

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting--November 12, 1974

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

Present

C. W. Hetherly, Chairman
O. P. "Bob" Bobbitt
Betty Himmelblau
*Philip Juarez
Jean Mather
Charles Nash

*Arrived at 7:10 p.m.

Absent

Rizer Everett
George Ramsey, III
Bennie Washington

Also Present

Richard Lillie, Director of Planning
Charles Graves, Director of Engineering
Pat Settle, Secretary I

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of November 4 and 5, 1974.

Present

O. P. "Bob" Bobbitt, Chairman
Betty Himmelblau
Jean Mather
Charles Nash
+George Ramsey, III

Also Present

*Richard Lillie, Director of Planning
*Evelyn Butler, Supervising Planner
*Duncan Muir, Planner
**Brian Schuller, Planner
Pat Settle, Secretary I

+Arrived at 7:15 p.m.

* Present only on November 4, 1974.

**Present only on November 5, 1974.

C14-74-116 William G. Kemp, et al: Int. A, 1st to DL, 1st
6110-6310 Johnny Morris Road

STAFF REPORT:

EAST AREA STUDY

This area study was conducted in response to zoning requests on two 22-plus-acre tracts of land located on Johnny Morris Road just south of its intersection with Decker Lake Road. The requests on these two tracts are for "DL" Light Industrial on the northern tract and "C" Commercial District on the southern tract. If the requested zoning is established, the impact on the surrounding area may be far reaching and could detrimentally affect the established and planned residential neighborhoods between Decker Lake District Park and Ed Bluestein Boulevard.

The staff looked generally at the area bounded by Decker Lane on the east, U. S. Highway 290 on the north, Ed Bluestein Boulevard on the west, and Webberville Road (or East 19th Street) to the south. Specifically, the staff considered the area between the two railroad tracks as being most directly affected by these zoning requests. Johnny Morris Road traverses this area from U. S. Highway 290 to Webberville Road. The effect of traffic generated by heavy commercial and industrial uses on Johnny Morris Road is perhaps the most important consideration when analyzing the impact of these zoning requests.

EXISTING PLANS & DEVELOPMENT

The 4,000-acre Decker Lake District Park is located to the east of the general area of study. It is a prime recreational area enhancing the residential land near it. An industrial area is located to the south, oriented primarily to Ed Bluestein Boulevard and to Webberville Road. Major uses include Tracor, Motorola and the City wastewater facilities. Residential and service facilities are developing to the north and west. The Austin Independent School District has recently decided to proceed with plans for a junior high school at the intersection of Decker Lake Road and Ed Bluestein Boulevard.

Within the study area there is an obvious commitment to the development of residential subdivisions with supporting commercial services. Examples include Las Cimas, Crystalbrook and Cavalier Park west of the railroad. Stonybrook has been delayed until solution is found to the potential flooding problems along Walnut Creek. The new LBJ High School has recently opened, and an elementary school is planned north of that to service the developing residential subdivisions.

C14-74-116 William G. Kemp, et al--Contd.

The 600-acre Colony Park is located east of the tracks. It includes an elementary school, park land, low-density apartments and shopping facilities in addition to the 350 acres of low-density residential homes.

To date, 300 lots have been platted and recorded in Colony Park. About 167 homes have been built or are under construction. Nearly 120 have been sold. Nearly 100 lots are platted between the tracks, 19 of which have been developed with homes. Cielo Vista is located to the south of Colony Park. It has 62 acres with 227 lots of low-density residential uses planned with a greenbelt located along the east portion of the subdivision. Approximately 130 lots have been recorded in that subdivision. In addition, there are smaller residential areas which have developed opposite the Decker Lake Power Plant and northwest of the Travis State School.

A small mobile home park is located between the railroad tracks. It is opposite the subject tracts. A large well-designed mobile home park and a commercial-service and semi-industrial area is located near Webberville Road to the south. A lumber company has developed a facility in the commercial service area. The 100-year flood plain along Walnut Creek includes both those developments. A large tract of land between Johnny Morris Road and the Southern Pacific track extending from U. S. Highway 290 south was designated under the master plan for industrial uses in 1969. However, it is isolated and undeveloped today, substantially because plans for development at that time were not implemented. In view of this and the recent residential development in the area, reconsideration of that land use designation is likely in the present updating process of the master plan.

RESIDENTIAL VS. NON-RESIDENTIAL USE OF LAND

The land between the railroad tracks varies from hilly along the western and southern segments to flat in the northeastern area. Most of the Missouri-Kansas-Texas track is relatively inaccessible for rail use to adjacent land due to topography. This is the case along the west side of the subject tracts. Residential development, including PUD's, are possible due to topographical features. Panoramic views of the city and the probability of a greenbelt along Walnut Creek to the west, enhance possible residential development.

An analysis of the ambient noise levels was conducted by the Colony Park developers to qualify the lots next to the tracks for FHA mortgage insurance. The Composite Noise Rating (CNR) created by the railroad traffic, in addition to all other noises, was found to be clearly within the residential noise standards set forth in HUD Circular No. 1390.2.

Cl4-74-116 William G. Kemp, et al--Contd.

The Cielo Vista development also has FHA approval for its lots adjacent to the tracks. According to Austin representatives of the railroads, the Missouri-Kansas-Texas (MKT) tracts, the western track which the two subject cases abut, experiences only one day-time train per day. On the eastern track, three night-time trains are scheduled per day. This train traffic and resultant noise is below that which is considered unacceptable for residential living.

Weighing the advantages and disadvantages to either residential or commercial service and semi-industrial development along Johnny Morris Road, the residential is favored.

1. Johnny Morris Road is presently narrow, with 50 feet of right-of-way and 20 feet of paving. Although planned for expansion in the City's expressway and major arterial plan, it will likely remain narrow for some years. Meanwhile it will inhibit heavy commercial development.
2. Residential development will more than likely occur on most of the land adjacent to Johnny Morris Road. Nothing has been discovered which will significantly inhibit residential development. On the contrary, there are many amenities offered to residential development.
3. If spots of commercial service and industrial uses are established along Johnny Morris Road they will present a visual, activity and traffic intrusion to the predominance of residential development.

The staff suggest that Johnny Morris Road is a residential street at present and should be a residential collector or arterial street in the future. Heavy truck traffic should be discouraged. With the existing Colony Park to the north and east, the existing and planned Cielo Vista to the east, the proposed Stonybrook to the west, and the existing mobile home residential community to the south, the staff also suggests that the area surrounding the subject tracts is presently residential. The residential amenity of these developments would be decreased with the establishment of the requested zoning on the subject tracts. Sales of existing and planned homes could be deterred and proper utilization of the existing and planned schools could be inhibited should heavy commercial development be introduced on Johnny Morris Road. Heavy commercial and industrial development can be and should be oriented to major traffic systems and should be buffered well from low-density developments.

C14-74-116 William G. Kemp, et al--Contd.

STAFF RECOMMENDATION:

The staff recommends the request be denied as incompatible with existing, planned and probable residential developments within the area study and specifically between the railroad tracks. If this tract is rezoned, the Commission should consider similar zoning for all the land between the railroad tracks south of Decker Lake Road.

Note: This tract is a legal tract not requiring a subdivision prior to issuance of building permits or extensions of utility services. If zoning is granted, one-half the additional right-of-way (20 feet) to increase Johnny Morris Lane from 50 to 90 feet should be provided.

CITIZEN COMMUNICATION (LBJ NEIGHBORHOOD ASSOCIATION)

WRITTEN COMMENT

None

PERSONS APPEARING

Martin Boozer (representing applicant)

Don Sullivan: 5101 Johnny Morris Road

AGAINST

Nancy Garrin: 5901 Coolbrook (LBJ Neighborhood Assn.)

AGAINST

Woodrow Sledge (AISD)

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented. Ms. Himmelblau was of the opinion that changing the zoning would only create additional requests for industrial and commercial uses in the area. Ms. Mather expressed strong support of the school board's position in maintaining the residential character in this area. She felt that zoning of this nature might jeopardize the success of the integrated neighborhood. She pointed out that industrial and commercial areas can be appropriate in residential areas if they are planned and developed properly. Mr. Bobbitt agreed that employment does need to be located close to residential neighborhoods. He also stated businesses of this nature need central locations to dispense their products. Ms. Mather stated she would be unable to support the proposed plan. Mr. Nash stated opposition to rezoning without a specific proposal. A majority of the members recommended that this request be denied.

AYE: Messrs. Nash and Ramsey.

Mmes. Himmelblau and Mather

NAY: Mr. Bobbitt

COMMISSION ACTION:

The applicant submitted a letter requesting that this request be withdrawn and agreed to not refile a request for the same or less restrictive zoning for at least six months. Members reviewed the information presented and recommended this request for withdrawal be granted, subject to ordinance requirement that no application be refiled for zoning on this tract for at least six months.

C14-74-116 William G. Kemp, et al--Contd.

COMMISSION VOTE:

To recommend that the request of William G. Kemp, et al, for a zoning change from Interim A, Residence, Interim First Height and Area to "DL" Light Industrial, First Height and Area on property located at 6110-6310 Johnny Morris Road be WITHDRAWN.

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

C14-74-120 John V. Felter: Int. A, 1st to C, 2nd
5900-6108 Johnny Morris Road

STAFF REPORT:

EAST AREA STUDY

This area study was conducted in response to zoning requests on two 22-plus-acre tracts of land located on Johnny Morris Road just south of its intersection with Decker Lake Road. The requests on these two tracts are for "DL" Light Industrial on the northern tract and "C" Commercial District on the southern tract. If the requested zoning is established, the impact on the surrounding area may be far reaching and could detrimentally affect the established and planned residential neighborhoods between Decker Lake District Park and Ed Bluestein Boulevard.

The staff looked generally at the area bounded by Decker Lane on the east, U. S. Highway 290 on the north, Ed Bluestein Boulevard on the west, and Webberville Road (or East 19th Street) to the south. Specifically, the staff considered the area between the two railroad tracks as being most directly affected by these zoning requests. Johnny Morris Road traverses this area from U. S. Highway 290 to Webberville Road. The effect of traffic generated by heavy commercial and industrial uses on Johnny Morris Road is perhaps the most important consideration when analyzing the impact of these zoning requests.

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C14-74-120 John V. Felter--Contd.

Within the study area there is an obvious commitment to the development of residential subdivisions with supporting commercial services. Examples include Las Cimas, Crystalbrook and Cavalier Park west of the railroad. Stonybrook has been delayed until solution is found to the potential flooding problems along Walnut Creek. The new LBJ High School has recently opened, and an elementary school is planned north of that to service the developing residential subdivisions.

The 600-acre Colony Park is located east of the tracks. It includes an elementary school, park land, low-density apartments and shopping facilities in addition to the 350 acres of low-density residential homes.

