

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting--June 10, 1975

The meeting of the Commission was called to order at 7:00 p.m. in the Council Chambers.

Present

O. P. "Bob" Bobbitt, Acting Chairman
Rizer Everett
Philip Juarez
Jean Mather
Charles Nash
*George Ramsey, III

*Present only through case C14p-75-013

Absent

C. W. Hetherly
Bennie Washington

Also Present

Richard Lillie, Director of Planning
Tom C. Knickerbocker, Assistant Director
of Planning
H. E. Mecredy, Systems Analyst
Lee Thomson, Planner
H. L. Peterson, Assistant Director of
Electric Utility
Charles Graves, Director of Engineering
Walt Boettcher, Chief Engineer
Don Bird, Assistant City Attorney
Leland Priest, Deputy Fire Chief
James Petty, Assistant Administrator
Fire Department
William King Brown, Administrator of
Brackenridge Hospital
Pat Settle, Administrative Secretary

ZONING

The following zoning changes were considered by the Zoning Committee at the meeting of June 3, 1975.

Present

O. P. "Bob" Bobbitt, Chairman
Rizer Everett
Jean Mather
Charles Nash
George Ramsey, III

Also Present

Tom C. Knickerbocker, Assistant Director
of Planning
Duncan Muir, Planner
Brian Schuller, Planner
Sharon Fisher, Planner
Pat Settle, Administrative Secretary

C14-75-026 Stanley W. Casner, Jr.: Int. "A" Residence, "1st" H & A to
4019 Spicewood Springs Road "O" Office, "1st" H & A

STAFF REPORT:

Subject tract fronts a major arterial in northwest Austin. Existing r.o.w. of 65-80 feet is planned to be increased to 90 feet, requiring the remaining 10-15 feet from subject tract. A clinic with the appearance of a residential structure established prior to annexation presently exists on the tract. A single-family subdivision has been established across the street to the north. All other surrounding land is undeveloped.

Retail and office zoning has been established to the east and west at the intersections of major arterials. The Commission and City Council have expressed concern about the potential stripping of this arterial with non-residential uses in three previous zoning cases. The "O" Office which was established to the east can be used for the office of the American Cancer Society only. Across the street to the south where non-conforming uses exist, the Zoning Committee voted to deny local retail zoning. The Commission permitted that case to be withdrawn. The Commission recommended denial of local retail zoning on a tract to the northwest and the case was withdrawn (history #4).

As a non-conforming use established prior to annexation, the clinic use of the subject tract may continue in its present condition. Its appearance is not unlike residential and does not decrease the residential amenity of surrounding property. The staff feels that the residential neighborhood to the north should be protected from zoning encroachments.

STAFF RECOMMENDATION:

That this case be denied:

- (1.) as protection for the neighborhood to the north,
- (2.) because office zoning would set an undesirable non-residential zoning precedent for other tracts along this arterial, and
- (3.) as consistent with previous Commission and Council action and plans for this area.

If zoning is granted, 10-15 feet is required to increase the r.o.w. of Spicewood Springs Road to 90 feet.

Notice: A subdivision is required prior to issuance of building permits.

CITIZEN COMMUNICATION (BALCONES CIVIC ASSOCIATION)

WRITTEN COMMENT

I. H. Silberberg: 4101 Spicewood Springs Road	FOR
Theron S. Bradford, trustee: 313 East Anderson Lane	FOR
Walter R. Newcomb, Jr.: 8005 Hillrise Drive	AGAINST
Boris Johnson: 8009 Hillrise Drive	AGAINST
Mr. & Mrs. Donald P. Herzog: 8002 Hillrise Drive	AGAINST

C14-75-026 Stanley W. Casner, Jr.--Contd.

W. G. Hendrick: 8002 Greenslope Drive	AGAINST
Thomas J. Gentry: 8000 Hillrise Drive	AGAINST
Edmund T. Emmer: 8008 Greenslope Drive	AGAINST
David E. Daniel: 8003 Hillrise Drive	AGAINST

PERSONS APPEARING

Norman Haertig (Northwest Austin Civic Assn.)	AGAINST
Chuck Caldwell: 8017 Greenslope Drive	AGAINST
Betty & David E. Daniel: 8003 Hillrise Drive	AGAINST
Walter R. Newcomb, Jr.: 8005 Hillrise Drive	AGAINST
R. H. Sterling: 3804 Greenview Drive	AGAINST
Donald P. Herzog: 8002 Hillrise Drive	AGAINST
Preston C. Kronkosky: 8101 Hillrise Drive	AGAINST

COMMITTEE ACTION:

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

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. 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 Stanley W. Casner, Jr., for a zoning change from Interim "A" Residence, Interim "1st" H & A to "O" Office, "1st" H & A on property located at 4019 Spicewood Springs Road be DENIED.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey.
Ms. Mather

ABSENT: Messrs. Hetherly and Washington

C14-75-029	Barton-West Association, Ltd.: "A" Residence, "1st" H & A to 2142-2150 West Ben White Blvd.	<u>"GR" General Retail, "1st" H & A</u>
	2201-2327 Prather Lane	<u>(Tracts 1 and 2); "C" Commercial,</u>
	4000-4312 Victory Drive	<u>"1st" H & A (Tract 3)</u>

STAFF REPORT:

Subject tracts, totaling 10.78 acres, are located in southwest Austin in close proximity to the intersection of South Lamar and Ben White Boulevards, two major traffic carriers. The tracts lie between 35 acres of commercial zoning to the west and "A" residential neighborhoods to the east. Porter Junior High, which is tentatively scheduled to be changed into a sixth-grade center, exists to the north.

C14-75-029 Barton-West Association, Ltd.--Contd.

Primary access to the tracts will be provided by the proposed Victory Drive. The portion of Victory Drive r.o.w. south of Tracts 2 and 3, has been dedicated; that portion between Tracts 2 and 3 is planned. Prather Lane, a residential collector street, also provides access to Tract 2. The access drive for the school is across Prather Lane to the north. Two minor residential streets deadend at the east line of Tract 1.

Tract 3, being west of the planned Victory Drive, should logically assume the zoning which it abuts. Tracts 1 and 2 are adjacent to a school to the north and a neighborhood to the east. Those uses should receive protection from more intensive land uses. Ample access to Tracts 1 and 2 will be provided by the planned Victory Drive. Because the access drive to the school is opposite Tract 2, the staff recommends that access along Prather Lane be prohibited. This would reduce traffic congestion and hazard to children going to and from school.

A drainage swale and tree line called "Storm's Walk" exists along the east lines of Tracts 1 and 2. This has been used as a pathway for children going to and from school. The staff suggests that the retention of this pathway, drainage swale, and tree line will act as a natural and useful buffer for the adjoining neighborhood.

STAFF RECOMMENDATION:

That "C" Commercial be granted on Tract 3, that "GR" General Retail be granted on Tracts 1 and 2, excluding the easternmost 10 feet, and that "A" Residence be granted on that 10-foot strip, subject to prohibited access to Prather Lane, and maintenance of an unobstructed pathway and maintenance of the existing trees along the easternmost 10-foot strip of "A" Residence.

Note to applicant: A subdivision providing r.o.w. for the extension of Victory Drive into Prather Lane is required prior to the issuance of a building permit.

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

Ina E. Browne: 2107-A Wordsworth Drive	FOR
Marvin M. Henry: 4210 Gnarl Drive	FOR
Don Lyda, trustee: 850 American Bank Tower	FOR
Asuncion Galarza: 709 West Monroe Street	FOR
Mrs. Charles Bales: 2105 Fort View Road	AGAINST
Wylie W. Bennett: 2104 Prather Lane	AGAINST
John G. Hancock: 2104 Ivy Trail	AGAINST
Mr. Charles Bales: 2105 Fort View Road	AGAINST
Maj. Barry G. Ottley: 2109 Fort View Road	AGAINST
Mr. & Mrs. Alfred Feuge: 2102 Ivy Trail	AGAINST
Michael S. Gideon: 2106 Ivy Trail	AGAINST
Mr. & Mrs. Rod Roberts: 2103 Fort View Road	AGAINST
J. B. Ford: 3405 Bowman Avenue	AGAINST
David Ford: 3405 Bowman Avenue	AGAINST

C14-75-029 Barton-West Association, Ltd.--Contd.

