the changes considered at the meeting.

Sec. 45-46 pertaining to the creation of the Historic Landmark Commission was revised to include members from the fields of architecture, architectural history, history, law and real property. While the Planning Commission members felt the Landmark Commission should be composed of fields of expertise, several members felt that qualification for membership in the Commission should not be limited to specific organizations.

Sec. 45-47 (a) (1) dealing with identifying and cataloging of historic landmarks was deleted, since members felt this section was unnecessary.

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

Sec. 45-47 (b) included the phrase "for consideration and recommendation to the City Council" for clarification. Sec. 45-47 (d) was included which would allow a property owner to request a decision from the Landmark Commission as to whether or not his property will be designated "H".

Sec. 45-50 was rewritten to exclude "including kind, color, and texture of the building material of such portion and type of all windows, doors, lights, signs and other fixtures pertaining to such portion." Sec. 45-50 (c) was also revised to correspond with this same change.

Sec. 45-51 (b) (2), (3), (4), (5) and (6) was revised to include the Building Standards Commission. Sec. 45-51 (b) (4) included a clause that would take into consideration the possible economic factors of a property owner when considering repairs and maintenance of a building.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Anna Drayer

FOR

Erik Stocker

FOR

Charles Phillips

FOR

Richard Prewitt

FOR

## COMMISSION ACTION:

Members discussed the revisions. There was some discussion on the membership of the Landmark Commission. A majority of the members felt membership in the Commission should not be limited to specific organizations. A motion was made to accept the revised Sec. 45-46 as submitted.

AYE: Messrs. Milstead, Betts, Nash and Washington. Ms. Himmelblau

NAY: Mr. Hetherly. Ms. Mather

ABSENT: Messrs. Bobbitt and Juarez

Mr. Milstead stated that if this ordinance or some form of it be recommended, the Planning Commission should express itself that there be a fund set up by the City Council for the purpose of purchasing buildings that could not otherwise be saved. He pointed out that the City of Austin has parks for the benefit of the public and that the public should be willing to provide a fund to purchase such historic property if it were determined to be a benefit to the citizens of Austin. Mr. Milstead stated that this should be a recommendation and not part of the ordinance. He felt that it would be within the Commission's responsibility to recommend to the Council that they consider tax incentives based on the property as it is used in historical zoning rather than for its highest and best use which might occur if the historical zoning had not be attached to the property. Mr. Nash felt that the City should not be financially burdened by having to purchase any buildings in order to preserve them.

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

## COMMISSION VOTE:

To recommend that the proposed Historic Zoning Ordinance be APPROVED as amended and that a draft of the ordinance in its final form be reviewed by the Commission prior to submitting the ordinance to the City Council.

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

A motion was made to recommend that a letter recommending that the City Council consider tax incentives based on the property as it is used in historical zoning rather than for its highest and best use, and that a fund be established for the purchase of such historical buildings that might not otherwise be preserved.

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

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, Nash and Washington.  
             Mmes. Himmelblau and Mather  
ABSENT:    Messrs. Bobbitt and Juarez

## SUBDIVISIONS

R146              Subdivision Committee

The Committee Chairman reported action taken on the subdivisions at the meeting of November 27, 1973, and requested that this action be made a part of the minutes of this Planning Commission meeting.

C8-73-122      Tanglewood South  
                 Tanglewood Drive

The staff reported that this case was continued from the Subdivision Committee to the full Commission to consider the preliminary plan. This is a proposed urban residential subdivision of 9.39 acres with average lot size of 130' x 150'.

C8-73-122      Tanglewood South--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this preliminary should be approved.

COMMISSION VOTE:

To APPROVE the preliminary plan of Tanglewood South, located at Tanglewood Drive, subject to departmental requirements as on file with the City of Austin Planning Department.

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

C8-73-126      Woodstone

Woodstone Drive and Brodie Lane

STAFF REPORT:

The staff reported that this case was continued from the Subdivision Committee to the full Commission to consider the preliminary plan. This is an urban subdivision on 83.15 acres with an average lot size of 65' x 120'. Proposed for this tract is residential, multi-family and commercial uses. The staff recommends approval of this tract, subject to departmental requirements as on file with the City of Austin Planning Department, subject to a name change because there is another subdivision by this name; and subject to deleting the entire strip along Brodie Lane except for area at the northeast corner for commercial purposes.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Tom Watts (representing applicant  
Woodrow Sledge (AISD)

AGAINST

COMMISSION ACTION:

Members reviewed the information presented. Ms. Mather felt the drainage ditch provided an adequate buffer if left where it is. A majority of the members felt this request should be approved.

C8-73-126      Woodstone--Contd.

COMMISSION VOTE:

To APPROVE the preliminary plan of Woodstone subdivision, subject to deleting staff requirement for disapproval of Lot 5, Block A and Lot 17, Block M; subject to departmental requirements as on file with the City of Austin Planning Department; and subject to zoning on the commercial tracts on Brodie Lane.

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

C8-73-127      Imperial Woods  
                 Brodie Lane and Imperial Woods Drive

STAFF REPORT:

The staff reported that this case was continued to the full Commission to consider the preliminary plan. This is an urban residential subdivision on 133.88 acres with an average lot size of 100' x 150'. Proposed use for this tract is residential and commercial.