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C14-74-120 John V. Felter--Contd.

An analysis of the ambient noise levels was conducted by the Colony Park developers to qualify the lots next to the tracks for FHA mortgage insurance. The Composite Noise Rating (CNR) created by the railroad traffic, in addition to all other noises, was found to be clearly within the residential noise standards set forth in HUD Circular No. 1390.2. The Cielo Vista development also has FHA approval for its lots adjacent to the tracks. According to Austin representatives of the railroads, the Missouri-Kansas-Texas (MKT) tracts, the western track which the two subject cases abut, experiences only one day-time train per day. On the eastern track, three night-time trains are scheduled per day. This train traffic and resultant noise is below that which is considered unacceptable for residential living.

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2. Residential development will more than likely occur on most of the land adjacent to Johnny Morris Road. Nothing has been discovered which will significantly inhibit residential development. On the contrary, there are many amenities offered to residential development.
3. If spots of commercial service and industrial uses are established along Johnny Morris Road they will present a visual, activity and traffic intrusion to the predominance of residential development.

The staff suggests that Johnny Morris Road is a residential street at present and should be a residential collector or arterial street in the future. Heavy truck traffic should be discouraged. With the existing Colony Park to the north and east, the existing and planned Cielo Vista to the east, the proposed Stonybrook to the west, and the existing mobile home residential community to the south, the staff also suggests that the area surrounding the subject tracts is presently residential. The residential amenity of these developments would be decreased with the establishment of the requested zoning on the subject tracts. Sales of existing and planned homes could be deterred and proper utilization of the existing and planned schools could be inhibited should heavy commercial development be introduced on Johnny Morris Road. Heavy commercial and industrial development can be and should be oriented to major traffic systems and should be buffered well from low-density developments.

C14-74-120 John V. Felter--Contd.

STAFF RECOMMENDATION:

The staff recommends the request be denied as incompatible with existing, planned and probable residential developments within the area study and specifically between the railroad tracks. If this tract is rezoned, the Commission should consider similar zoning for all the land between the railroad tracks south of Decker Lake Road.

Note: This tract is a legal tract not requiring a subdivision prior to issuance of building permits or extensions of utility services. If zoning is granted, one-half the additional right-of-way (20 feet) to increase Johnny Morris Lane from 50 to 90 feet should be provided.

CITIZEN COMMUNICATION (LBJ NEIGHBORHOOD ASSOCIATION)

WRITTEN COMMENT

James R. Neal: MKT RR, Dallas, Texas	FOR
PERSONS APPEARING	
Jack Peevey (representing applicant)	
John Felter (applicant)	
Nancy Garrin (LBJ Neighborhood Assn.)	AGAINST
Don Sullivan: 5101 Johnny Morris Road	AGAINST
Ron Carriker: 6809 Crystal Brook	AGAINST
Woodrow Sledge (AISD)	AGAINST

COMMITTEE ACTION:

Members reviewed the information presented. Ms. Himmelblau was of the opinion that changing the zoning would only create additional requests for industrial and commercial uses in the area. Ms. Mather expressed strong support of the school board's position in maintaining the residential character in this area. She felt that zoning of this nature might jeopardize the success of the integrated neighborhood. She pointed out that industrial and commercial areas can be appropriate in residential areas if they are planned and developed properly. Mr. Bobbitt agreed that employment does need to be located close to residential neighborhoods. He also stated businesses of this nature need central locations to dispense their products. Ms. Mather stated she would be unable to support the proposed plan. Mr. Nash stated opposition to rezoning without a specific proposal. A majority of the members recommended that this request be denied.

AYE: Messrs. Nash and Ramsey.
 Mmes. Himmelblau and Mather
NAY: Mr. Bobbitt

COMMISSION ACTION:

Members reviewed the information presented and a majority were in agreement with the Committee's recommendation.

C14-74-120 John V. Felter--Contd.

COMMISSION VOTE:

To recommend that the request of John V. Felter for a zoning change from Interim "A" Residence, Interim First Height and Area to "C" Commercial, Second Height and Area on property located at 5900-6108 Johnny Morris Road be DENIED.

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

C14-74-128 Clifford Briggs: A, 1st to O, 1st
 1814 Maple Avenue
 also bounded by East 19th Street

STAFF REPORT:

This property is located in east Austin and fronts a minor residential street where it intersects a major arterial street. Subject tract is within the Glenwood single-family neighborhood. The limited amount of zoning encroachments dates back to 1947 when the "C" Commercial zoning was granted to the east. The Planning Commission recommended denial of the "LR" Local Retail zoning which adjoins to the west.

There was a 1973 case on this property requesting "C" Commercial zoning. It was recommended by the staff that the case be denied as an intrusion into a residential neighborhood. The Planning Commission recommended denial and also that the Property Management Department investigate the possible purchase of this property for right-of-way. All of the right-of-way for expansion of East 19th Street, 30 feet, is planned to be taken from the south side of this street. The purchase of this right-of-way is not scheduled in the five-year Capital Improvement Program. Strong neighborhood opposition was prevalent in the 1973 case.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into a residential neighborhood designed for only "A" Residence uses and which affords no logical point of termination. Adequate retail commercial developments and zoning exist to serve the needs of the surrounding neighborhood. Conditions have not changed within the past year to warrant a zoning change.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

Ira Poole: 2400 East 19th Street
Petition bearing 50 names

AGAINST
AGAINST

PERSONS APPEARING

Fred D. Mann (representing applicant)
Ira Poole: 2400 East 19th Street
Mrs. E. A. Smith: 1905 Chestnut Avenue

AGAINST
AGAINST

C14-74-128 Clifford Briggs--Contd.

Mrs. R. T. McAlister: 1903 Maple Avenue
Mrs. Della J. Phillips: 2310 East 19th Street

AGAINST
AGAINST

COMMITTEE ACTION

The staff pointed out that funds are not available for advance acquisition of property for right-of-way but that each case is considered on its own merits. No right-of-way will be required from subject tract because of the small size of the lot and that at a later date there probably will be a condemnation suit and purchase of the property for right-of-way. Members reviewed the information presented. Mr. Bobbitt pointed out that this problem will occur repeatedly because of the situation of the small lot. Ms. Mather expressed concern for the residential area adjacent to the property but also stated that she felt no one would put a house on the subject property. She was of the opinion that "O" Office would be more appropriate. Members were in agreement that the applicant should not be denied the right to use his property and that "O" Office would be an appropriate zoning. The Committee recommended that this request be granted, subject to a six-foot privacy fence along the southern boundary where adjacent to "A" Residence.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of Clifford Briggs for a zoning change from "A" Residence, First Height and Area to "O" Office, First Height and Area on property located at 1814 Maple Avenue, also bounded by East 19th Street be GRANTED, subject to a six-foot privacy fence along the southern boundary where adjacent to "A" Residence.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash.
Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-151 Walter and Maydelle Davis Grote: A, 1st to LR, 1st
5603 Manor Road

STAFF REPORT:

This property is located in northeast Austin fronting a major arterial street. The tract lies within a single-family neighborhood. Locally-oriented commercial zoning and uses oriented to the intersection of Manor Road and Rogge Lane have been established across the street on land which was not specifically platted for single-family residential use.

C14-74-151 Walter and Maydelle Davis Grote--Contd.

Subject tract is bounded on three sides by single-family homes, and single-family homes extend north to Rogge Lane. If a zoning change is granted at this location it could act as a strong precedent for similar requests from owners of a number of small residential lots developed with single-family homes and may stimulate a decline in maintenance of the adjacent homes.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into a well-established single-family neighborhood and as setting an undesirable precedent for "strip-zoning" of many residential lots in this vicinity.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMITTEE ACTION:

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

AYE: Messrs. Bobbitt, Nash and Ramsey.
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of Walter and Maydelle Davis Grote for a zoning change from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area on property located at 5603 Manor Road be DENIED.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
 Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-152 Joe B. Campos, et ux: A, 1st to C, 1st
1122 1/2 Gunter Street

STAFF REPORT:

This lot lies within an older single-family neighborhood in east Austin. The tract fronts Gunter Street, a minor residential collector street with 50 feet of right-of-way. Single-family residences surround subject tract, and new homes have been built along the east side of Gunter Street.

A car repair shop and construction company have been illegally established at the intersection of Pickle Drive and Henninger Street to the west.

C14-74-152 Joe B. Campos, et ux--Contd.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into an established single-family neighborhood designed for only "A" Residence uses, and as an undesirable precedent for strip-zoning.

Note: If rezoning is granted, one-half the additional right-of-way (five feet) is required to increase Gunter Street to 60 feet.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

Transportation Enterprises, Inc.: P. O. Box 1561 FOR
PERSONS APPEARING

Mr. & Mrs. Joe Campos (applicants)
Mr. Joe Dacy: 610 Congress AGAINST

COMMITTEE ACTION:

Members reviewed the information presented. Ms. Himmelblau stated that she was in sympathy with the applicant but that granting the zoning in this area would only create additional commercial zoning requests. Members recommended that this request be denied.

AYE: Messrs. Bobbitt, Nash and Ramsey.
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of Joe B. Campos, et ux, for a zoning change from "A" Residence, First Height and Area to "C" Commercial, First Height and Area on property located at 1122-1/2 Gunter Street be DENIED.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
 Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-153 Citizens National Bank of Austin: C, 6th & C, 2nd to C, 2nd
5401-5537 North Interstate Highway 35

STAFF REPORT:

These two tracts are located within the Capital Plaza Shopping Center on the east side of North I. H. 35. The entire center is zoned Sixth Height and Area except for several islands of Second Height and Area established at various times as needed. Spots of Second Height and Area presently surround subject tracts. A bank office building which exceeds the 35-foot height limitation of Sixth Height and Area has already been constructed on Tract 2 of subject application.

C14-74-153 Citizens National Bank of Austin--Contd.

In addition to zoning height limitations, the maximum height of buildings in this area is limited by the Federal Aviation Administration because of the proximity of the Municipal Airport. The maximum height allowed by the FAA at this location is 64 feet (el. 709 feet).

STAFF RECOMMENDATION:

That this case be granted as consistent with the established zoning in this shopping and office center.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Phil Mockford (representing applicant)

COMMITTEE ACTION:

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

AYE: Messrs. Bobbitt, Nash and Ramsey.
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of Citizens National Bank of Austin for a zoning change from "C" Commercial, Sixth Height and Area and "C" Commercial, Second Height and Area to "C" Commercial, Second Height and Area on property located at 5401-5537 North I. H. 35 be GRANTED.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-154 William J. Joseph, et ux: LR, 5th to GR, 5th
 7400 North I. H. 35
 also bounded by Blackson Avenue
 and Delmar Avenue

STAFF REPORT:

Subject tract, which is being used for used car sales, is located in north Austin within an old residential neighborhood west of I. H. 35. The tract is bounded by two minor residential streets and I. H. 35. To the west is "A" Residence property sparsely developed with single-family and duplex residences. A service station exists to the north.

