

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting--September 9, 1975

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

Present

C. W. Hetherly, Chairman
O. P. "Bob" Bobbitt
Rizer Everett
Miguel Guerrero
Linda Lewis-McGowan *
Jean Mather
George Ramsey, III *
Dean Rindy

Also Present

Richard Lillie, Director of Planning
Tom C. Knickerbocker, Assistant Director
of Planning
Don Bird, Assistant City Attorney
Pat Settle, Administrative Secretary

* Arrived at 7:15 p.m.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of September 2 and 3, 1975.

Present

O. P. "Bob" Bobbitt, Chairman
Rizer Everett
Miguel Guerrero
Sid Jagger
Jean Mather

Also Present

Evelyn S. Butler, Supervising Planning
*Duncan Muir, Planner
**Brian Schuller
*Gena Wommack, Administrative Aide
**Pat Settle, Administrative Secretary

C14-75-081 Antonio E. and Beatrice B. Salazar: "A" Residence, "1st" H & A to
3303 Govalle Street "GR" General Retail, "1st" H & A

STAFF REPORT:

Subject tract is a residential lot which fronts a residential collector street in east Austin. The tract is developed with a residence and an auto repair garage which is operating in violation of existing zoning. Surrounding uses are single-family homes.

The auto repair garage has been in operation for many years. A zoning request was processed in 1971 in order to ascertain whether the commercial use of this property was legal and non-conforming, or illegal. It was determined by the Building Inspector that the use was illegal, and a zoning change would be required to permit continuation of the use. It was stated at the hearing by the present owner that when he purchased the property, he was not aware the use was illegal. The Planning Commission recommended against the requested zoning as a neighborhood intrusion. The City Council took no action, and the 1971 case is still pending.

Present zoning request was stimulated by a formal reporting of the present zoning violation to the Building Inspector.

"GR" General Retail zoning has been denied for a tract at the southeast corner of the intersection of Govalle and Tillery Streets, five lots west of subject tract.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into the interior of an established single-family neighborhood. The existing auto repair garage is incompatible with surrounding residential use and should be relocated in a commercial area.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENT

T. C. & Eva Ramirez: 3301 Govalle Street	FOR
Wesley Hansan: 3307 Govalle Street	FOR
Anselmo Lopez: 3401 Govalle Street	FOR

PERSONS APPEARING

Bill Kemp (representing applicant)	
T. C. Ramirez	FOR

COMMITTEE ACTION:

Mr. Everett stated he was having difficulty making a decision in this instance. He stated that while "GR" does not meet the zoning requirements of the residential neighborhood, the applicant is continuing his business with favor from his neighbors. Other members were in agreement that a decision was difficult. Mr. Bobbitt stated opposition and supported the staff's recommendation. Mr. Guerrero suggested attaching a reversionary clause. Mr. Jagger was of the opinion that since there was no opposition from the neighborhood,

C14-75-083

Antonio E. and Beatrice B. Salazar--Contd.

he would find it difficult to deny the applicant his business and agreed with the idea of the reversionary clause. He was of the opinion that the purpose of the Zoning Ordinance was not to put someone out of business. The staff pointed out the problems enforcing a reversionary clause. Ms. Mather stated that since the neighborhood seemed to favor this request she would recommend that "GR" General Retail, "1st" H & A be granted, subject to a restrictive covenant that the zoning would revert to "A" Residence, "1st" H & A in the event Mr. Salazar ceased the present use as an auto repair garage, subject to the restrictions that no signs be placed on the property and no street parking be allowed.

AYE: Messrs. Everett, Guerrero and Jagger. Ms. Mather
NAY: Mr. Bobbitt

COMMISSION ACTION:

Mr. Bobbitt read the Committee's recommendation that the request be granted, subject to conditions. Mr. Bobbitt stated that while he was in sympathy with the property owner, he would not support a zoning change which would create a non-conforming use. Ms. Mather pointed out another reason for her support of the case was the Council's lack of action in the previous request. A majority of the members recommended to grant the request, subject to conditions.

COMMISSION VOTE:

To recommend that the request of Antonio E. and Beatrice B. Salazar for a zoning change from "A" Residence, "1st" H & A to "GR" General Retail, "1st" H & A on property located at 3303 Govalle Street be GRANTED, subject to a restrictive covenant that the zoning would revert to "A" Residence, "1st" H & A in the event Mr. Salazar ceased the present use as an auto repair garage and subject to the restrictions that no signs be placed on the property and no street parking be allowed.

AYE: Messrs. Everett, Guerrero and Rindy. Mmes. Lewis-McGowan and Mather
NAY: Messrs. Hetherly, Bobbitt and Ramsey
ABSENT: Mr. Jagger

C14-75-084 Randolph G. Mueller: "B" Residence, "2nd" H & A to
802 Rio Grande Street "O" Office, "2nd" H & A

STAFF REPORT:

Subject tract is a residential lot fronting a major arterial which traverses an old neighborhood west of the downtown area. Based upon a Planning Commission study in the late-1950's, the surrounding area was recommended for a transition

C14-75-084 Randolph G. Mueller--Contd.

to "O" Office to provide a compatible mixture of residential and low-intensity business activities. Surrounding uses include offices to the north and east, an antique bottle shop to the east, restaurant in a vintage residential structure to the southeast, and residences and offices to the south and west.