Virginia Ford: 3405 Bowman Avenue
Incorporated Investors: Box 3553
Petition bearing 33 names

AGAINST
AGAINST
AGAINST

PERSONS APPEARING

Howard Brunson (representing applicant)
Woodrow Sledge (AISD)
Alfred Fuge: 2102 Ivy Trail

FOR
FOR

COMMITTEE ACTION:

Mr. Alfred Fuge, representing the area residents, stated that initially they were opposed to the plan but they have met and worked with the applicant and are now in agreement with his plan if a privacy fence is erected from Prather Lane to Ben White Boulevard inside Storm's Walk and with no gates or openings to Fort View Road or Ivy Trail. Ms. Mather was of the opinion that a 10-foot strip would not be sufficient to contain the pathway. The applicant stated he would be willing to place a privacy fence along the east side of Tract 1, excluding Storm's Walk and agreed to not push for the extension of Fort View Road or Ivy Trail into his property. Mr. Bobbitt commended the applicant and area residents in their efforts to solve their differences prior to the public hearing. Ms. Mather recommended that "C" Commercial, "1st" H & A be granted on Tract 3; that "GR" General Retail, "1st" H & A be granted on Tracts 1 and 2, excluding the easternmost ten feet and "A" Residence, "1st" H & A be granted on that 10-foot strip, subject to prohibited access to Prather Lane; maintenance of an unobstructed pathway and of the existing trees along the easternmost 10-foot strip of "A" Residence and an unbroken privacy fence except for maintenance access along the west side of the "A" Residence.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. 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 Barton-West Association, Ltd. for a zoning change from "A" Residence, "1st" H & A to "GR" General Retail, "1st" H & A (Tracts 1 & 2) and "C" Commercial, "1st" H & A (Tract 3) on property located at 2142-2150 West Ben White Boulevard, 2201-2327 Prather Lane and 4000-4312 Victory Drive be GRANTED as follows: "C" Commercial, "1st" H & A on Tract 3; "GR" General Retail, "1st" H & A on Tracts 1 and 2, excluding the easternmost 10 feet and "A" Residence, "1st" H & A on the 10-foot strip, subject to prohibited access to Prather Lane; maintenance of an unobstructed pathway and of the existing trees along the easternmost 10-foot strip of "A" Residence and an unbroken privacy fence except for maintenance access along the west side of the "A" Residence strip.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey.
 Ms. Mather

ABSENT: Messrs. Hetherly and Washington

C14-75-045 Odie E. Ainsworth: "A" Residence, "1st" H & A to
908 Holly Street, also "LR" Local Retail, "1st" H & A (as amended)
bounded by San Marcos Street (Orig. Req.: "A" Residence, "1st" H & A
and Interstate Highway 35 to "GR" General Retail, "1st" H & A)

STAFF REPORT:

Subject tract, developed with a residential structure, is located in east Austin and is bounded by an expressway, a major residential arterial street planned for future r.o.w. expansion, a minor residential street and by an alley. Excluding the expressway the property is surrounded by "A" Residence zoning and uses.

The future George I. Sanchez Elementary School (Palm School replacement) will be located across San Marcos Street to the east. Opening of this school is scheduled for the fall of 1976; and construction will begin shortly.

Although the requested "GR" district is not very compatible with established and planned land uses to the north, east and south, the staff reluctantly recommends this zoning because the tract is completely surrounded by street and alley r.o.w., and because it is bounded on two sides by an expressway and a major arterial. However, the staff recommends prohibited access to San Marcos Street to reduce hazards created by commercial driveways on school streets. San Marcos Street needs to be expanded to 60 feet to take care of additional traffic which will be generated by the school and more intense uses along I. H. 35 such as proposed for the subject tract.

STAFF RECOMMENDATION:

That this case be granted as appropriate zoning at the intersection of a major arterial and an expressway, subject to an access prohibition on San Marcos Street and one-half the r.o.w. (five feet) to increase Holly Street from 60 to 70 feet, and one-half the r.o.w. (five feet) to increase San Marcos Street from 50 to 60 feet.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Toro Construction Co.: 3711 N. Lamar Boulevard
Woodrow Sledge (AISD)

FOR
AGAINST

PERSONS APPEARING

C. C. Cook (representing applicant)

COMMITTEE ACTION:

The applicant indicated he was in agreement with the staff's recommendation except for the five feet of r.o.w. on San Marcos Street. In answer to Mr. Nash's question regarding the use of "O" Office, the applicant stated he could accept "LR" but would still be opposed to giving r.o.w. on San Marcos Street. Mr. Woodrow Sledge, representing the Austin Independent School District, stated that he would be opposed to anything higher than "LR" so close to the elementary school and also would be opposed to any access on San Marcos Street since the main entrance to the school will be on that street. In answer to Mr. Bobbitt's question regarding the school's dedicating 10 feet of r.o.w., Mr. Sledge

That this case be granted as an appropriate extension of established zoning.

C14-75-052 Mrs. Jimmie Lea Hazelwood Chris--Contd.

CITIZEN COMMUNICATION (CONCERNED CITIZENS FOR DEV. OF WEST AUSTIN)

WRITTEN COMMENT

Mrs. Jennie Mary Lewis: P. O. Box 122214, Cap. Sta. FOR

John R. Downes, Jr.: 708 Loma Linda Road FOR

PERSONS APPEARING

Terry J. Sasser (representing applicant)

Dale Walkins (representing applicant)

Harry Chris (applicant)

Craig Davis: 3411 Hillview FOR

Sterling Sasser, Sr.: 2102 Meadow Brook FOR

John W. Hansborough (American Legion Post 76) AGAINST

COMMITTEE ACTION:

Ms. Mather was of the opinion that "GR" is too intense and that any structure placed on the tract would necessitate clearing the lot of the trees in order to obtain the required parking spaces. She was of the opinion that a dilapidated old house was more aesthetically pleasing to her than an auto parts store. She also felt that "GR" along the street would increase the traffic and would be detrimental to the existing residential area where many fine homes exist. She was of the opinion that "O" Office with performance conditions such as saving the trees would be acceptable in this area next to the historic home and the residential area. She then made a motion that the request be denied. The motion died for lack of a second. Mr. Nash was of the opinion that since the American Legion tract to the south of subject tract already has "C" Commercial zoning, he could not see that granting "GR" would increase the traffic. Mr. Bobbitt stated that it is the policy of the staff and Commission to recommend "LR" and "GR" at the corners of major arterial streets, while any encroachment further would not be suitable. Mr. Everett then recommended that the request be granted.

AYE: Messrs. Bobbitt, Everett and Nash

NAY: Ms. Mather

ABSTAIN: Mr. Ramsey

COMMISSION ACTION:

Mr. Bobbitt read the Committee's recommendation and a majority recommended that the request be granted.

COMMISSION VOTE:

To recommend that the request of Mrs. Jimmie Lea Hazelwood Chris for a zoning change from "A" Residence, "1st" H & A to "GR" General Retail, "1st" H & A on property located at 2201 Lake Austin Boulevard, also bounded by MoPac Boulevard and Foster Avenue be GRANTED.

AYE: Messrs. Bobbitt, Everett and Nash

NAY: Mr. Juarez. Ms. Mather

ABSTAIN: Mr. Ramsey

ABSENT: Messrs. Hetherly and Washington

Marjorie Ziegfeld: 1209 Radcliff Drive	AGAINST
Dr. W. F. Haynie: 7301 Irving Lane	AGAINST
Mrs. Nona B. Small: 1205-A Fairbanks Drive	AGAINST
Mrs. Leo Danze: 6102 Cherrylawn Cr.	AGAINST
John P. G. McKenzie: 7104 Berkman Drive	AGAINST
J. L. Hofrock: 1306-B East St. Johns	AGAINST
Mrs. Norma R. McNutt: 1303 Radcliff Drive	AGAINST
Gerald O. Spohnoholtz: 1302 Radcliff Drive	AGAINST
Nancy Peavy: 1311 Radcliff Drive	AGAINST
Thomas O. Adams: 909 Yaupon Valley Road	AGAINST
Lady Bess Moore: 1210-B Fairbanks Drive	AGAINST
George A. Webb: 1301 Radcliff Drive	AGAINST
Lois Peavy: 6415 Westside Drive	AGAINST
Tom Riehl: 1305 Radcliff Drive	AGAINST
Mrs. Marie T. Ryan: 1208 Radcliff Drive	AGAINST

C14-75-060 Frank Barron--Contd.