C14-74-154 William J. Joseph, et ux--Contd.

For the "GR" General Retail case at the intersection of Martin and Blackson Avenues to the west, an area study was presented. It was pointed out that previous Commission recommendations were to deny zoning encroachments into this well-defined neighborhood served by minor streets. The Commission recommended "GR" General Retail for the area between Martin Avenue and I. H. 35, and "A" Residence for the area west of Martin Avenue. A later case at the intersection of Martin and Delmar Avenues was recently denied by Council, and more recently, a case for "C" Commercial and "B" Residence for the expansion of the automobile dealership to the north was granted on Delmar Avenue.

STAFF RECOMMENDATION:

That this case be granted due to the I. H. 35 frontage and as conforming with Planning Commission recommendations and recent City Council action, subject to one-half the right-of-way (five feet) necessary to increase both Delmar and Blackson Avenues from 50 to 60 feet.

CITIZEN COMMUNICATION (ST. JOHNS NEIGHBORHOOD GROUP)**WRITTEN COMMENT**

Joe Crow: 959 Reinli Street

Junious E. Scott: 707 Blackson Avenue

FOR

AGAINST

PERSONS APPEARING

Arthur Pihlgren (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted, subject to one-half the right-of-way (five feet) necessary to increase both Delmar and Blackson Avenues from 50 to 60 feet.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of William J. Joseph, et ux, for a zoning change from "LR" Local Retail, Fifth Height and Area to "GR" General Retail, Fifth Height and Area on property located at 7400 North I. H. 35, also bounded by Blackson Avenue and Delmar Avenue be GRANTED, subject to one-half the right-of-way (five feet) to increase both Delmar and Blackson Avenues from 50 to 60 feet.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-155 Sam and Irene Lane, Carey Leggett, Jr., M.D. and
 2803-2815 and 2901 Swisher Street Georgia Felter Leggett, M.D.:
 also bounded by East 30th Street A, 1st and BB, 2nd to O, 4th

STAFF REPORT:

Subject lots presently front a minor residential street northeast of the University of Texas. Red River Street is proposed to be relocated approximately 150 feet to the west; the proposed interchange of West 26th Street and I. H. 35 is planned to the southeast. Parking for St. David's Hospital exists to the north and apartments exist to the east, south, and west.

"O" Office, Second Height and Area has been established to the east and west of subject tract. The Fourth Height and Area which exists on Medical Arts Square to the west was established twenty years ago and has not been developed beyond the height allowed by First Height and Area District.

STAFF RECOMMENDATION:

That "O" Office, Fourth Height and Area be denied as incompatible with adjacent development, but that "O" Office, Second Height and Area be granted as consistent with the development and zoning surrounding this tract.

CITIZEN COMMUNICATION (FRIENDS OF EASTWOODS)

WRITTEN COMMENT

Texas Restaurant Assoc.: P.O. Box 1429

FOR

Harry E. Montandon: Rt. 7, Box 368

FOR

PERSONS APPEARING

Sam Lane (applicant)

COMMITTEE ACTION:

Members reviewed the information presented. Ms. Himmelblau stated that she would not want to see a structure of a greater height than Second Height and Area in this location because of the Thompson Conference Center and the LBJ Library. Members recommended that this request be denied but that "O" Office, Second Height and Area be granted.

AYE: Messrs. Bobbitt, Nash and Ramsey.
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's action.

COMMISSION VOTE:

To recommend that the request of Sam and Irene Lane, Carey Leggett, Jr., M.D. and Georgia Felter Leggett, M. D., for a zoning change from "A" Residence, First Height and Area and "BB" Residence, Second Height and Area to "O" Office, Fourth Height and Area on property located at 2803-2815 and 2901 Swisher Street, also bounded by East 30th Street, be DENIED but that "O" Office, Second Height and Area be GRANTED.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-156 J. Vance Riley: A, 1st to GR, 1st
2202 Lake Austin Boulevard

STAFF REPORT:

Subject tract is located in west Austin on a major arterial, Lake Austin Boulevard, just west of its intersection with MoPac Expressway. "LR" Local Retail and "GR" General Retail zoning exists on many lots to the west, developed with a washateria, tavern and service stations. The American Legion Hall, zoned commercial, is located to the south of Lake Austin Boulevard. Single-family homes exist along both sides of Lake Austin Boulevard in this area.

There was a 1971 zoning case on the corner property east of subject property. The request was from "A" Residence to "C" Commercial. "C" Commercial was denied, but "GR" General Retail was granted as being more consistent with area zoning changes.

STAFF RECOMMENDATION:

The staff recommends that this case be granted, as it conforms to previous zoning histories in the area. Also, this area is in transition to a higher intensity of use due to the influence of the imminent MoPac Expressway.

CITIZEN COMMUNICATION (CONCERNED CITIZENS FOR THE DEVELOPMENT OF WEST AUSTIN)

WRITTEN COMMENT

Mr. & Mrs. James M. Fogle: 514 Upson Street

AGAINST

PERSONS APPEARING

J. Vance Riley (applicant)

COMMITTEE ACTION:

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

AYE: Messrs. Bobbitt, Nash and Ramsey.
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of J. Vance Riley for a zoning change from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area on property located at 2202 Lake Austin Boulevard be GRANTED.

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

ABSENT: Messrs. Everett, Ramsey and Washington

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

C14-74-157 Lupe R. and Lydia C. Ojeda--Contd.

COMMISSION VOTE:

To recommend that the request of Lupe R. and Lydia C. Ojeda for a zoning request from Interim "A" Residence, Interim First Height and Area to "D" Industrial, First Height and Area, as amended, on property located at 4703-4707 Weidemar Lane be GRANTED, as amended, subject to one-half the additional right-of-way (approximately 20 feet) to increase Weidemar Lane to 80 feet.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
 Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-158 William W. Loden: Int. A, 1st to LR, 1st
 5200-5234 Thunder Creek Road
 11701-11751 Angus Road
 5201-5235 West Duval Road

STAFF REPORT:

This 7.5-acre tract is located in northwest Austin bordered by three residential streets. A new single-family neighborhood has been established to the east and a well-established suburban-density single-family neighborhood exists to the north. Undeveloped land exists to the northwest, a nursing home and undeveloped land is to the west, a mobile home park is to the southwest, and undeveloped "LR" zoned land is to the south.

The subject tract and the "LR" tracts to the south were considered in a late-1972 zoning case. The Commission recommended the retail zoning with an "A" Residence buffer and privacy fence on the southern tracts due to their proximity to U. S. 183. No change in zoning was recommended on subject tract because of the impact which rezoning would have on the established neighborhoods and the undeveloped land to the west and north. Subject tract was recommended to be zoned "A" Residence. Conditions have not changed significantly since the previous case.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into a developing single-family neighborhood. The tract can easily be platted in duplexes oriented internally on cul-de-sacs. This recommendation is in keeping with the Commission's earlier decision for this tract.

If the Committee is interested in rezoning this tract, the staff recommends that only the south 275 feet facing the "LR" Local Retail be considered, with the same buffering conditions which were attached to the granting of the "LR" across the street. This alternate would allow the northern portion of the subject tract to be developed with a cul-de-sac.

C14-74-158 William W. Loden--Contd.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

M. D. Eyerley: 11503 Hilltop	FOR
David H. Bartly: 5101 Dull Knife Drive	AGAINST
Gaylon Kornfuehrer: 835 Bel Mar, Sugarland, Tex.	AGAINST
Petition bearing 100 names	AGAINST

PERSONS APPEARING

Danny Womack (representing applicant)	
Marilyn Mish: 5020 Dull Knife Drive	AGAINST
Carole L. Deuser: 11800 Mustang Chase	AGAINST
Larry Deuser: 11800 Mustang Chase	AGAINST
Mrs. Ernest Reinke: 11802 Mustang Chase	AGAINST
Tom L. Lanham: 5106 Dull Knife Drive	AGAINST
George M. Baker: 5103 Dull Knife Drive	AGAINST
Lloyd Clem: 11803 Mustang Chase	AGAINST
Aubrey M. Herzik: 11716 Natrona	AGAINST
Kerin Roth: 11714 Natrona	AGAINST
Elvin A. Stuckly, Jr.: 11704 Natrona	AGAINST
Mr. & Mrs. Jimmy Buehrin: 5108 Dull Knife Drive	AGAINST
Gwen Stuckly: 11704 Natrona	AGAINST
Craig Bicking: 11712 Natrona	AGAINST
Joyce McQueen: 11700 Natrona	AGAINST
Kenneth Marshall: 11708 Big Trail	AGAINST
Harry E. McQueen, Jr.: 11700 Natrona	AGAINST
Connie F. Kinney: 5103 West Duval	AGAINST
Charles R. Kinney: 5103 West Duval	AGAINST
James R. Brown: 11806 Mustang Chase	AGAINST
Kenneth Morgan: 11804 Mustang Chase	AGAINST
Joe H. Carruth, Jr.: 11710 Natrona	AGAINST
Larry J. Skiles: 5110 Powder River Road	AGAINST

COMMITTEE ACTION:

The applicant indicated he would be agreeable to "LR" on the lower 275 feet of the tract. Members reviewed the information presented. Ms. Himmelblau stated that the surrounding subdivision is one of the nicest she has seen and would prefer to see the area remain "A" Residence. She also stated she would want to see at least a 50-foot buffer strip if the lot is divided. Ms. Mather made the motion that this request be denied.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

The applicant submitted a letter requesting that this case be withdrawn. Members reviewed the information and recommended that this request be withdrawn.

C14-74-158 William W. Loden--Contd.

COMMISSION VOTE:

To recommend that the request of William W. Loden for a zoning change from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area on property located at 5200-5234 Thunder Creek Road, 11701-11751 Angus Road and 5201-5235 West Duval Road be WITHDRAWN.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
Ms. Himmelblau

NAY: Ms. Mather

ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-159 Barnes Enterprises, Ltd.: Int. A, 1st & C, 5th to O, 1st & C, 5th
410 Oak Plaza
502-606 Oertli Lane
8501 Rosemary Lane
206 Elliot Street
8420 North I. H. 35

STAFF REPORT:

This heavily wooded 19-acre tract is located in north Austin 500 feet west of I. H. 35. Principal access to the tract is through a 60-foot strip of land connecting the tract to the one-way frontage road on I.H. 35. Substandard residential streets abut the subject tract along the western and southern boundaries. A single-family neighborhood annexed in 1951 exists to the west, northwest, and south. Undeveloped land and offices exist on commercially-zoned properties oriented to I. H. 35.