CITIZEN COMMUNICATION:

WRITTEN COMMENT

None

PERSONS APPEARING

Tom Watts (representing applicant)  
Charles Sandall  
Woodrow Sledge (AISD)

AGAINST  
AGAINST

COMMISSION ACTION:

Members reviewed the information presented and were in agreement that this case should be postponed, pending receipt of a report from the Health Department concerning septic tank use.

COMMISSION VOTE:

To POSTPONE the preliminary plan of Imperial Woods subdivision, pending receipt of a report from the Health Department concerning septic tank use.

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

C8s-73-289      Riverside Divide  
East Riverside Drive

## STAFF REPORT:

The staff reported that the owner is requesting a variance on the right-of-way width of Old Riverside Drive abutting subject property. The Zoning Committee and Planning Commission have recommended favorably on a zoning change to "LR" Local Retail, First Height and Area on subject property, subject to a subdivision to identify the tract with no access to Old Riverside Drive, leaving the right-of-way question to be resolved by the Subdivision Committee, or Planning Commission, in connection with the subdivision review. The Planning Department staff recommended in connection with the zoning request and now recommends that one-half (1/2) the necessary right-of-way be required to bring Old Riverside Drive up to fifty feet, which is the minimum width required by the subdivision ordinance for a street serving residential "A" uses. The basis for this recommendation is the need to provide the minimum requirements for a residential street to serve the adjoining residential neighborhood, and a restriction of no access from the subject property does not change this need.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Chris Crow (representing applicant)

## COMMISSION ACTION:

Members reviewed the information presented. Members felt that since there was no access to Old Riverside Drive, this request was reasonable. Ms. Mather felt there should be some type buffer strip to protect the residential area.

## COMMISSION VOTE:

To ACCEPT FOR FILING AND DISAPPROVE the short form plat of Riverside Divide, pending compliance of departmental requirements as on file with the City of Austin Planning Department and granting a variance on the right-of-way requirement.

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

Ms. Himmelblau

NAY:        Ms. Mather

ABSENT:    Messrs. Bobbitt and Juarez

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED

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

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED--Contd.

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

<u>C8-73-18</u>	<u>Cielo Vista, Section One (1)</u>
	Cloudview Road and Decker Lake Road
<u>C8-73-24</u>	<u>Whispering Oaks IV</u>
	Whispering Oaks Drive and Whispering Wing
<u>C8-73-72</u>	<u>Wagon Crossing, Section I</u>
	Stassney Lane and Jacaranda Drive

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

ABSENT: Messrs. Bobbitt and Juarez

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following subdivision plats pending current tax certificates and pending compliance with departmental requirements as on file with the City of Austin Planning Department:

<u>C814-73-03</u>	<u>Commanders Point (PUD)</u>
	Agarita Road near LCRA Park
<u>C8-73-131</u>	<u>Resub. of Cherry Creek, Ph. IV, Sec. I</u>
	Lazy Oaks Drive and Cannonhill Drive

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

ABSENT: Messrs. Bobbitt and Juarez

The Commission then

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

<u>C8-73-94</u>	<u>The Crossing, Phase I</u>
	Crossing Place and Riverside Drive
<u>C8-73-124</u>	<u>Timber Village</u>
	Matthews Lane

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

ABSENT: Messrs. Bobbitt and Juarez

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED--Contd.

The Commission then

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

C8-73-125 Sweetbriar Village Commercial Area  
Dittmar Lane and Lunar Drive

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

ABSENT: Messrs. Bobbitt and Juarez

The Commission then

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

C8-73-128 Meadowcreek, Section 2, Phase I  
South First Street and Eberhart Lane  
C8-73-129 Wagon Crossing, Section II  
Covered Wagon Pass and Wagon Bend

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

ABSENT: Messrs. Bobbitt and Juarez

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following short form subdivisions:

C8s-73-249 Buck Industrial Park  
Shelby Lane  
C8s-73-269 1st Resub. of Meadowcreek, Sec. 1  
Shadywood Drive  
C8s-73-281 Timberline Office Park  
Wallingwood Drive and Spyglass Drive  
C8s-73-282 Timmermann Addition  
North Loop Boulevard  
C8s-73-285 Resub. Lots. 13, 14, 15 & 16, Morsland Place  
East 6th Street

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

ABSENT: Messrs. Bobbitt and Juarez



SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED--Contd.

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 pending current tax certificates:

C8s-73-288      Resub. H. S. R. Subdivision II  
Mesa Drive and Spicewood Springs Road

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

ABSENT: Messrs. Bobbitt and Juarez

The Commission then

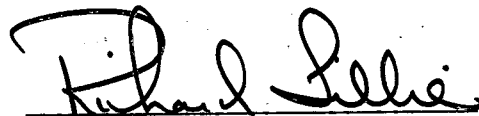
VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form plats, pending compliance with departmental requirements as on file with the City of Austin Planning Department:

C8s-73-290      Resub. Lot A, Noack Pettyway Addition  
McPhaul Street and Lamar Boulevard  
C8s-73-291      Foreman Addition  
Duval Road

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

ABSENT: Messrs. Bobbitt and Juarez

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

  
Richard Lillie  
Executive Secretary