Walter L. Norris: 8585 Stemmons, Suite 770, Dallas AGAINST
Mr. & Mrs. Don C. Garner: 1300-A Radcliff Drive AGAINST
PERSONS APPEARING
Frank Barron (applicant)

COMMITTEE ACTION:

The applicant requested that this case be withdrawn. He stated that his tenant had been given until June 16th to get the necessary zoning or be closed. In the meantime the lease has not been renewed and the tenant plans to vacate, thus there is no need for the zoning change. Mr. Bobbitt pointed out that reapplication could not be made for one year after withdrawal. Ms. Mather stated that it would be an inconvenience to the neighborhood to deny the request since a denial would require the case to go before the Planning Commission and City Council. She recommended that the case be withdrawn.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. Mather

C14-75-061 George R. Haberlin, Ind. Exec. of the Estate of Alma Tabb Harrell:
211 East Alpine Road, also Int. "A" Residence, "1st" H & A to
bounded by Woodbury Avenue "D" Industrial, "3rd" H & A

STAFF REPORT:

Subject tract is located at the intersection of two industrial collector streets with the Woodward-St. Elmo industrial district in south Austin. "D" Industrial, "1st" H & A zoning was granted on this tract and surrounding property, subject to compliance with subdivision requirements as a result of an area study in 1970. The present zoning request for "3rd" H & A is made to allow expansion of an existing building beyond the 55 per cent coverage permitted by the "1st" H & A District.

Within large industrial districts such as this the staff's primary concern is safe and efficient vehicular access on public streets. The subdivision ordinance requires a minimum r.o.w. of 80 feet and a paving width of 60 feet. A building setback of 25 feet is also required. At the time subject tract was subdivided no building setbacks from the street were established. Because the loading and unloading of trucks at dock facilities positioned at the r.o.w. line can obstruct the safe and orderly movement of vehicles, the staff recommends the establishment of building setbacks along industrial streets. The increased coverage by structures behind the street setback lines with adequate provision of parking should not adversely affect adjacent industrial property, and will allow increased utilization.

Third H & A for coverage reasons has been established on an industrial tract fronting South Congress Avenue to the west.

C14-75-061 George R. Haberlin--Contd.

STAFF RECOMMENDATION:

That this case be granted subject to 25-foot building setbacks along Alpine Road and Woodbury Drive, and 10 feet of r.o.w. to increase Woodbury Drive to the required 80 feet.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

J. C. Pollard: 3708 Woodbury Street

FOR

PERSONS APPEARING

Frank Kerbow (representing applicant)

COMMITTEE ACTION:

The applicant indicated he was in agreement with the staff recommendation. Members reviewed the information presented and recommended that the request be granted, subject to 25-foot building setbacks along Alpine Road and Woodbury Drive and ten feet of r.o.w. to increase Woodbury Drive to the required 80 feet.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. 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 George R. Haberlin, Ind. Exec. of the Estate of Alma Tabb Harrell for a zoning change from Interim "A" Residence, Interim "1st" H & A to "D" Industrial, "3rd" H & A on property located at 211 East Alpine Road, also bounded by Woodbury Avenue be GRANTED, subject to 25-foot building setbacks along Alpine Road and Woodbury Avenue and subject to 10 feet of r.o.w. to increase Woodbury Drive to 80 feet.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey.
Ms. Mather

ABSENT: Messrs. Hetherly and Washington

C14-75-062 S. A. Thielepape, Jr., et al: "A" Residence, "1st" H & A to
5200 Airport Boulevard "C" Commercial, "1st" H & A

STAFF REPORT:

Subject tract is part of some street r.o.w. which was vacated but never zoned commercially as adjacent land. It is bounded by a railroad track to the west, Airport Boulevard to the east, and "C"-zoned tracts to the north and south.

C14-75-062 S. A. Thielepape, Jr.--Contd.

STAFF RECOMMENDATION:

That this case be granted, as it is consistent with adjacent zoning.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Mrs. Thomas D. Ellis: 130 Epler Drive
Pete R. Montoya: 5115 Eilers Avenue
Clarence A. Nauert: 5200 Eilers Avenue

FOR
AGAINST
AGAINST

PERSONS APPEARING

Sam Thielepape, Jr. (applicant)
Clarence A. Nauert: 5200 Eilers Avenue

AGAINST

COMMITTEE ACTION:

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

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. 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 S. A. Thielepape, Jr., et al, for a zoning change from "A" Residence, "1st" H & A to "C" Commercial, "1st" H & A on property located at 5200 Airport Boulevard be GRANTED.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey.
Ms. Mather

ABSENT: Messrs. Hetherly and Washington

C14-75-064 Fred C. Morse: "A" Residence, "1st" H & A to
8041-8105 Burnet Road "GR" General Retail, "1st" H & A
2309-2327 Teakwood Drive

STAFF REPORT:

This property, which is a part of a larger tract of undeveloped land, is located in north Austin at the intersection of a major arterial street and a neighborhood collector street. Subject tract is oriented to an older major arterial, Burnet Road, which is developed in the traditional strip-commercial pattern. A low-density neighborhood with a privacy fence along its western boundary is adjacent to the east.

C14-75-064 Fred C. Morse--Contd.

In 1969, twenty-five feet of "B" Residence was granted on the tract to the north of subject tract as a buffer between the less restrictive land uses and the low-density neighborhood to the east. A driveway presently exists within that strip of "B" zoning. The staff feels that the existing privacy fence is not sufficient protection of the adjacent residential use and that additional buffering is necessary.

STAFF RECOMMENDATION:

That this case be granted, subject to a 50-foot building setback from the east boundary. This recommendation recognizes the established pattern of commercial development along this arterial street and attempts to offer protection to existing low-density residential use to the east. The driveway location will have to be approved by the Urban Transportation Department.

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

Texas Electric Cooperative: P.O. Box 9589

FOR

Walter M. Fredrickson: 8102 Falmouth Drive

AGAINST

PERSONS APPEARING

John Echols (representing applicant)

Shirly M. Pond: 8106 Exmoor Drive

NO OPINION

COMMITTEE ACTION:

In answer to Mr. Everett's question regarding the setback requirement, the applicant indicated he could comply. Ms. Mather expressed concern about allowing "GR" along Burnet Road. She was of the opinion that too many curb cuts hinder traffic flow and that shopping centers are more appropriate than strip zoning. She stated that she hoped the new master plan would provide some solution to this problem. She stated that while 50-foot building setbacks will help they still do not provide the type buffering needed. A majority recommended that the request be granted, subject to a 50-foot building setback from the east boundary.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey

NAY: Ms. Mather

COMMISSION ACTION:

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

COMMISSION VOTE:

To recommend that the request of Fred C. Morse for a zoning change from "A" Residence, "1st" H & A to "GR" General Retail, "1st" H & A on property located at 8041-8105 Burnet Road and 2309-2327 Teakwood Drive be GRANTED, subject to a 50-foot building setback from the eastern boundary.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey.

Ms. Mather

ABSENT: Messrs. Hetherly and Washington

C14-75-065 The R & O Corporation: "A" Residence, "1st" H & A
8627-8637 Balcones Drive to "GR" General Retail, "1st" H & A

STAFF REPORT:

This property fronts a major arterial which is being absorbed by MoPac Expressway in northwest Austin. A ball park exists to the north, a railroad is to the east, parking and undeveloped "GR"-zoned land is located to the south.

A non-conforming restaurant presently exists on subject tract, and this zoning request is being made to expand this use.

The purchase of the MoPac Expressway r.o.w. from this tract was negotiated by option-agreement with the present owner in 1963. The exercise of that option by the City is presently under litigation, and the court date is scheduled for June 23. The r.o.w. to be taken from this tract includes part of the parking lot in front of the restaurant. Ample space seems to be available to the rear to replace the parking which will be taken by r.o.w., although an expansion of the existing restaurant facilities may make provision of adequate parking more difficult.

STAFF RECOMMENDATION:

That this case be granted as consistent with zoning to the south, subject to a subdivision.

CITIZEN COMMUNICATION (BALCONES CIVIC ASSOCIATION)

WRITTEN COMMENT

Richard Donell: 8745 North Lamar Boulevard FOR

PERSONS APPEARING

Robert Davis (representing applicant)
Don Herzog (Northwest Austin Civic Association) FOR

COMMITTEE ACTION:

Ms. Mather was of the opinion that since the r.o.w. purchase is under litigation, granting "GR" on the tract could possibly increase the price the City would have to pay. In answer to her question regarding the removal of that portion of the tract under litigation, the applicant's attorney stated he would have to discuss that possibility with his client. He stated concern that they might not be able to use the land in the interim and would prefer to remove the r.o.w. issue from the zoning issue. Mr. Nash was of the opinion that a zoning change would not affect the value of the property under litigation because of the timing. Mr. Bobbitt stated he would like an opinion from the City Attorney. Ms. Mather recommended that the case be referred to the full Commission in order to consider the legal implications.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. Mather

That this case be granted as consistent with its downtown street access and the established zoning pattern.