Little Walnut Creek forms the north boundary of this tract. According to the U. S. Corp. of Enineer's flood plain study of this creek the north 200-300 feet of this tract is within the 100-year flood plain. A creek development permit is required from the Engineering Department to identify the extent to which this flood plain may reasonably be altered to provide developable land.

Protection of the adjoining single-family neighborhood is of primary importance when considering uses allowed by any change in zoning for this tract. Additional traffic generated by intensive use would create an intrusion into this quiet neighborhood and could easily overburden the narrow residential streets. Oertli Lane is presently a dead-end street and needs to be properly terminated in a cul-de-sac. To protect the neighborhood, the staff recommends a 25-foot buffer of "A" Residence along the eastern boundary of the small lots fronting Rosemary Lane and Primrose Street, no access to the residential streets in the neighborhood, and a privacy fence.

C14-74-159 Barnes Enterprises, Ltd.--Contd.

The tract has only a sixty-foot-wide by 500-foot-long access corridor to I. H. 35. Safety and protection of the occupants, residents, and physical improvements of this land must be considered in light of this limited access. With apartment or office use on this tract, traffic generation, including public service and emergency vehicles through one point of access could present some traffic hazard. Emergency access points should be considered to Oak Plaza and Oertli Lane.

Traffic volume would probably be lower if the tract were developed with office use, and peak-hour traffic should be distributed throughout the day. For this reason, the staff recommends that the tract be developed primarily with offices and not with a large number of apartment units. This would tend to spread the peak traffic generation through the access corridor. A special permit will probably be required if apartment development is planned. The Commission could review the density and traffic volumes in relation to the access provided.

Note: A subdivision is required prior to the issuance of building permits or utilities for most of this tract.

STAFF RECOMMENDATION:

That "O" Office be denied on the entire tract, but that "O" Office be granted, excluding a 25-foot buffer of "A" Residence to remain along the western boundary adjacent to the lots which front Rosemary Lane and Primrose Street; no access to the minor residential streets which abut the western and southern boundaries; a six-foot privacy fence along the entire western and southern property lines (excluding the access strip to I. H. 35); one-half the right-of-way (ten feet) to increase Oertli Lane to 50 feet, and two emergency access points, one on Oertli Lane and the other on Oak Plaza. A creek development permit will be required prior to development of the property.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Mr. Ernest Rutherford, Jr.: 2300 Devonshire Drive	FOR
Mrs. S. H. Thompson: 410 Primrose Street	AGAINST
W. O. Beall, Jr.: 301 Pecan Drive	AGAINST

PERSONS APPEARING

Howell Finch (representing applicant)	
Jack R. Barnes: P. O. Box 9222	FOR
Doren R. Eskew: 420 Jefferson Building	FOR
Joseph Nieto, Jr.: 302 Pecan Drive	AGAINST

COMMITTEE ACTION:

The applicant questioned the need to dedicate right-of-way on Oertli Lane if he were going to be denied access. He also questioned the need for privacy fences along the western boundary north of Oak Plaza to the flood

C14-74-159 Barnes Enterprises, Ltd.--Contd.

plain. Ms. Mather expressed concern about access. She stated she would prefer to see a lot of this size developed with a special permit. Also, she felt that the 25-foot buffer of "A" should be extended northward to the flood plain. She stated objections to apartment development on the tract because of the inadequate access. The staff pointed out that Oertli Lane needed to be dedicated and that at a later date could be vacated in the event the two lots south of Oertli Lane were combined with either subject tract or the tract to the south. Ms. Mather made the motion that this case be denied. The motion died for lack of a second. Mr. Nash then made a motion to grant the request, subject to staff recommendations. The motion died for lack of a second. Members were in agreement to refer this case to the full Commission for action.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented. Ms. Mather restated her opposition to rezoning this large a tract with such intensive zoning without a special permit or PUD. She stated that a tract this far back from I. H. 35 could be developed residentially. She pointed out that apartments could be built on an "O"-zoned tract which would create an access problem in this case. Ms. Himmelblau stated she was not opposed to the owner developing his property but wanted to see the 25-foot buffer of "A" extended along the western boundary north to the flood plain. A majority of the members recommended this request be denied, but that "O" Office, First Height and Area and "C" Commercial, Fifth Height and Area be granted, excluding a 25-foot buffer of "A" along the western boundary and subject to conditions recommended by the staff.

COMMISSION VOTE:

To recommend that the request of Barnes Enterprises, Ltd. for a zoning change from Interim "A" Residence, Interim First Height and Area and "C" Commercial, Fifth Height and Area to "O" Office, First Height and Area and "C" Commercial, Fifth Height and Area, on property located at 410 Oak Plaza; 502-606 Oertli Lane, 8501 Rosemary Lane, 206 Elliot Street, and 8420 North I. H. 35 be DENIED, but GRANT "O" Office, First Height and Area and "C" Commercial, Fifth Height and Area, excluding a 25-foot buffer of "A" Residence along the western boundary adjacent to the lots which front Rosemary Lane and Primrose Street north to the creek; no access to the minor residential streets which abut the western and southern boundaries except for two emergency access points, one on Oertli Lane and one on Oak Plaza; a six-foot privacy fence along the western and southern property lines (excluding the access strip to I. H. 35); and one-half the right-of-way (ten feet) to increase Oertli Lane to 50 feet.

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

C14-74-160 Henry Wendlandt, Jr. and E. E. Naumann: C, 2nd to C-2, 2nd
2222 Rosewood Avenue
also bounded by Chestnut Avenue

STAFF REPORT:

Subject tract is located at an intersection of a major arterial planned for 70 feet of right-of-way (Rosewood Avenue) and a residential collector street (Chestnut Avenue) in east Austin. The tract is part of the area of an L-shaped building within a small business center established on the lot. Land east and south of subject tract is part of the Glen Oaks I Urban Renewal Project. Doris Miller Auditorium and Rosewood Recreation Center exist east of subject tract. A recreational and drainage greenbelt along Boggy Creek exists to the southeast.

Although this department's land use map shows the southeast corner of Rosewood Avenue and Northwestern Avenue as "C" Commercial, the Urban Renewal Plan has zoned this area "B-1" Business which is synonymous with the City's "O" Office district. The Urban Renewal zoning is binding because it is the more restrictive zoning. The "C" and "D" zoning will be changed to conform to the Council-adopted Glen Oaks Urban Renewal Plan. Subject tract was previously used in violation of the zoning ordinance as a night club, but it is presently vacant.

The west side of Chestnut Avenue and the north side of Rosewood Avenue have been strip-zoned "C" Commercial since 1941. Single-family homes predominate within that strip zone, and single-family homes abut subject tract to the north and west.

STAFF RECOMMENDATION:

The staff recommends that this case be denied, as the requested zoning is not compatible with the established residential community and recreational uses which surround this tract.

CITIZEN COMMUNICATION (CONCERNED CITIZENS FOR EAST AUSTIN)

WRITTEN COMMENT

None

PERSONS APPEARING

Rev. S. L. Davis

Ira Lewis

Ira H. Marshall

AGAINST

AGAINST

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be denied as incompatible with the surrounding area.

AYE: Messrs. Bobbitt and Nash. Mmes. Himmelblau and Mather

C14-74-160 Henry Wendlandt, Jr. and E. E. Naumann--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of Henry Wendlandt, Jr. and E. E. Naumann for a zoning change from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area on property located at 2222 Rosewood Avenue, also bounded by Chestnut Avenue, be DENIED.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-161 Mrs. Carie B. Houser, et al: A, 1st to O, 1st
3701-3709 Ronson Street
612-622 West 37th Street

STAFF REPORT:

This tract is located one-half block west of Guadalupe Street fronting West 38th Street, a major arterial. Expansion of the present 44-foot roadbed to 78 feet is to be developed shortly by the Texas Highway Department. The subject tract is surrounded by street or alley right-of-way. The tract is presently developed with older single-family and duplex units and is part of an older neighborhood north of Maiden Lane which has been in a state of transition for a number of years. Austin State Hospital exists to the north.

Commercial zoning and uses oriented to Guadalupe Street exist to the east, apartment use has been established to the south, and offices exist one-half block to the west on "LR"-zoned land. As apartment zoning was granted in two apartment zoning cases, right-of-way was required to bring the streets up to 50 feet rather than 60 feet due to the abundant right-of-way access in the area.

STAFF RECOMMENDATION:

That this case be granted, subject to one-half the right-of-way (2.5 feet) to increase Ronson Street from 45 to 50 feet.

CITIZEN COMMUNICATION (SAVE UNIVERSITY NEIGHBORHOODS)

WRITTEN COMMENT

Forest S. Pearson: P. O. Box 1987

FOR

PERSONS APPEARING

J. W. Howeth (representing applicant)

C14-74-161 Mrs. Carie B. Houser, et al--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted, subject to one-half the right-of-way (2.5 feet) to increase Ronson Street from 45 to 50 feet.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of Mrs. Carie B. Houser, et al, for a zoning change from "A" Residence, First Height and Area to "O" Office, First Height and Area on property located at 3701-3709 Ronson Street and 612-622 West 37th Street be GRANTED, subject to one-half the right-of-way (2.5 feet) to increase Ronson Street from 45 feet to 50 feet.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-162 Nelson Investment Company: A, 1st & C, 6th to C, 6th
704 Wonsley Drive
8106 North I. H. 35

STAFF REPORT:

Subject tract is located along the west side of I. H. 35 in north Austin. The tract also abuts Wonsley Drive, a residential collector street with 40 feet of right-of-way. "C" Commercial has been established to the north and south; apartment zoning and uses have been established to the west.

A commercial building is under construction on the subject tract. A short form subdivision providing right-of-way is being processed on this tract.

STAFF RECOMMENDATION:

That this case be granted as consistent with established zoning, subject to right-of-way necessary to increase Wonsley Drive from 50 to 60 feet.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Harry E. & Truman H. Montandon: Rt. 7, Box 368

FOR

PERSONS APPEARING

None

C14-74-162 Nelson Investment Company--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted, subject to right-of-way necessary to increase Wonsley Drive from 50 to 60 feet.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To recommend that the request of Nelson Investment Company for a zoning change from "A" Residence, First Height and Area and "C" Commercial, Sixth Height and Area to "C" Commercial, Sixth Height and Area on property located at 704 Wonsley Drive and 8106 North I. H. 35 be GRANTED, subject to right-of-way necessary to increase Wonsley Drive from 50 to 60 feet.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C14-74-164 Texas Motor Transportation Association, Inc.: A, 1st to A, 1st,
Ed Bluestein Boulevard at the 0, 1st & GR, 1st (as amended)
planned intersection of East (Orig. Req.: A, 1st to C, 1st)
51st Street also bounded by
Tannehill Lane

STAFF REPORT:

This 11.5-acre tract fronts Ed Bluestein Boulevard and backs to Tannehill Lane in east Austin. Tannehill Lane, with a narrow and varying right-of-way, is undeveloped along this property. Land surrounding this tract is presently undeveloped. To the southwest is the well-established Springdale Hills neighborhood with single-family homes fronting Tannehill Lane.

East 51st Street has been planned to bisect this tract and intersect Ed Bluestein Boulevard. It is not in the City's five-year C. I. P. Austin Independent School District purchased the site to the west of subject tract for a junior high school. That site has been replaced by the site at the intersection of Loyola Lane and Ed Bluestein to the north.

The Commission reviewed the zoning case to the south a year ago. In order to protect the Springdale Hills neighborhood, a 120-foot strip of "A" Residence was maintained along the east side of Tannehill Lane. In addition, a privacy fence and a 15-foot building setback along the east boundary of the "A" Residence was required.

C14-74-164 Texas Motor Transportation Association, Inc.--Contd.

In reviewing this request the staff considered the following factors. The extension of East 51st Street is at best five years in the future. Strip-zoning along Ed Bluestein Boulevard is undesirable in that it will contribute to future traffic problems, as Ed Bluestein Boulevard has no frontage roads. Tannehill Lane is presently narrow and undeveloped. A single-family neighborhood has been established a short distance to the south, and Little Walnut Creek is a short distance to the north. In view of the above, the staff feels that the best use of the land to the west of this tract and north to Little Walnut Creek is continued single-family development. To reduce the impact of rezoning the subject tract, the 120-foot strip of "A" Residence should be continued along the east side of Tannehill Lane. This strip could be developed with duplexes or townhouses.

STAFF RECOMMENDATION:

That "C" Commercial be denied as incompatible with established zoning in this area, but that "GR" General Retail be granted, excluding the west 120 feet (after right-of-way dedication) along Tannehill Lane and "A" Residence be granted on the 120-foot strip; and a six-foot privacy fence along the east line of the "A" buffer strip.

This recommendation is consistent with the Commission recommendation for the tract to the south.

Note: A subdivision providing right-of-way for East 51st Street is required prior to the issuance of a building permit.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

John E. Miller: 7400 Berkman Drive	FOR
PERSONS APPEARING	
Charles Wendlandt (representing applicant)	FOR

COMMITTEE ACTION:

The applicant stated that the 120-foot buffer of "A" Residence along Tannehill Lane as recommended by the staff would not leave an adequate area for development along Ed Bluestein Boulevard. However he indicated a willingness to prohibit access to the tract from Tannehill Lane, which he felt would basically serve the same purpose as the residential buffer. Members reviewed the information presented. Ms. Mather stated that those major thoroughfares such as U. S. Highway 183 and Ben White Boulevard have been developed with strip-zoning and that Ed Bluestein Boulevard has thus far not been developed in this manner. She stated that the roads are forced to carry heavy traffic resulting from such commercial zoning. Ms. Mather pointed out that she would prefer to see this developed under a Special Permit or Planned Unit Development. Mr. Nash stated that since the school district no longer has plans for the school site, he really was not opposed to commercial use of the property but would prefer to see specific plans

C14-74-164 Texas Motor Transportation Association, Inc.--Contd.

rather than just granting commercial zoning. The staff pointed out that although 51st Street is dedicated along the old school site, there are no plans in the C. I. P. for the next five years to construct this street. However, if a subdivision were to be submitted on property along 51st Street, that portion of 51st Street west from Tannehill Lane could be developed. Mr. Nash inquired of the applicant if he could accept "O" Office on the tract. The applicant indicated he could accept "O" Office on the northern portion of the tract but not on the southern portion. A motion was made to grant "GR" General Retail on the southern portion of the tract and "O" Office on the northern portion. The motion failed 2-3. Mr. Bobbitt expressed opposition to the northerly extension of "GR" General Retail from the existing intersection of Tannehill Lane and East 19th Street. A motion was then made to recommend that the request be denied.

AYE: Messrs. Bobbitt and Ramsey. Ms. Mather
NAY: Mr. Nash. Ms. Himmelblau

COMMISSION ACTION:

The applicant amended his request to "A" Residence, First Height and Area for a 25-foot strip abutting Tannehill Lane; "O" Office, First Height and Area for that portion of the tract north of 51st Street; and "GR" General Retail, First Height and Area on that portion of the tract south of 51st Street, subject to dedication of right-of-way. Members reviewed the information presented and a majority of the members recommended this request be granted, as amended.

COMMISSION VOTE:

To recommend that the request of Texas Motor Transportation Association, Inc. for a zoning change from "A" Residence, First Height and Area to "A" Residence, First Height and Area for a 25-foot wide strip abutting Tannehill Lane, "O" Office, First Height and Area on the portion of subject tract north of 51st Street and "GR" General Retail, First Height and Area on the portion of subject tract south of 51st Street, as amended, on property located at Ed Bluestein Boulevard and the planned intersection of East 51st Street, also bounded by Tannehill Lane, be GRANTED, as amended, subject to right-of-way along Tannehill Lane and a six-foot privacy fence along the east line of the "A" buffer strip.

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

C814-74-012	N.P.C. Associates: 51 Attached Single-family Dwelling Units Coronado Hills Drive at Barcelona Drive	<u>with recreational facilities and and common open space called, "Old Town - Phase III"</u>
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This is an application for a Planned Unit Development on 5.34 acres on Coronado Hills Drive at proposed Holmes Drive. A PUD was submitted and approved on this site in January of 1973 with a density of 9.9 units per acre. The prior application included the three lots immediately north of this proposed site. This proposal, excluding those three lots to the north, would have a density of 8.9 units per acre.

Access to the PUD is to be from Holmes Drive, a proposed private drive with frontage to Coronado Hills Drive. A swimming pool and small recreation building are to be provided for the PUD owners. All units have direct access to the common area which comprises approximately 50 per cent of the gross acreage. Unlike the previous PUD, this plan has only one point of ingress-egress to a public street. The staff is requiring additional access as originally approved, to a common driveway along the rear of the lots abutting the east property line.

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

PERSONS APPEARING	Michel Breger:	7217 Creekside Drive	AGAINST
	Michel Breger:	7217 Creekside Drive	AGAINST

The staff called attention to the subdivision ordinance requirement for a 50-foot frontage on a public street. This requirement can be waived if there are topographical problems. However, the staff feels there are no topographical problems to warrant the variance. The applicant indicated that the original plans called for a 60-foot public street to end in a cul-de-sac or empty on to the parking lot south of subject tract. Since the school board has decided not to use the tract to the west as an elementary school site, they no longer feel a need for the public street. The applicant pointed out that the proposed plan will allow additional green area. He indicated he could meet the requirement for the 50-foot frontage by

C814-74-012 N. P. C. Associates--Contd.

resubdividing the lot and including the northwesternmost lot in the PUD. He pointed out that while actual construction has not started on the three northern tracts, to have to resubdivide these lots would be very inconvenient. Members reviewed the information presented. Ms. Himmelblau stated that the proposed PUD was very pleasing to her and she saw no problem with granting a variance on the frontage requirement. Ms. Mather agreed that this plan is an improvement over the original PUD but wanted to include the northwest four-plex lot. She made a motion to approve the request, subject to departmental requirements and changing the lot line to include the four-plex lot at the corner of Holmes Drive and Coronado Drive. The motion died for lack of a second. Ms. Himmelblau stated she had no problem with the plan and made a motion to recommend the request be approved, subject to departmental requirements and granting a variance on the 50-foot frontage requirement.

AYE: Messrs. Bobbitt, Nash and Ramsey.
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To APPROVE the preliminary subdivision and special permit of N. P. C. Associates for 51 attached single-family dwelling units with recreational facilities and common open space called "Old Town - Phase III" on property located at Coronado Hills Drive at Barcelona Drive, subject to compliance with departmental requirements as on file with the City of Austin Planning Department and granted a variance on the 50-foot frontage requirement on the public street.

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

ABSENT: Messrs. Everett, Ramsey and Washington

SPECIAL PERMITS

<u>C14p-74-041</u>	<u>Elmo, Inc.: Offices With Inside and Outside Storage</u>
	200 West Ben White Boulevard <u>of equipment and miscellaneous</u>
	also bounded by Wadford Street <u>construction material</u>

STAFF REPORT:

The applicant has requested that this case be withdrawn.

C14p-74-041 Elmo, Inc.--Contd.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMITTEE ACTION:

Members reviewed the request and recommended that this case be withdrawn.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To WITHDRAW the request of Elmo, Inc. for a special permit for offices with inside and outside storage of equipment and miscellaneous construction material on property located at 200 West Ben White Boulevard.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C14p-74-042 James A. Wimberley: Office Building and Warehouse for the
7521-7525 North Lamar Boulevard storage and distribution of
wholesale electrical supplies

STAFF REPORT:

This application has been filed as required under Section 45-22, Sub-Section (39), Paragraph (a), 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 wholesale electrical supply business at 7521-7525 North Lamar Boulevard. The tract is zoned "GR" General Retail, First Height and Area.

STAFF RECOMMENDATION:

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 (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

C14p-74-042 James A. Wimberley--Contd.

PERSONS APPEARING

James A. Wimberly (applicant)
Raymond Tubbs

FOR

COMMITTEE ACTION:

Members reviewed the information presented. In answer to Ms. Mather's question concerning visual screening, the applicant indicated that the adjoining lots had fences and that there were a number of trees that would serve as a buffer. Members recommended that this request be approved, subject to departmental requirements.

AYE: Messrs. Bobbitt, Nash and Ramsey.
Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To APPROVE the request of James A. Wimberley for a special permit for the construction of an office building and warehouse for the storage and distribution of wholesale electrical supplies on property located at 7521-7525 North Lamar 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. Hetherly, Bobbitt, Juarez and Nash
Mmes. Himmelblau and Mather

ABSENT: Messrs. Everett, Ramsey and Washington

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.

C14p-74-043 Middle Earth Unlimited, Inc.: Drug Crisis Center
2217 Nueces Street
also bounded by West 23rd Street

STAFF REPORT:

This application has been filed as required under Section 45-19, Sub-Section (1), Paragraph (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 an eleemosynary institution, a drug crisis center, at 2217 Nueces Street. The property is zoned "B" Residence, First Height and Area. Middle Earth Unlimited, Inc. proposes to use approximately half of the existing house for the drug crisis center. The University Co-op, owner of the tract, will retain use of the remaining portion of the house.

C14p-74-043 Middle Earth Unlimited, Inc.--Contd.