C14-75-066 Austin Baptist Association--Contd.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Richard E. Webb: 6170 Aztec Drive	FOR
Carey Legett: 2904 Swisher Street	FOR
Felix E. Soto: 94 East Avenue	FOR
J. P. McFarland: 84 North I. H. 35	FOR
Mrs. Rosemary Buaas Hamilton	FOR

PERSONS APPEARING

John Blazier (representing applicant)	
Norma Guerra (Juarez-Lincoln's Educational Center)	FOR
Pascual Rangel: 707 East 1st Street	FOR
Eva R. Sanchez: 707 East 1st Street	FOR
Woodrow Sledge (AISD)	NO OPINION

COMMITTEE ACTION:

Ms. Mather was of the opinion that while the use is commendable, the "C" Commercial requested would be too intense in this well maintained neighborhood. She stated that the applicant did not really need the "C" but could use "GR" which she felt would be more appropriate. A majority of the members recommended that the request be granted.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey
NAY: Ms. Mather

COMMISSION ACTION:

Ms. Mather restated her opposition to granting a more permissive zoning than necessary. She was of the opinion that the area residents have not opposed the case because of the commendable use as an extension of the Antioch College. Mr. Juarez stated he was not opposed to zoning a tract to the maximum possible use, but he was opposed to rezoning it if the land could function with its present or with a slightly more permissive zoning. To do so would tend to open up the neighborhood. He was of the opinion that "O" Office would be sufficient. Mr. Nash was of the opinion that the area is already developed as commercial property and he did not feel this would be inappropriate zoning. A majority recommended that the request be granted.

COMMISSION VOTE:

To recommend that the request of Austin Baptist Association for a zoning change from "B" Residence, "2nd" H & A to "C" Commercial, "2nd" H & A on property located at 707-713 East First Street, also bounded by Driskill Street and I.H. 35 be GRANTED.

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

C14-75-067 Trev Seymour and Laird Palmer: "B" Residence, "2nd" H & A to
901 Baylor Street, also "O" Office, "1st" H & A
bounded by West 9th Street

STAFF REPORT:

This zoning request is a reapplication for "O" Office zoning which was denied by the City Council two months ago by a vote of 3 in favor, 1 abstention, and 2 opposed. Four votes are required to grant a zoning change. The Planning Commission had unanimously recommended approval of the zoning change, subject to restrictions which would limit the use to professional and semi-professional office use in the existing structure only.

The Planning Department staff, after initial review of the conditions surrounding this tract, had recommended denial as an intrusion into the neighborhood which recently had experienced a zoning change to "A" Residence on many properties, two of which are across the street to the south. The staff also pointed to the increase in traffic which would be generated by the proposed use, thereby increasing business traffic on residential streets, and aggravating a traffic hazard caused by a steep intersection of West 9th Street with Lamar Boulevard to the east.

The recommendation of the Planning Commission on the previous case was more refined than the staff's. In restricting the use of the "O" Office to only office use in the existing structure, the impact of the rezoning would be significantly reduced. The existing structure is substantial, and its architecture adds to the character of the adjacent neighborhood. It is presently in a state of disrepair. In conditionally recommending the prior request, the Commission was encouraging the proper maintenance and use of the structure as a buffer between the adjacent commercial activity oriented to Lamar Boulevard and the neighborhood to the west.

The applicants have included a letter with the application in which they agree to restrict the use to professional and semi-professional office use only and that if the structure is ever removed, that the City may initiate a change in zoning to "B" Residence, "1st" H & A (present zoning is "B" Residence, "2nd" H & A.) It should be added that the removal of the existing structure will also cause a reversion back to the City of Baylor Street r.o.w. upon which part of the structure sits.

Given the above assurances the staff feels that the requested conditional zoning would not detrimentally affect the neighborhood. Instead it will have the effect of improving the maintenance of a structure which blends with the neighborhood character and which acts as a buffer. It is important to point out that the present zoning will permit the construction of an apartment with a unit density which would generate traffic much greater than that of the proposed use. The reversion to "B" Residence, "1st" H & A, a less intense zoning, would also be a gain for the preservation of the neighborhood.

C14-75-067 Trev Seymour and Laird Palmer--Contd.

STAFF RECOMMENDATION:

That "O" Office, "1st" H & A be granted, subject to restrictions proposed by the applicants: a use restriction to professional and semi-professional use only and the reversion clause that if the existing structure is removed, the zoning will revert to "B" Residence, "1st" H & A. This recommendation is consistent with the previous Planning Commission recommendation.

CITIZEN COMMUNICATION (CONCERNED CITIZENS FOR DEV. OF WEST AUSTIN)

WRITTEN COMMENT

Ralph J. Tippit: 4900 Buckskin Pass	FOR
Mrs. Evelyn Kinser: 701 Baylor Street	FOR
Tom Harris: 806 Baylor Street	FOR
Don J. Jackson: 1111 West 10th Street	FOR
Roger Joseph & J. Roger Williams: P.O. Box 7	FOR
Conger Poage: 900 Lamar Boulevard	AGAINST
Curtis Schmedes: 804 Baylor Street	AGAINST
Mrs. Ed Hamilton: 1002 Baylor Street	AGAINST

PERSONS APPEARING

Trev Seymour (applicant)

COMMITTEE ACTION:

In answer to Mr. Ramsey's question concerning the use and amount of required parking spaces the applicant stated there would be five or six law offices and that ample off-street parking will be provided to the rear of the building. Mr. Bobbitt asked the applicant if he would be willing to a rollback of "A" Residence rather than "B" Residence, "1st" H & A. The applicant stated he would prefer "B,1st" which is more restrictive than the "B, 2nd", the current zoning. Ms. Mather stated she would like to see the applicant apply for "H" Historic zoning at some future date. The Committee recommended that this request be granted, subject to the restrictions proposed by the applicants: a use restriction to professional and semi-professional use only and the reversion clause that if the existing structure is removed, the zoning will revert to "B" Residence, "1st" H & A.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. Mather

COMMISSION ACTION:

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

C14-75-067 Trev Seymour and Laird Palmer--Contd.

COMMISSION VOTE:

To recommend that the request of Trev Seymour and Laird Palmer for a zoning change from "B" Residence, "2nd" H & A to "O" Office, "1st" H & A on property located at 901 Baylor Street, also bounded by West 9th Street be GRANTED, subject to a restrictive covenant limiting the use to professional and semi-professional use only and subject to a reversion clause that if the existing structure is removed, zoning will revert to "B" Residence, "1st" H & A.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey.
Ms. Mather

ABSENT: Messrs. Hetherly and Washington

SPECIAL PERMITS

C14p-75-022 Louis Bonugli: A Neighborhood Convenience Drive-In Grocery Store
2500 South Lamar Boulevard
2001 Montclair Street

STAFF REPORT:

This application has been filed as required under Section 45-20, Sub-Section (16), Paragraph (f), and according to the procedures as specified in Section 45-29 of the Zoning Ordinance of the City of Austin. This is an application to allow a "LR" Local Retail use on "O" Office where "LR" or less restrictive zoning exists across the street. The applicant proposes a drive-in grocery store as allowed in "LR" Local Retail on this site.

Subject tract and the lot adjoining to the south are zoned "O" Office, the area to the north across Montclair Street and the east across South Lamar is zoned "C" Commercial. The balance of the area is "A" Residence.

STAFF RECOMMENDATION:

In October 1974 a request for "LR" zoning by Mr. Bonugli was denied but "O" Office zoning was granted by City Council as recommended by the Planning Commission. The Commission and Council felt that uses as allowed in "LR" Local Retail were too intense for the site and that the single-family neighborhood adjoining to the west should be protected.

The staff recommends denial of this application as being inconsistent with Commission and Council action to protect the adjoining residential neighborhood.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Mrs. Roy D. Davis: 2001 La Casa Drive	FOR
Mr. & Mrs. Edward E. Mueller: 2002 La Casa Drive	FOR
Mr. & Mrs. Claude Wright, Jr.: 2004 La Casa Drive	FOR
L. H. Davenport, Jr.: 2006 La Casa Drive	FOR

C14p-75-022 Louis Bonugli--Contd.