STAFF RECOMMENDATION:

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 (SAVE UNIVERSITY NEIGHBORHOODS)

WRITTEN COMMENT

George C. & Mary Alice McIntire: 3821 Hill Top Rd. Fort Worth, Tex.	AGAINST
Betty Slaughter Dickson: 909 West 23rd Street	AGAINST
Grace Thiele: 909 West 22-1/2 Street	AGAINST
Lula Barrett: 906 West 23rd Street	AGAINST
Petition bearing 35 names	FOR

PERSONS APPEARING

Jane Bell (representing applicant)	
Martha Sue Garrett (representing applicant)	
Robert Giles (representing applicant)	
Joe T. Garrison: 4101 Medical Parkway	FOR
Beth Baugham: 3709 Werner Avenue	FOR
Stanley David Brasel, Jr.: 8222 North Lamar Blvd.	FOR
Ken White: 512 West 23rd Street	FOR
Anne Royal: 2309 Nueces Street	FOR
Judy McQuade: 2309 Nueces Street	FOR
Howard Lenett: 510 West 23rd Street	FOR
Joan Yanneul: 510 West 23rd Street	FOR
Gregory A. Walker: 510 West 23rd Street	FOR
Steve Englander: 4015 Marathon Boulevard	FOR
Glen Jordan	FOR
Jim Cox	FOR
Tom Pyle	FOR
Mike McHone	
Dick Hardin	AGAINST
Nancy & Norman Gillespie: 2210-A Nueces Street	AGAINST
Dr. E. P. Schoch: 2212 Nueces Street	AGAINST
Carroll E. Cook: 506 West 22nd Street	AGAINST
Greg Frazier: 2300 Nueces Street	AGAINST
John Horton: 2300 Nueces Street	AGAINST
Rob Kerr: 2300 Nueces Street	AGAINST
Ray McCloskey: 2300 Nueces Street	AGAINST
Mary Anne Rhodes: 3204 Bonnie Road	AGAINST
Joan Snodgrass: 4503 Edgemont Drive	AGAINST
Donna Thomas: 1418 Preston Avenue	AGAINST
Mrs. Douglas Richnow: 2301 McCullough	AGAINST
W. R. Penn: 3404 Barranca Circle	AGAINST
Mrs. Robert Silvos: 3515 Lakeland	AGAINST
Mary Lib Thornhill: 14 Niles Road	AGAINST
Mrs. William A. Penn: 2810 Townes Lane	AGAINST
Mrs. Tom Holstien: 3300 River Road	AGAINST

C14p-74-043 Middle Earth Unlimited, Inc.--Contd.

Mrs. William R. Penn: 3404 Barranca Circle	AGAINST
Winifred T. Hall: 2700 Greenlee Drive	AGAINST
Mrs. Hulon Black: 3005 Bowman Avenue	AGAINST
Mr. & Mrs. J. T. Scepansky	AGAINST
Jane Anderson	AGAINST

COMMITTEE ACTION:

Members reviewed the information presented. While members supported the work carried on by this center, a majority agreed that the requested location was inappropriate for such a use. In response to Mr. Bobbitt's question concerning remodeling the present quarters, the applicant indicated that the space was inadequate. Later testimony indicated that the center had been unable to renew their lease. One citizen who appeared, Mr. Dick Hardin, spoke in opposition to the requested site. He stated that he supported the work of the center and volunteered his services to helping the applicant locate a more suitable place nearer the University. A majority of the members recommended that this request be denied.

AYE: Messrs. Bobbitt and Nash. Ms. Mather
 NAY: Mr. Ramsey
 ABSTAIN: Ms. Himmelblau

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee's recommendation that this request be denied as incompatible with the residential area.

COMMISSION VOTE:

To DENY the request of Middle Earth Unlimited, Inc. for a special permit for a drug crisis center on property located at 2217 Nueces Street.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
 Ms. Mather
 ABSTAIN: Ms. Himmelblau
 ABSENT: Messrs. Everett, Ramsey and Washington

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.

Cl4p-74-044 Great Mt. Zion Baptist Church: Day Care Center for 27 Children
1800 Pennsylvania Avenue

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 for 27 children to be located at 1800 Pennsylvania Avenue. On April 9, 1974, the applicant received Planning Commission approval for a day care facility for 27 children on lot 4 only and was proposing to use a temporary building. At this time, the applicant proposes a permanent building to be located on lots 3 and 4 which necessitated this new application.

STAFF RECOMMENDATION:

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 (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

None

PERSONS APPEARING

Lonnie McArthur (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and recommended that this request be granted, subject to departmental requirements.

AYE: Messrs. Bobbitt, Nash and Ramsey
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

COMMISSION VOTE:

To APPROVE the request of Great Mt. Zion Baptist Church for a special permit for a day care center for 27 children on property located at 1800 Pennsylvania Avenue, 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. Hetherly, Bobbitt, Juarez and Nash
 Mmes. Himmelblau and Mather

ABSENT: Messrs. Everett, Ramsey and Washington

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.

C14p-74-046 Gordon M. Griffin, Jr.: Game Room and Lounge for On-Premise
2510-2512 San Antonio Street consumption of alcoholic beverages

STAFF REPORT:

This application has been filed as required under Section 45-24.1, Sub-Section (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 special permit to allow a lounge to be located in the existing structure at 2510 and 2512 San Antonio Street. The existing zoning on the site is "C" Commercial with a current application for "C-2" Commercial recommended by the Commission and which will appear before the City Council on November 7, 1974. The number of seats proposed in the lounge is not indicated, however, based on the number of parking spaces provided a maximum of 60 seats will be allowed.

STAFF RECOMMENDATION:

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 (SAVE UNIVERSITY NEIGHBORHOODS)

WRITTEN COMMENT

None

PERSONS APPEARING

Joe T. Garrison (representing applicant)	
Norman Gillespie: 2210-A Nueces Street	AGAINST
Nancy Gillespie: 2210-A Nueces Street	AGAINST
Mike McHone (Save University Neighborhoods)	AGAINST

COMMITTEE ACTION:

Members reviewed the information presented. In answer to Ms. Himmelblau's question concerning soundproofing, the applicant indicated the building will be remodeled to eliminate the plate glass windows, thus providing the building with more noise-reducing materials. The members recommended that this request be approved, subject to compliance with departmental requirements.

AYE: Messrs. Bobbitt, Nash and Ramsey.
 Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the Committee's recommendation.

C14p-74-046 Gordon M. Griffin, Jr.--Contd.

COMMISSION VOTE:

To APPROVE the request of Gordon M. Griffin, Jr. for a special permit for a game room and lounge for on-premise consumption of alcoholic beverages on property located at 2510-2512 San Antonio Street, also bounded by Nueces 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. Hetherly, Bobbitt, Juarez and Nash
 Mmes. Himmelblau and Mather

ABSENT: Messrs. Everett, Ramsey and Washington

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

C10v-74-011 Trev Seymour and Laird Palmer
 East 29 feet of Baylor Street 60-foot
 right-of-way from the north line of
 West 9th Street in a northerly
 direction of 170 feet

This application appeared before the Planning Commission last month and was postponed in order to consider the possibility of vacating the entire right-of-way. Because of a 15-foot bluff crossing Baylor Street between 9th and 10th Streets, there is a need for circulation from the alley between 9th and 10th Streets. The Urban Transportation Department is recommending that the western 30 feet of right-of-way be retained to provide circulation to the alley. The staff is recommending that the eastern 29 feet of right-of-way be vacated, subject to departmental requirements and retention of easements.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation.

C10v-74-011 Trev Seymour and Laird Palmer--Contd.

COMMISSION VOTE:

To APPROVE the request of Trev Seymour and Laird Palmer for the vacation of the eastern 29 feet of Baylor Street 60-foot right-of-way from the north line of West 9th Street in a northerly direction 170 feet, subject to departmental requirements and retention of easements.

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

C10v-74-014 Austin Independent School District
Taylor Street between San Marcos
and Waller Streets

STAFF REPORT:

This is a request by the Austin Independent School District to vacate Taylor Street between San Marcos Street and Waller Street for the purpose of constructing a new elementary school. The staff is recommending that this street be vacated, subject to departmental requirements and subject to retention of easements.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation.

COMMISSION VOTE:

To APPROVE the request of the Austin Independent School District to vacate Taylor Street between San Marcos and Waller Streets, subject to departmental requirements and subject to retention of easements.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash.
Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C10v-74-015 Felipe Latorre, Ed Flores, John P. Schneider
Gaffney Street from the south line of
West 37th Street southerly to the west
line of West Avenue

This is a request by Felipe Latorre, Ed Flores and John P. Schneider for the vacation of the remaining portion of Gaffney Street, south of 38th Street and east of Lamar Boulevard. The Commission acted on the northern portion of this request last month and the Council has acted to vacate

C10v-74-015 Felipe Latorre, Ed Flores, John P. Schneider--Contd.

that portion of Gaffney. This small portion south of 37th Street is to be heard tonight. However, because Lot 24 as shown on the staff map will have a frontage of about 10 or 15 feet at the southeast corner of the lot, there is a need for the Property Management Department to meet with this owner. The staff is requesting that this case be postponed 30 days in order to meet with the owner and provide this information. Mr. Latorre, one of the applicants, has been contacted and is agreeable to a postponement; however, the staff has been unable to reach to other two applicants.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the staff's request for postponement.

COMMISSION VOTE:

To POSTPONE 30 DAYS the request of Felipe Latorre, Ed Flores and John P. Schneider for vacation of Gaffney Street from the south line of West 37th Street southerly to the west line of West Avenue.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash.

Mmes. Himmelblau and Mather

ABSENT: Messrs. Everett, Ramsey and Washington

PUBLIC HEARINGS

C20-74-002 Ordinances

Amendment to Chapter 41 of the City Code to not require submission of a drainage plan prior to recording a plat

Mr. Lillie reported that additional time is needed to allow the staff and those developers, surveyors, engineers and other interested citizens an opportunity to compile a list of development standards with respect to drainage. He stated that the City is now engaged in a new master plan development and any extension of standards should be thoroughly discussed. The suggestion was made that the Commission consider proposing to the City Council the possibility of a work-study committee that would meet on a regular basis to develop and draft standards and to determine alternatives to the subdivision ordinance.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Bill Williams

Herndon C. Bailey, Jr.: 2210-B De Curto Road

L. A. Felder: 537 Woodward

FOR

FOR

C2o-74-002 Ordinances--Contd.

COMMISSION ACTION:

Members reviewed the information presented. Mr. Hetherly stated that more work is needed by the City departments and concerned citizens. He was of the opinion that this case should be postponed to allow further consideration of the ordinance amendment. He was also of the opinion that a recommendation to the Council regarding the appointment of a work-study committee be postponed two weeks for further consideration.

COMMISSION VOTE:

To POSTPONE action on the amendment to Chapter 41 of the City Code to not require submission of a drainage plan prior to recording a plat.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C2o-74-004 Ordinances

Amendment to Chapter 41 of the City Code for
extension of urban standards to the 5-mile
ETJ of the City of Austin

Mr. Lillie requested that action on this case be postponed to allow further consideration of amending the ordinance.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

George L. Sanders: 4800 South Congress

AGAINST

Herndon C. Bailey, Jr.: 2210-B Del Curto Road

AGAINST

Tommy W. Carlson: 4800 South Congress

AGAINST

COMMISSION ACTION:

Members reviewed the information and recommended that this case be postponed.