PERSONS APPEARING

Buford Stewart (representing applicant)
Louis Bonugli (applicant)

COMMITTEE ACTION:

Ms. Mather expressed concern that the building would be located only three feet from the property line and would be incompatible with the very nice house on the adjacent lot facing Montclair Street. She was of the opinion that a privacy fence would not be sufficient buffering. She felt a more suitable plan could be designed in order to save more trees and provide a better buffer for the homes to the north. She recommended that the case be postponed 30 days to allow the applicant to submit a revised plan.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. Mather

C14p-75-023 Joanne Burgey: Lounge and Game Room Called "The Warehouse"
3216 South Congress Avenue,
also bounded by Frederick Street

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 45-29 of the Zoning Ordinance of the City of Austin. This is an application for a lounge to be located in the existing commercial structure at 3216 South Congress Avenue in the area formerly occupied by "The 19th Hole" liquor store. The applicant proposes a commercial game room with tap beer and wine.

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

Dr. G. D. Stallworth: Congress and Frederick	FOR
Walter Wukasch: 2703 Moonlight Bend	FOR
Billye Wukasch: 2703 Moonlight Bend	FOR
Richard Reyes: 130 Frederick Street	AGAINST
Mr. & Mrs. W. L. Wilson: 118 Frederick Street	AGAINST
Mr. & Mrs. Robert Perez: 121 Frederick Street	AGAINST
R. Nixon: 1719 Morrow Avenue	AGAINST
Mrs. Abundio Ruiz, Jr.: 114 Lightsey Road	AGAINST
Dora Potts: 119 Frederick Street	AGAINST
A. A. Rivarde: 117 Frederick Street	AGAINST

PERSONS APPEARING

Peter Dempsky (representing applicant)

C14p-75-023 Joanne Burgey--Contd.

COMMITTEE ACTION:

It was pointed out that the staff is requiring the area within the structure zoned "C-2" Commercial be shown on the site plan and that the square footage also be shown. In answer to Ms. Mather's inquiry regarding the footage the applicant indicated that the area contained 5,000 square feet. Ms. Mather expressed concern about the noise that would be generated by a lounge and game room of this size and that these activities would be detrimental to the residential area. She recommended that the request be denied.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. 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 DENY the request of Joanne Burgey for a special permit for a lounge and game room called "The Warehouse" on property located at 3216 South Congress Avenue, also bounded by Frederick Street.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey. Mr. Nash

ABSENT: Messrs. Hetherly 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-75-024 Bob R. Howerton: A 100-bed Hospital Called "Travis General Hospital"
4018-4200 Victory Drive

STAFF REPORT:

This application has been filed as required under Section 45-28, Sub-Section (j), and according to the procedures as specified in Section 45-29 of the Zoning Ordinance of the City of Austin. This is an application for a 100-bed general hospital to be located at 4018 to 4200 Victory Drive. The 4.88-acre tract is zoned "C" Commercial, "2nd" H & A and is further located on Victory Drive between Ben White Boulevard and Porter Junior High School and east of the commercial uses fronting on South Lamar.

Hospital Data, Projections, and Recommendations for Travis County taken from Volume III of the Regional Comprehensive Health Plan prepared by the Capital Area Planning Council are attached.

C14p-75-024 Bob R. Howerton--Contd.

STAFF RECOMMENDATION:

Based on the above referred CAPCO Health Facilities Plan, the staff recommends denial of this application for the reasons therein stated.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Bob Howerton (representing applicant)
Arthur Diallo (representing applicant)
Buford Stewart

FOR

COMMITTEE ACTION:

In answer to Mr. Bobbitt's question regarding passage of H. B. 2164, the staff pointed out the bill has been passed, however, at this time the Governor's Commission has not been established. Mr. Everett was of the opinion that before the Commission approved a special permit, the applicant should have approval from CAPCO, and that it would be unnecessary to act on something that may not come about. In answer to Mr. Everett's question regarding contact with the Travis County Medical Association regarding the proposal, the applicant stated that those doctors who practice in south Austin are in favor. Mr. Bobbitt was of the opinion that the Planning Commission should not judge the plan but rather have it approved by the Governor's Commission. Mr. Everett stated that the applicant has presented data that indicates to him the need for another hospital, however, he was of the opinion that there is a need to cooperate with CAPCO. Mr. Bobbitt stated that the figures presented were meant for information and had no bearing on the special permit decision. There was some discussion regarding the financing of the project. Mr. Nash stated that he would have to vote against the case as he felt there was insufficient information for him to make a decision on such an important issue. A majority of the members recommended that the request be approved, subject to the granting of a Certificate of Need or Certificate of Exemption as required by H. B. 2164, and subject to compliance with departmental requirements.

AYE: Messrs. Bobbitt, Everett and Ramsey. Ms. Mather

NAY: Mr. Nash

COMMISSION ACTION:

Mr. Bobbitt read the Committee's recommendation. Mr. William King Brown, Administrator of Brackenridge Hospital and Board Member of CAPCO, was asked to speak to the issue. He was of the opinion that any new health care facility should wait to see what guidelines will be developed as a result of the latest state legislation as well as federal legislation to determine the need for additional hospitals. He also was of the opinion that each plan should come before the various planning councils and not sidestep any public

C14p-75-024 Bob R. Howerton--Contd.

commission. Members were of the opinion that the motion was worded so as to prevent such from happening. In answer to Mr. Nash's question regarding the length of time a special permit is valid, the staff pointed out that it is valid for two years and after that period of time the applicant could request an extension. Mr. Juarez was of the opinion that the Commission's responsibility in this case is to consider whether or not the land use is appropriate. Members were in agreement to approve the request, subject to conditions.

COMMISSION VOTE:

To APPROVE the request of Bob R. Howerton, Trustee, for a special permit for the construction of a 100-bed hospital called "Travis General Hospital" on property located at 4018-4200 Victory Drive, subject to receipt of a Certificate of Need or Certificate of Exemption as required by H. B. 2164, and subject to compliance with 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. Bobbitt, Everett, Juarez, Nash and Ramsey. Ms. Mather
ABSENT: Messrs. Hetherly 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-75-025 Harvest Time Pentecostal Church of God: Day Care Center
 1300 Redd Street, also bounded for 73 Children
 by Banister Lane

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 45-29 of the Zoning Ordinance of the City of Austin. This is an application for a special permit to allow a day care center for 73 children to be located at 1300 Redd Street. The tract which is zoned "A" Residence and owned by the Harvest Time Pentecostal Church of God is located at the northwest corner of Redd Street and Banister Lane.

Access to the off-street parking and loading-unloading area is from Redd Street and Banister Lane.

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.

C14p-75-025 Harvest Time Pentecostal Church of God--Contd.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Gene P. Kimball: 4504 Hank Avenue	FOR
Joe Wayne Pearson: 4502 Richmond Avenue	FOR
Iva Summers: 4425 Banister Lane	FOR
Emil Ewald: 4416 Banister Lane	AGAINST
Mrs. W. L. Polvado: 4501 Gillis Street	AGAINST
Mr. & Mrs. Ralph Boyd: 4412 Banister Lane	AGAINST

PERSONS APPEARING

Dale Hill (representing applicant)

COMMITTEE ACTION:

In answer to Ms. Mather's question regarding the small play area, the applicant indicated that additional play area can be provided adjacent to the parking lot on the north side of the building. Ms. Mather was of the opinion that the facilities seem to be inadequate for 73 children and would be detrimental to the quiet, well-maintained neighborhood across the street. A majority of the members recommended that this request be approved, subject to compliance with departmental requirements.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey.

NAY: Ms. Mather

COMMISSION ACTION:

Mr. Bobbitt read the Committee's recommendation to approve the request. Ms. Mather restated her opposition that the playground area is inadequate for 73 children. She offered a substitute motion to approve the request for 30 children, subject to departmental requirements. The motion died for lack of a second. The vote was then taken on the original motion to approve the request.

COMMISSION VOTE:

To APPROVE the request of Harvest Time Pentecostal Church of God for a special permit for a day care center for 73 children on property located at 1300 Redd Street, also bounded by Banister Lane, subject to departmental requirements as on file with the City of Austin Planning Department, and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey.

NAY: Ms. Mather

ABSENT: Messrs. Hetherly 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-75-026 Robert Abbassi: A Restaurant with Provisions for Serving
4206 Duval Street beer and wine

STAFF REPORT:

This application has been filed as required under Section 45-21, Sub-Section (v), Paragraph (2), and according to the procedures as specified in Section 45-29 of the Zoning Ordinance of the City of Austin. This is an application for a special permit to allow a "GR" General Retail use in a "LR" Local Retail district located at 4206 Duval Street. "GR" General Retail and "B" Residence zoning exist to the west across the alley, "C" Commercial abuts this tract on the north, "LR" Local Retail is across Duval Street to the east and "B" Residence exists to the south.

The applicant proposes a restaurant with alcoholic beverages. The existing frame house is proposed for the use with little or no outside changes.