COMMISSION VOTE:

To POSTPONE action to amend Chapter 41 of the City Code for extension of urban standards to the 5-mile ETJ of the City of Austin.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C3-74-010 Environment

Request by Bryant-Curington, Inc. to enclose an existing open drainage ditch in Research Plaza Subdivision with a 465-foot-long single box culvert. Waterway Development Permit #74-10-3075

This is a request by Bryant-Curington, Inc. to enclose an existing open drainage ditch located in Research Plaza Subdivision. The applicant proposes to enclose the 465-foot-long ditch in a single box culvert. This project was approved prior to the issuance of the Creek Ordinance but because construction was not started prior to the ordinance, the plan now requires approval by the Planning Commission. Mr. Charles Graves, Director of Engineering, stated that the request tonight is for approval of enclosing the drainageway and not approval of the construction of the box. He stated that at the time of development, a permit will be required which will be subject to appeal to the Planning Commission. The staff is recommending that this request be approved.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMISSION ACTION:

Members reviewed the information presented. Ms. Mather expressed concern about seeing the development permit only if it were appealed. She suggested that both the permit to enclose the culvert and the construction permit be presented at the same time. The staff pointed out that the Commission would only hear the development permit if it were appealed. In answer to Ms. Mather's question concerning effects downstream, Mr. Graves pointed out that some problems are anticipated, but these problems would not be the result of enclosing the culvert. He stated that the subject property is in a low-lying area and was filled prior to the Creek Ordinance. He stated that the City would be facing these problems whether or not the culvert were enclosed. Ms. Mather was of the opinion that since development plans for this property are not definite, leaving the culvert open would allow a future owner more options in developing the property. She also pointed out that to enclose the culvert would eliminate a holding pond. A majority of the members recommended that this request be approved.

COMMISSION VOTE:

To APPROVE the request of Bryant-Curington, Inc. to enclose an existing open drainage ditch in Research Plaza Subdivision with a 465-foot-long single box culvert, Waterway Development Permit #74-10-3075, subject to a development permit.

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

CONCEPTUAL PLAN

C8c-74-001 Bee Caves Tract Conceptual Plan
Walsh Tarleton Lane
Consider conceptual plan for
412 acres by Sid Jagger

Mr. Lillie reported that this is a request by Sid Jagger to consider a conceptual plan for 412 acres of an approximate 1,200 acre-tract in the southwest part of the community. Mr. Lillie described the area as presented on an aerial map. The property is located between Loop 360, Bee Caves Road, Walsh Tarleton Lane and MoPac Boulevard. Rollingwood has extraterritorial jurisdiction in a one-half mile portion of this area which must be reviewed by both Rollingwood and the City of Austin, with Austin having the final jurisdiction.

The applicant presented his plan for this area, and he pointed out that the area has been broken down into four areas determined by drainage divides and topography. The applicant presented a diagram showing land use designations. The northwest corner of the intersection of Loop 360 and MoPac Boulevard is planned as a regional shopping center with the possibility of office and other retail-related uses adjacent to MoPac which will be directly served by the expressway. Single-family residential use is planned in the west central part of the property, while multi-family residential environment is planned to the north and south of the single-family area. Green areas are proposed to connect the different land uses. The applicant is suggesting that 3,188 units be developed for an average of 7.7 dwelling units per gross acre for the entire area. This includes the open space and the non-residential area.

Mr. Lillie mentioned other conceptual plans and their densities, those being, Wilding - 3.27; Dickson Property (The Crossing) - 9.3, ranging from 3 to over 40 units with two or three high-rise towers; Travis Country - just under 7 units per acre; Great Hills - between 3 and 4 units per acre.

Mr. Lillie stated that those tracts that are for commercial use will be deed-restricted to permit only non-residential uses to be placed on the tract. He expressed concern about the location of the proposed regional shopping center and the amount of land being needed for parking. He pointed out that the actual area that will be affected totals about 1,200 acres even though this plan is for 412 acres. Mr. Lillie pointed out that the area includes the Barton Creek greenbelt, with a major regional park and a district park on either end of the tract. The area includes two small incorporated communities and two expressways. Major arterial streets are to be extended. The project will have ideal access from MoPac Boulevard, Loop 360, Bee Caves Road and Walsh Tarleton Lane. Any plan to relocate Barton Skyway must be reviewed and approved by the Texas Highway Department and the City of Austin. No streets cross this tract as access will be to the boundary streets as indicated. An Environmental Impact Statement

C8c-74-001 Bee Caves Tract Conceptual Plan--Contd.

will be prepared because of the number of parking spaces involved in the project. The Highway Department will also supply an Environmental Impact Statement if the interchange of MoPac and Loop 360 is anticipated to reach a point where it will generate high volumes of traffic.

Ms. Mather inquired about the effects of the project on the master plan with regard to the arterial plan. Mr. Lillie pointed out that original planning for the two expressways probably did not include plans for access to the large commercial areas proposed, but that the applicant is working closely with the Highway Department to make sure the entry and exit ramps are properly located with respect to sight distance and topography, and for grade crossings to be placed away from the major interchange. Ms. Mather inquired about the drainage study and expressed concern about the run-off.

The applicant indicated that he has offered an area for a park and greenbelt and that the Parks and Recreation Department has indicated they will consider accepting these areas.

Mr. Hetherly pointed out that approval of the conceptual plan does not bind the Commission to approve the zoning or subdivisions when they come in. Approval of the conceptual plan only approves the intent of the plan.

Mr. Lillie pointed out that drainage is important and suggested that consideration for storm drainage be made as quickly as possible in conformance with the plan outlined and that the applicant work with the Engineering Department and Office of Environmental Resource Management in the development of the drainage plans.

Ms. Mather expressed concern for the quality and amount of water that will be draining into Barton Creek. She made a motion that this conceptual plan be approved, subject to handling the storm drainage on the site and to preserving the quality of water in Barton Creek. The motion died for lack of a second. Mr. Hetherly stated that the basic concept of 7.7 units per acre is all that can be approved at this time. He stated that when the actual plans are presented, the Commission can then take a careful look at the problems presented. Mr. Bobbitt was of the opinion that approving the plan would tie the Commission to approving the actual plans. He stated he would prefer to endorse the conceptual plan and made a motion to that effect.

C8c-74-001 Bee Caves Tract Conceptual Plan--Contd.

COMMISSION VOTE:

To ENDORSE the conceptual plan of Bee Caves Tract for 412 acres located between Loop 360, Bee Caves Road, Walsh Tarleton Lane and MoPac Boulevard for a density of 7.7 dwelling units per gross acre.

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

ABSENT: Messrs. Everett, Ramsey and Washington

C2o-74-006 Ordinances

Review lot size standards for duplex development

This item is on the agenda for discussion with regard to lot size standards for duplex development. Mr. Juarez pointed out that the present ordinance, requiring a special permit for the construction of a townhouse, can be circumvented by the "threat" that if a townhouse were not approved, a duplex can be placed on the lot without approval from anyone other than the required building permit. He pointed out that in many of the older sections of town the lots are platted in such a way that the lots are very small. Under the present ordinance a duplex can be built on these small lots, and he was of the opinion that the minimum lot size should be increased in order to allow a duplex in the "A" Residence district.

Ms. Mather stated that often when a PUD comes in, the Commission disapproves it because of the high density of the project. The developer can then come in under the subdivision ordinance and develop a subdivision of duplexes to a much greater density than that which was disapproved under the PUD. She was of the opinion that the minimum lot size for duplexes has been ignored for a long time probably because of the assumption that there would only be an occasional duplex in a residential area with no thought of an entire subdivision of duplexes being developed.

Ms. Himmelblau suggested that consideration be given to changing the zoning classification to not allow duplexes in "A" Residence areas.

Mr. Juarez was of the opinion that a duplex per se was not objectionable, but the size of the lot needs to be increased. He stated that a duplex lot should be less than two single-family lots but more than the present ordinance requires.

Mr. Bobbitt was of the opinion that neither townhouses nor duplexes belong in low-density areas.

C2o-74-006 Ordinances--Contd.

Mr. Hetherly pointed out that lot size dictates where a duplex can be built and that this problem is not present in new subdivisions. Present FHA and VA regulations require that when plans for new subdivisions are submitted, duplex lots have to be set aside. He was of the opinion that duplexes should be allowed in the older parts of town, and that there should be some type classification for duplexes. He stated that to prohibit the PUD in a single-family neighborhood would destroy the idea of a PUD.

Mr. Lillie pointed out that when the new master plan program is completed, new ordinances will be developed. He requested that this request be made a part of the ordinance studies currently in progress.

Mr. Juarez was of the opinion that something needed to be done now to protect the older neighborhoods in the interim.

Mr. Lillie stated that the staff will research Texas ordinances for information regarding minimum standards for duplex lots and present this information to the Commission for their review.

C2o-74-007 OrdinancesC2-73-8a Review open space dedication in subdivisions

Mr. Lillie reported that directives by the Council were submitted about a year ago along with a memo showing experiences of other cities in the state; what the State statutes say; and how the City goes about achieving open space or parks in new areas. The City Edges Project, an inventory of alternatives on how one achieves open space within the community, is ready for paste-up and printing. He stated that any action on this matter at this time would be premature and that consideration of the ordinance be postponed until the Goals Program is completed this next year. He suggested that the City proceed with the policy they now have, that being, accepting dedication where dedication is offered and the Council accepts. Secondly, to negotiate for property in areas where land is dedicated and then have the City make an appraisal at pre-development costs.

Ms. Mather expressed concern about the large areas of land that are coming in for development without providing for open space. Mr. Lillie pointed out that the Parks and Recreation Department has a schematic distribution of neighborhood and district park needs and as subdivisions are located in those areas, the Parks Department informs the developers of the needs in that particular area. He stated that on three different occasions the developer has made that land available for parks. He also stated that we are continuing with the joint school-city park acquisition. Ms. Himmelblau inquired about additional park land becoming available as a result of the determination of the 100-year flood plain. Mr. Lillie stated that some additional land will become available but could not be used for swimming pools, tennis courts, etc.

C2o-74-007 Ordinances--Contd.
C2-73-8a

COMMISSION VOTE:

To POSTPONE action on the ordinance requiring open space dedication in subdivisions.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash
 Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C2o-74-008 Ordinances
 Discussion of possible amendment to the
 Zoning Ordinance concerning Height and Area
 classifications

The Zoning Committee, at their November meeting, were in agreement that Height and Area District Classifications were confusing and recommended that the Commission give consideration to amending the Zoning Ordinance with regard to these classifications. Mr. Lillie explained the Fifth Height and Area Districts. He pointed out that Fifth and Sixth Height and Area includes the same Height and Area as Second and First Height and Area respectively but provides for encroachments such as awnings, marquees, and filling station pump islands. Members agreed that Height and Area classifications could be made clearer but took no action with regard to amending the ordinance.