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 (HYDE PARK NIEGHBORHOOD ASSOCIATION)

WRITTEN COMMENT

None

PERSONS APPEARING

Robert Abassi (applicant)

Cathy Godwin (Hyde Park Neighborhood Association) FOR

COMMITTEE ACTION:

The staff called attention to the requirement made by the Office Engineer that there be no head-in, back-out parking on Duval Street. The seating capacity is provided by the number of parking spaces provided and the ratio is one space to every four seats, and the applicant must comply with the parking ordinance. The applicant indicated that he would be agreeable to the parking requirements, stating that space could be provided to the rear of the structure. Members reviewed the information and recommended that the request be approved, subject to departmental requirements.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. Mather

COMMISSION ACTION:

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

C14p-75-026 Robert Abbassi--Contd.

COMMISSION VOTE:

To APPROVE the request of Robert Abbassi for a special permit for a restaurant with provisions for serving beer and wine on property located at 4206 Duval Street, subject to compliance with 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. Bobbitt, Everett, Juarez, Nash and Ramsey. Ms. Mather
ABSENT: Messrs. Hetherly 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.

PUBLIC HEARINGS

C2o-75-002 Ordinance

Consider amendment to Section 41-42 of the Austin
City Code on Sidewalks and Public Crosswalks

Mr. Lillie reported that this case is to consider a proposed amendment to Section 41-42 of the Austin City Code to modify the provision of fiscal arrangements for the construction of sidewalks within the corporate limits of the City of Austin. He stated that a number of meetings have been held between the various departments in the past several months.

Mr. Charles Graves, Director of Engineering stated that this proposed amendment was generated by the fact that a new driveway ordinance has been written and is to go before the City Council. Because sidewalks are involved at several points in this driveway ordinance, both issues should be considered by Council at the same time. Mr. Graves reviewed each portion of the proposed amendment. He stated that the primary purpose is to delete letters of credit. Another provision ties the construction of sidewalks within the corporate limits of the City of Austin to the construction of driveways. Mr. Graves was of the opinion that this ordinance will help in the administration of the construction of sidewalks in that in the past there have been a number of cases where sidewalks were not constructed due to oversight by the department. He stated that after his department has completed their review of a subdivision and accepted it, although the sidewalks were not yet built, it is difficult to keep track of sidewalk construction when it takes place at a later date. The proposal simply says that when sidewalk installation is required on a lot due to plat, subdivision or other requirements, sidewalks shall be constructed in connection with any proposed Type I or II driveway approaches, installation shall be completed before the driveway approach is accepted by the Department of Engineering prior to the release of the Certificate

C2o-75-002 Ordinance--Contd.

of Occupancy. He stated that the proposed amendment would be an advantage to the developer in that he does not have to put up a letter of credit for a large number of sidewalks. He pointed out that the ordinance provides that when no letter of credit is required, sidewalks which have not been built within two years from date of final plat approval, the Department of Urban Transportation shall have the authority to construct the sidewalks with assessment made against the affected properties for all engineering, administration and construction cost. This will prevent a "checker board" effect and would allow the sidewalk system to be completed. The developer will be notified prior to any construction so that he will have the opportunity to complete it.

In answer to Mr. Everett's question regarding whether or not a builder or developer is apprised of the sidewalk requirements, Mr. Graves pointed out that this information, as well as the expiration date, is required on the plat. Mr. Graves stated that this does not mean that at the end of two years the City will immediately construct all sidewalks, but only on the judgement of the Department of Urban Transportation would any sidewalk construction be initiated by the City. He stated that in some instances it would be impractical to require sidewalks if the subdivision were not complete.

Members heard testimony from representatives of the Austin Homebuilder's Association who stated opposition to the two-year requirement. They were of the opinion that in some instances two years is insufficient to complete a subdivision. They suggested that if two years is to be the time limit that it be from the time the subdivision is accepted for maintenance by the City rather than from the date of approval of the plat. Mr. Graves stated that he would prefer to extend the time to three years from time of approval of the plat rather than two years from acceptance by the City. Ms. Mather recommended that the proposed amendment be approved, but to extend the time to three years rather than two years.

COMMISSION VOTE:

To APPROVE the amendment to Section 41-42 of the Austin City Code on Sidewalks and Public Crosswalks deleting letters of credit for construction of sidewalks within the corporate limits of the City of Austin but to require that sidewalks be constructed in connection with any proposed Type I or Type II driveway approaches. Installation of such sidewalks shall be completed before the driveway approach is accepted. Where no letter of credit is required, sidewalks which have not been build within three (3) years from the date of final plat approval, shall be, at the initiative of the Director of Urban Transportation, constructed by the City of Austin and assessment made against the affected properties for all engineering, administration, and construction costs.

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

C2o-75-004 Ordinance

Consider amendment to Zoning or Subdivision Ordinance regarding setback requirements on corner lots.

This item was postponed and no discussion or action was taken.

C14h-75-028 Moonlight Towers: Various Zoning Classifications to
(City of Austin, owner) "H" Historic
4th and Nueces Streets; Leland Street
and East Side Drive; Canterbury and
Lynn Streets; East 11th and Lydia
Streets; Pennsylvania and Leona
Streets; 12th and Blanco Streets;
12th and Rio Grande Streets; 15th and
San Antonio Streets; 22nd and Nueces
Streets; 41st and Speedway; 23rd and
Red River Streets; 11th and Trinity
Streets; 9th and Guadalupe Streets;
City Park; and Zilker Park

STAFF REPORT:

This request for Historic designation includes 15 moonlight towers at various locations throughout the City. This case has been reviewed by the Landmark Commission and the Electric Department in the past and is recommended for historic designation. Mr. H. L. Peterson of the City Electric Department appeared favoring the request with the condition that, in the event of imminent danger to the public, the Electric Department be allowed to demolish that tower without prior approval by the Landmark Commission, this being reflected in their minutes of May 27, 1975.

COMMISSION ACTION:

Members reviewed the information presented. Mr. Juarez was of the opinion that the purpose of the "H" designation is to prohibit the automatic demolition of a structure. In answer to Mr. Nash's question regarding the significance of the "H" designation and if the City would be responsible for cost of maintenance, Mr. Lillie pointed out that under the "H" designation, some federal funds would be available for that purpose, but in any event the towers are of historic significance and need to be preserved. Ms. Mather was of the opinion that the towers are unique and recommended that the request be approved. After lengthy discussion regarding the City's legal responsibility in the event a tower becomes an imminent danger, Mr. Nash made a substitute motion to refer the case to the Landmark Commission for clarification. He withdrew his substitute motion after it was pointed out that the case

C14h-75-028 Moonlight Towers--Contd.

could be approved with a provision added to the motion to that effect. Mr. Nash then offered a substitute motion that the request be approved, subject to the City Electric Department's authority to demolish any tower should it become damaged or deteriorated to the extent it becomes an imminent public danger.

COMMISSION VOTE:

To APPROVE the request of the Landmark Commission for a zoning change from various zoning classifications to "H" Historic on properties located at: 4th and Nueces Streets, Leland Street and East Side Drive; Canterbury and Lynn Streets; East 11th and Lydia Streets; Pennsylvania and Leona Streets; 12th and Blanco Streets; 12th and Rio Grande Streets; 15th and San Antonio Streets; 22nd and Nueces Streets; 41st and Speedway; 23rd and Red River Streets; 11th and Trinity Streets; 9th and Guadalupe Streets; and Zilker Park (Moonlight Towers), subject to a provision that the City Electric Department be given the authority to demolish any tower should it become damaged to the extent that it becomes an imminent public danger.

AYE: Messrs. Bobbitt, Everett, Nash and Ramsey. Ms. Mather

NAY: Mr. Juarez

ABSENT: Messrs. Hetherly and Washington

C14-75-002 Barrow Corporation: Int. A, 1st to LR, 1st
8101-8307 Brodie Lane, Thomas Kincheon Street,
Dunleigh Drive and Plantation Road. Consideration
and report on rollback for previously approved
zoning.