C14-74-124 The Austin National Bank, Trustee, et al
 1207-1217 North Lavaca Street
 1206-1216 North Colorado Street
 201-211 West 13th Street
 Review of potential development for land
 located at West 13th Street and Lavaca Street

Mr. Lillie requested that consideration of this case be postponed.

COMMISSION VOTE:

To POSTPONE the request of the Austin National Bank, Trustee, et al, for review of potential development for land located at West 13th Street and Lavaca Street.

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

C1-74 Minutes

The Commission then

VOTED: To APPROVE the August 13, 1974 and August 27, 1974 Planning Commission minutes.

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

ABSENT: Messrs. Everett, Ramsey and Washington

R105-74 Subdivision Memorandum and Addendum
Preliminary, Short Form and Final Subdivisions
as listed on the Subdivision Memorandum and
Addendum. Action to be taken at the meeting.

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following final subdivision:

C8-73-19 Franklin Park
Pleasant Valley Road & Medal Road

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

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

C8-74-45 Barton Market Square, Phase I
Ben White Blvd. & Pack Saddle Pass

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following final subdivision, pending easements required; pending fiscal arrangements required; pending compliance with departmental requirements as on file with the City of Austin Planning Department; development permit required; and pending change of street name of Indian Creek Drive:

C8-74-61 Northwood, Section 2
Indian Creek Dr. & Palomar Lane

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

VOTED: To APPROVE the preliminary plan, subject to conditions on the technical report on file with the City of Austin Planning Department and to ACCEPT FOR FILING AND DISAPPROVE the final plan, pending fiscal arrangements required; pending compliance with departmental requirements as on file with the City of Austin Planning Department; development permit required; and pending receipt of current tax certificates:

C8-74-57 Westlake Highlands, Section 8
Toro Canyon Road & Fox Trail

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following short form subdivisions:

C8s-72-232 Haskel Hudson Subdivision
U. S. Highway 290
C8s-74-163 Justa Addition
Middle Fiskville Rd. & Farley Dr.
C8s-74-200 Third Resub. H. S. R. Subd. II
Spicewood Springs & Mesa Drive
C8s-74-201 Calhoun-Smith Addition #2
I. H. 35 & E. St. Elmo Road

Short Form Subdivisions--Contd.

<u>C8s-74-205</u>	<u>Resub. Lot B, D.Q. Addition</u> <u>Tinnen Ford Drive</u>
<u>C8s-74-208</u>	<u>Resub. Lots 29, 30, Blk. D,</u> <u>Shoalmont, Section 4</u> <u>Shoal Creek Boulevard</u>
<u>C8s-74-209</u>	<u>Ben Hur Addition</u> <u>U. S. 183 & North Lamar Boulevard</u>

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

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

<u>C8s-74-222</u>	<u>Resub. Lots 9 & 10, Blk. L, Village 2</u> <u>at Anderson Mill</u> <u>Wipple Tree Cove & Double Tree Lane</u>
<u>C8s-74-226</u>	<u>Austin Highlands, Sec. 3-Resub.</u> <u>Emerald Forest Drive & Milford Way</u>

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

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

<u>C8s-74-215</u>	<u>Resub. Tract "A" of Brockbent Subd. #2</u> <u>Ben White Blvd. & Burleson Road</u>
<u>C8s-74-217</u>	<u>Smith & Scholars Addition</u> <u>Manchaca Road & Fort View Road</u>

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

Short Form Subdivisions--Contd.

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivision, pending easements required; pending fiscal arrangements required; pending compliance with departmental requirements as on file with the City of Austin Planning Department; and granted a variance to exclude the balance of the tract:

C8s-74-216 Wallace E. Johnson Subdivision
Rutherford Lane

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivision, pending easements required; pending compliance with departmental requirements as on file with the City of Austin Planning Department and denied the request for a variance on the scale of the plat:

C8s-74-218 Capital Cable Addition
East 51st Street & East 52nd Street

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

ABSTAIN: Mr. Bobbitt

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivision, pending compliance with departmental requirements as on file with the City of Austin Planning Department and pending showing of correct right-of-way on Rutland Drive:

C8s-74-219 Resub. Lot 3, Rutland Dr. Business
Park, Section 1
Metropolitan Drive

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

Short Form Subdivisions--Contd.

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivision, subject to restriction required on plat prohibiting access to Coleman Street:

C8s-74-220 Resub. Lot 1 & 6, Blk. 4, Brackenridge Hts.
S. Congress Avenue & Coleman Street

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivisions, pending compliance with departmental requirements as on file with the City of Austin Planning Department and granted a variance on the signature of the adjoining owner:

C8s-74-221 Crofford Addition
U. S. 290
C8s-74-225 McConnell Addition
Ridgewood Road & George D. Hatley

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

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

C8s-74-223 Eastland Plaza
Airport Blvd. & Oak Springs & Tillery Street

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

Short Form Subdivisions--Contd.

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivision, pending compliance with departmental requirements as on file with the City of Austin Planning Department; additional right-of-way required; and granted a variance on the signature of the adjoining owner:

C8s-74-227 Jesse Castro Subdivision
Thaxton Road

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following short form subdivision, pending compliance with departmental requirements as on file with the City of Austin Planning Department and additional right-of-way required:

C8s-74-228 Kay Goodson Subdivision
Hoeke Lane & Lee Hill Drive

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

ABSENT: Messrs. Hetherly, Juarez, Ramsey and Washington

The Commission then

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

C8s-74-224 S. W. Bell Telephone Co.
Austin Toll Office #3
S. 2nd Street & S. Center Street

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

ABSENT: Messrs. Everett, Juarez, Ramsey and Washington

C8s-74-187 Hardin's Hilltop
U. S. 183

STAFF REPORT:

This subdivision is located at the intersection of the old and new U. S. 183 and Balcones Drive. The property was subject to right-of-way for the widening of U. S. 183 and its interchange with MoPac Boulevard. Agreement

C8s-74-187 Hardin's Hilltop--Contd.

has been reached between the property owner, the Highway Department and the County Commissioner's Court. The Highway Department will purchase the right-of-way which will leave a triangular-shaped tract of land. The case is being heard tonight to establish a building setback line on the plat. This property is located just outside the city limits and is subject to annexation within 60 days. Mr. Lillie reviewed the subdivision ordinance dealing with requirements of a short form subdivision which is the basis for the staff's recommendation. He reviewed the alternatives that the Commission could consider, those being:

1. Require a 25-foot setback from both streets. (Same as zoning ordinance requirement inside city limits; this is the requirement for through-lots which has been followed for all subdivisions.)
2. Grant a variance on the setback based on Section 41-5. "Variances - When permitted"

Where literal enforcement of a provision of this chapter will render subdivision of a tract of land impractical, and will result in the confiscation of property, the Planning Commission shall have the authority to grant a variance from such provision.

STAFF RECOMMENDATION:

The staff recommends that a 25-foot setback be required from new U. S. 183 and that a 15-foot setback be required from old U. S. 183. If the property is annexed prior to construction, the zoning ordinance requirements for such setback shall apply as indicated in number one above.

CITIZEN COMMUNICATION:**WRITTEN COMMENT**

None

PERSONS APPEARING

Jim Brady (representing applicant)

COMMISSION ACTION:

The applicant requested that a variance be granted on the setback requirement to require only a 10-foot setback for a depth of 200 feet, thus allowing a more buildable site. Mr. Nash was in agreement with the staff's recommendation and made a motion to accept their recommendation. The motion died for lack of a second. Ms. Mather was of the opinion that the lot is small and the variance would allow the owner to use more of his property. Mr. Hetherly pointed out that granting this much variance could set a precedent but since the property is outside the city limits he could support it. Mr. Juarez made a motion that this subdivision be approved subject to the 10-foot setback to a depth of 200 feet.

C8s-74-187 Hardin's Hilltop--Contd.

COMMISSION VOTE:

To APPROVE the following short form subdivision and granted a variance on the building setback of 10 feet on both the north and south boundaries to a maximum of 200 feet from the west property line and 25 feet from both streets for the balance of the lot:

C8s-74-187 Hardin's Hilltop
U. S. 183

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

C8-72-136 Willow Bend Addition Section 1
Pleasant Valley Road
Request a variance on sidewalk requirements.

STAFF REPORT:

A letter has been received from the applicant requesting that this case be withdrawn.

COMMISSION ACTION:

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

COMMISSION VOTE:

To WITHDRAW the request of Willow Bend Addition Section 1 for a variance on the sidewalk requirements.

AYE: Messrs. Hetherly, Bobbitt, Juarez and Nash.
 Mmes. Himmelblau and Mather
ABSENT: Messrs. Everett, Ramsey and Washington

C814-73-012 Spyglass Hill - PUD
Spyglass Drive and Barton Skyway
Request clarification on the permitted
development within the building setback
line from the top of the bluff

This case appeared before the Commission last year for approval of a Planned Unit Development on Barton Creek. The Commission approved the request, subject to a 25-foot setback along the bluff line in which nothing would be placed. The applicant proposes to construct a trail and berm

C814-73-012 Spyglass Hill PUD--Contd.

to be located adjacent to the top of the bluff along the creek. The applicant pointed out that a trail now exists about 30 to 40 feet from the southern end of the tract to the northern tip of the project. The intent is to develop the path for the use and enjoyment of the PUD residents.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Maury Hood (representing applicant)

Joe Riddell

AGAINST

COMMISSION ACTION:

Members reviewed the information presented. A majority of the members were in agreement that the intent of the original Commission action was to prevent any construction inside the 25-foot setback. Mr. Hetherly stated the area is dangerous and that developing the trail would only encourage people to use the area. Ms. Himmelblau stated she would like to see some type fence but would want it outside the setback line. Ms. Mather expressed concern for preserving the natural character of the area. Mr. Nash was of the opinion that the developer should have the right to develop the property the best he could considering the topography.

COMMISSION VOTE:

To DENY the request of Maury Hood for Baker Crow Co. for the construction of a berm and walkway on property located at Spyglass Drive and Barton Skyway within 25 feet of the bluff line along Barton Creek, and that said 25-foot strip be retained as a natural greenbelt area wherein no berm, fence or any type construction would occur.

AYE: Messrs. Hetherly, Bobbitt and Juarez
 Mmes. Himmelblau and Mather

NAY: Mr. Nash

ABSENT: Messrs. Everett, Ramsey and Washington

The meeting was adjourned at 11:30 p.m.



Richard Lillie
Executive Secretary