Mr. Lillie reported that this case is on the agenda as a public hearing to consider and report on a rollback for previously approved zoning. He stated there were two zoning cases on Brodie Lane that were reviewed by the Commission earlier this year. Both are located about a mile south of the Motorola site case that was reviewed earlier. The cases were from Interim "A" Residence to "LR" Local Retail. Both cases were recommended by the Planning Commission after public hearing and both were sent to City Council. Both had public hearings before the City Council and were approved with some amendments to the Planning Commission's recommendation. On May 29th the condition on the Central Texas Service Corporation application had been met and the case came before the City Council for passage of the ordinance. Historically, there is no argument, no debate nor public hearing at the time the ordinances are acted on by Council. On this particular case the City Council voted 4-2 to deny case C14-75-010, Central Texas Service Corporation, located on the west side of Brodie Lane. That case, insofar as zoning is concerned, is a dead issue. The land remains "A" Residence. Mr. Lillie pointed out that the applicant can file a new application at

C14-75-002 Barrow Corporation--Contd.

any time because the Planning Commission recommended it and the Council denied it. In the case where both the Commission and Council deny a case, the applicant must wait 18 months to refile an application. That case should not be discussed tonight under any circumstances because it is "A" Residence; the zoning has been cleared away by Council and can only be reinstituted with a new application. The case C14-75-002, the Barrow Corporation, located on the east side of Brodie Lane is a pending application. It has been approved by City Council, pending completion of requirements which were made dealing with revised field notes, signs to be placed on the property and no access to the northernmost street adjacent to Kincheonville. Because that case is pending, it also remains Interim "A" Residence and will not be Local Retail until the ordinance is passed by Council. A rollback cannot be discussed tonight because we have none to talk about. The Council has requested that the Planning Commission look at this pending case to determine if conditions have changed to warrant a rollback. This is a public hearing; however no notices have been sent as are in normal zoning hearings to property owners within 300 feet. Therefore, it is important that we not get into the issues of zoning nor get into issues of rollback of the zoning, but rather whether or not a rollback should be considered only after the ordinance has been passed on this particular piece of property. Mr. Lillie stated that the Zoning Ordinance provides that property owners can request zoning; the City Council can initiate zoning in either direction, more permissive or more restrictive; and the Planning Commission can initiate zoning under Section 45-14. This issue tonight is to look at the action taken when the case was before the Zoning Committee and the action that was taken by the Commission on the recommendation of the Committee, the action that was taken by Council on the Commission's recommendation in their decision to grant the case. He advised the Commission that they may want to discuss any changes of conditions that might have occurred since that date. The Council is looking for a statement from the Commission on the appropriateness of the Commission's past action. If the Commission is of the opinion that the action taken on this case is still valid, a report should be sent back to Council in order to have the Commission's reassurance. If, after discussion tonight, there are other conditions that have occurred since that time, the Council should be sent that list of conditions along with the Commission's statement.

CITIZEN COMMUNICATION (BRODIE LANE HOMEOWNERS ASSOCIATION)

WRITTEN COMMENT

Petition bearing 130 names

AGAINST

PERSONS APPEARING

Leroy Lange (representing The Barrow Corporation)

FOR

Woodrow Sledge (AISD)

FOR

Lodis Rhodes (Brodie Lane Homeowners Association)

AGAINST

Arthur Schneider

AGAINST

Mr. & Mrs. Lewis Wade

AGAINST

Mrs. Nora LeDay

AGAINST

Mrs. Lydia Schaffer

AGAINST

C14-75-002 Barrow Corporation--Contd.

Sharon Humanick	AGAINST
Mrs. George Slaughter	AGAINST
Deenan Houghton	AGAINST
Ronnie Houghton	AGAINST
Dr. Barbara Chance	AGAINST
Steven J. Tackett	AGAINST

COMMISSION ACTION:

Ms. Mather was of the opinion that consideration should be given to a rollback because of 1.) the change in the master plan to allow the Motorola facility on Brodie Lane 2.) City Council action on the tract opposite this tract and 3.) the recent evidence of the area residents' concern. Mr. Ramsey was of the opinion that the Planning Commission has no jurisdiction in this case as it is a moot issue. He agreed that more citizen concern had been expressed since the original zoning hearings, however, the issues considered tonight were the same that were considered originally, i.e. the school site, the Kincheonville subdivision and the condition of Brodie Lane. He was of the opinion that these conditions had not changed to warrant considering a rollback. Ms. Mather pointed out that the new Motorola plant will create additional traffic and could change the entire area unless a master plan for the area were prepared. Mr. Lillie pointed out that the staff is in the process of developing a comprehensive plan for the total area. Mr. Ramsey made a motion to reaffirm the Planning Commission action. Mr. Nash seconded the motion. Ms. Mather offered a substitute motion that the City Council consider subject case at the time they consider the zoning ordinance reading in view of the following facts: 1.) the change in the master plan granting the Motorola site 2.) Council's action on the tract opposite subject tract 3.) recent area residents' concern and 4.) the fact that a master plan is under way for the area. The motion failed 2-4. Mr. Ramsey stated that the Commission is to consider a change in conditions if they were to disaffirm their previous action, but he did not agree that a substantial change in conditions had occurred. Mr. Juarez was of the opinion that the Commission ought to be sensitive to the concerns of the citizens of the area. The vote was then taken on the original motion.

COMMISSION VOTE:

To REAFFIRM the Planning Commission action on the zoning request of the Barrow Corporation on property located at 8101-8307 Brodie Lane, Thomas Kincheon Street, Dunleigh Drive and Plantation Road.

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

C14-75-010 Central Texas Service Corporation: Int. A, 1st to GR, 1st;
 Brodie Lane and Eskew Drive, LR, 1st and C, 2nd
 Brodie Lane and Woodstone Drive
 Consideration and report on rollback for
 previously approved zoning.

Mr. Lillie reported that this item is on the agenda as a public hearing to consider and report on a rollback for previously approved zoning. He stated that this case, along with another case on Brodie Lane (C14-75-002, The Barrow Corp.), was reviewed by the Commission earlier this year for a zoning change from Interim "A" Residence to "LR" Local Retail. Both cases were approved by the Planning Commission and City Council with amendments to the Planning Commission recommendation. This case, having met all conditions, came before the City Council for ordinance reading on May 29th. At that time, the Council voted 4-2 to deny the ordinance. As a result of this action, the land remains "A" Residence and should not be discussed tonight because it is still "A" Residence. Because the case was recommended by the Planning Commission but denied by City Council, the applicant can file a new application at any time.

COMMISSION ACTION:

Because of the circumstance surrounding this case, the Commission heard no testimony nor was any action taken in regard to this case.

OTHER BUSINESS

C14p-75-013 P & H Enterprises & Edward R. Rathgeber, Jr.
 6800 Cooper Lane
 Request by owner to amend special permit to
 reduce the area to include only Lot 1-B of
 the resubdivision of Lot 1 of Southwest Mediplex.

This is a request by P & H Enterprises and Edward R. Rathgeber, Jr. to amend a previously approved special permit to reduce the area to include only Lot 1-B of the resubdivision of Lot 1 of Southwest Mediplex. The staff reported they had no objection and recommended the request be approved, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

CITIZEN COMMUNICATION

PERSONS APPEARING

Dick Rathgeber, Jr. (applicant)

C14p-75-013 P & H Enterprises & Edward R. Rathgeber, Jr.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement to grant the request of P & H Enterprises and Edward R. Rathgeber, Jr. to amend the special permit to reduce the area to include only Lot 1-B of the resubdivision of Lot 1 of Southwest Mediplex on property located at 6800 Cooper Lane, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Everett, Juarez, Nash and Ramsey. Ms. Mather

ABSENT: Messrs. Hetherly and Washington. Mr. Bobbitt (out of room)

C12-75-1 Fire Protection Plan, 1976-82
Review of the proposed Fire Protection Plan

Mr. Henry Mecredy and Ms. Lee Thomson, planning department staff members, gave a slide show presentation of the proposed plan. Members reviewed the plan and directed questions to the staff and to Leland Priest, Deputy Fire Chief. Members recommended to set a public hearing and directed the staff to highly publicize the hearing.

CITIZEN COMMUNICATION

PERSONS APPEARING

Mrs. Walter Richter (Hyde Park Neighborhood Assn.)

COMMISSION VOTE:

To SET A PUBLIC HEARING for July 8, 1975 to consider the proposed Fire Protection Plan, 1976-82.

AYE: Messrs. Bobbitt, Everett, Juarez and Nash. Ms. Mather

ABSENT: Messrs. Hetherly, Ramsey and Washington

C1-75 Minutes

The Commission then

VOTED: To APPROVE the March 25, 1975 Planning Commission minutes.

AYE: Messrs. Bobbitt, Everett, Juarez, and Nash. Ms. Mather

ABSENT: Messrs. Hetherly and Washington. Mr. Ramsey (out of room)

SUBDIVISIONS

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

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following final subdivision under the amended Planning Commission Rules and Regulations:

C8-75-10 Beaconridge II-A
Dittmar Road & Creedmore Lane

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

The Commission then

VOTED: To ACCEPT FOR FILING AND DISAPPROVE the following final subdivision, subject to Mr. Hargis' signature on final plat:

C8-73-05 Convict Hill
Hill Oak Drive & Convict Hill

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey. Ms. Mather
ABSENT: Messrs. Hetherly 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 under the amended Planning Commission Rules and Regulations:

C8s-74-256 Browning-Ferris Corner
F. M. 973
C8s-75-36 Peppertree Park Commercial Addition
Teri Road & Pepper Lane
C8s-75-39 Bluff Springs Center
North Bluff & I. H. 35
C8s-75-61 Resub. Lot 8A & 8B, Resub., Lot 6-9,
North Lamar Park Annex
North Lamar Boulevard & Rundberg Lane

Short Form Subdivisions--Contd.

<u>C8s-75-63</u>	<u>Resub. Lots 16-18, Blk. 4, Alta Vista Addn.</u>
	<u>Lamar Boulevard</u>
<u>C8s-75-71</u>	<u>Resub. Lot 50, La Hacienda Estates</u>
	<u>Eck Lane</u>
<u>C8s-75-75</u>	<u>Southwest Mediplex</u>
	<u>William Cannon Drive & Cooper Lane</u>
<u>C8s-75-76</u>	<u>Austin Billiard Supply Addition</u>
	<u>Anderson Lane & Gault Street</u>
<u>C8s-75-78</u>	<u>Prince of Peace - Greenbriar Addn.</u>
	<u>E. Live Oak Street & Greenfield Parkway</u>

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

The Commission then

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

<u>C8s-75-86</u>	<u>Resub. Lots 24 & 25, Blk. "BE"</u>
	<u>Spicewood at Balcones Village, Section 4</u>
	<u>Spicewood Club Drive & Spicewood Parkway</u>

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

<u>C8s-75-88</u>	<u>Resub. Lot 3B-1 & 3D, Austin Mall</u>
	<u>Middle Fiskeville Rd. & Highland Mall Blvd.</u>
<u>C8s-75-90</u>	<u>Southwest Mediplex, Resub. Lot 1</u>
	<u>William Cannon Drive & Cooper Lane</u>

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

The Commission then

Short Form Subdivisions--Contd.

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 pending current tax certificated:

<u>C8s-75-91</u>	<u>1st Resub. Kingsberry Park, Sec. 2, Amended</u>
	Moses Lane
<u>C8s-75-92</u>	<u>Resub. Lots 1 & 2, Morrow Subdivision</u>
	U. S. 183 and W. Duval Road

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey. Ms. Mather
ABSENT: Messrs. Hetherly 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 evidence that the water system can serve this subdivision:

<u>C8s-75-87</u>	<u>Resub. Lot 7, Barton Valley</u>
	Crystal Creek Drive

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Rindy. Ms. Mather
ABSENT: Messrs. Hetherly 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:

<u>C8s-75-89</u>	<u>Josue Salinas Subdivision</u>
	Thrasher Lane
<u>C8s-75-93</u>	<u>Resub. Portion Lot 1, Mayfield Public</u>
	<u>Freight Tract</u>
	Burnet Road

Short Form Subdivisions--Contd.

C8s-75-97 Julia Joseph Sawyer Subdivision
So. Congress & Cumberland Road

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey. Ms. Mather
ABSENT: Messrs. Hetherly 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 to exclude the balance of the tract:

C8s-75-94 Anderson Mill Convenience Center
Lake Creek Parkway and U. S. 183
C8s-75-95 Onion Creek, Section 1-A
Onion Creek Parkway and Pinehurst Dr.

AYE: Messrs. Bobbitt, Everett, Juarez, Nash and Ramsey. Ms. Mather
ABSENT: Messrs. Hetherly 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 granted the request to vacate a portion of Top of the Lake Drive:

C8s-75-96 Resub. of Lakeway 22-B
Rolling Green Drive & Top of the Lake Drive

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

The Commission then

VOTED: To ACCEPT FOR FILING AND APPROVE the following short form subdivision and granted a variance to exclude the balance of the tract:

C8s-75-10 Franklin Park, Section 2
Teri Road & Pleasant Valley Road

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

Short Form Subdivisions--Contd.

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 the recording of the current short form C8s-75-73:

C8s-75-98 Resub. Lot 3, Matthews & Moore Addition
Shady Lane

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

The Commission then

VOTED: To APPROVE the following short form subdivision and granted a variance on the fiscal arrangements for sidewalks with a note to be placed on the plat pertaining to sidewalk construction;

C8s-75-24 Lamar Rundberg Village
Lamar, Rundberg and Rutland Drive

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

The Commission then

VOTED: To POSTPONE the following short form subdivision, as a long form may be required:

C8s-75-99 Rawhide Ridge
Rawhide Trail

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

C8s-75-77 Resub. of Lot 3, Crockett Commercial Area, Sec. II
Manchaca Road and Stassney Lane
Request a variance on the signature of adjoining owner
and the required fiscal arrangements.

STAFF REPORT:

This is a request by A. J. Pechacek to exclude a portion of Lot 3, Crockett Commercial Area, Section 2, owned by Ronald E. Tynes, General Partner, from this short form plat. On April 28, 1970, the final plat of Crockett Commercial area, Section 2 was recorded, establishing Lot 3, the subject of the current resubdivision, for which a letter of credit was submitted. In May, 1972, said letter of credit was released by the City of Austin on the basis that a further subdivision or resubdivision would occur by the then owners of the land. This is now the first attempt to resubdivide. No construction of paving, drainage or sidewalks has begun as originally required.

On May 7, 1975, a short form subdivision consisting of all of Lot 3, as required by statute and ordinance, was submitted to the Planning Department for processing. Such short form proposed to establish two lots, A & B; one of which, Lot B, was to be sold for construction of an ice cream establishment. After processing, it was determined that fiscal arrangements were required for drainage, sidewalks, paving and water.

After such fiscal arrangements were encountered, Lot B was conveyed by metes and bounds without benefit of plat approval by the Planning Commission, contrary to state and local regulations, and the short form plat was then amended, excluding Lot A and resubmitted to the Planning Department on or about May 19, 1975 with a letter of the same date requesting a variance to exclude Lot A from the plat.

Lot 3, Crockett Commercial Area, Section 2, was illegally subdivided without Planning Commission approval with fiscal arrangements required for both resulting lots.

STAFF RECOMMENDATION:

To DENY the requested variance and to require the plat to be processed as originally submitted, with Lots A & B and all appropriate fiscal arrangements be made.

CITIZEN COMMUNICATION**WRITTEN COMMENT**

None

PERSONS APPEARING

A. J. Pechacek (applicant)

C8s-75-77 Resub. of Lot 3, Crockett Commercial Area, Sec. II--Contd.

COMMISSION ACTION:

The applicant asked the Commission to give consideration to a variance in this particular case since this property is the first to be sold out of Tracts 2 or 3 of the subdivision and that there is no development along Manchaca with the exception of service stations. He stated that at the time of purchase he was made aware of any paving, curbing and any other improvements the City might require along the frontage on Manchaca, but he was not aware of the requirements of the Planning Department for approval of the drainage problems which exist on the other tracts. He stated he was made aware of these requirements only after his attempts to resubdivide. The applicant stated he has plans for the building, the permanent financing and is holding the franchise open until this problem is resolved. He stated that he could not comply with the requirements because he does not have and cannot obtain a joiner of Manchaca-Stassney, Ltd., the owner of the remainder of Lot 3 and because he could not bear the expense of the City's fiscal requirements. He stated that morally these obligations belong to Mr. Tynes and the limited partnership, whether or not the partnership joins in his proposed plat. He was of the opinion that the 10-acre tract could better support the cost of drainage and other improvements than his .26-acre tract, and also that these improvements would not benefit his property in any way. He stated he would be agreeable to providing fiscal arrangements for any work required on his .26-acre tract.


In answer to the members' question regarding what relief the Commission could give, Mr. Lillie suggested that they could grant the variance and allow the applicant to proceed with the subdivision and require that he place fiscal arrangements on his portion as related to the whole and that the Commission place Mr. Tynes on notice that no further subdivisions will be accepted until he puts up the fiscal arrangements for the remainder of the tract. The Commission was in agreement and requested that the Chairman and Planning Department staff direct a letter to Mr. Tynes informing him of this requirement.

COMMISSION VOTE:

To GRANT a variance on the signature of the adjoining owner and to exclude a portion of Lot 3, Crockett Commercial Area, Section 2, subject to fiscal arrangements being provided for that portion of the tract owned by Mr. A. J. Pehacek, which constitutes the plat as being considered.

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

The meeting was ajourned at 11:45 p.m.



Richard Lillie
Executive Secretary