A solid residential structure exists on subject tract. In converting to office use, provision of parking may be difficult. Second Height and Area was established with "B" Residence on subject tract and all surrounding property by the original zoning ordinance adopted in 1931. Over the years, the height limitation of Second Height and Area was increased from 45 to 60 feet.

Re-examination of the redevelopment potential of "O" Office and "2nd" H & A zoning may be in order for this area which presently contains an important element of Austin's architectural and cultural heritage.

STAFF RECOMMENDATION:

The staff recommends that "O" Office be granted as it is consistent with surrounding zoning uses and Planning Commission policy. Second Height and Area is consistent with Height and Area zoning on surrounding properties.

CITIZEN COMMUNICATION (OLD AUSTIN NEIGHBORHOOD)**WRITTEN COMMENT**

Robert L. Wagner: 706 Rio Grande	FOR
Horace C. Barnhart: 707 Rio Grande	FOR
Clinton & Richards: 600 West 7th Street	FOR
E. D. Bohls: 201 First Federal Savings Bldg.	FOR
Mary O'Hern Treadway: 703 West 9th Street	FOR

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation that this request be granted.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. 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 Randolph G. Mueller, for a zoning change from "B" Residence, "2nd" H & A to "O" Office, "2nd" H & A on property located at 802 Rio Grande Street be GRANTED.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
 Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C14-75-085 Ruben H. Johnson: "O" Office, "2nd" H & A to
601-607 West 15th Street, also "LR" Local Retail, "2nd" H & A
bounded by Nueces Street

STAFF REPORT:

Subject tract is located at the intersection of two major streets in west central Austin. West 15th Street, a boulevard, is the major east-west arterial street in central Austin. Nueces Street is a major north-south street which traverses the area west of the University of Texas/Capital Complex/Central Business District core of Austin. A one-way-west, unpaved alley abuts subject property on the south.

Subject tract lies within an older neighborhood which has been transitioning to "O" Office zoning and uses. Surrounding development includes church and related activities to the north, and mixed office-residential use to the east, south and west.

San Antonio Street to the east presently marks the western boundary of more intensive zoning than "O" Office. "A" Residence zoning and use exists one block to the west.

The applicant has submitted a site plan for a proposed drive-in bank facility on subject tract. Ingress is shown from West 15th Street; egress to Nueces Street. The plan has been reviewed and approved by the Urban Transportation Department. The staff recommends careful consideration of signs, lighting, and landscaping to assure compatibility with the character of the surrounding area. Unless the alley is paved, the staff recommends that the driveway access to it be prohibited.

STAFF RECOMMENDATION:

The staff recommends that this case be denied unless the applicant is willing to restrict the use of "LR" zoning to the use and design shown on the site plan. With proper design control, the proposed drive-in bank could blend into the character of the surrounding area and not stimulate intensification of uses along this section of West 15th Street.

CITIZEN COMMUNICATION (OLD AUSTIN NEIGHBORHOOD)
(SAVE UNIVERSITY NEIGHBORHOODS)

WRITTEN COMMENT

William G. Browman, Trust., Capital Natl. Bank	FOR
Leonard L. Franklin: P.O. Box 1801	FOR
Travis A. Eckert, 505 West 14th Street	FOR
Helena Ziller Estate: c/o F.S. Pearson, P.O. Box 1987	FOR
Robert T. "Sonny" Davis: 500 West 13th Street	FOR
Thomas R. McElhenney, M.D.: 604 West 14th Street	FOR
The Texas Oil Marketers Assoc.: P.O. Box 1424	AGAINST

FOR
FOR

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Ramsey. Ms. Mather
NAY: Mr. Rindy. Ms. Lewis-McGowan
ABSENT: Mr. Jagger

C14-75-086 Josephine Viscardi: "A" Residence, "1st" H & A to
1606 West 12th Street, and the "O" Office, "1st" H & A
rear of 1605 Waterston Avenue

STAFF REPORT:

Subject tract is the rear portion of a residential lot with double frontage on two residential streets in the Clarksville neighborhood of west Austin. Commercial uses oriented to West Lynn Street exist to the east. The single-family neighborhood abuts to the north, west and south.

The intended use of this small 30 x 50-foot tract is accessory parking for a commercial use facing West Lynn Street. The commercial building was constructed prior to the city's parking requirements. On-site parking is neither available nor required due to the non-conforming status.

Clarksville has been identified as an area with a high concentration of low-income residents. Physical improvements such as street paving, sidewalks, and street lighting are lacking within the area. A plan for neighborhood revitalization is currently being developed under the Community Development program.

Subject tract has access only to West 12th Street, a narrow residential street with a r.o.w. of 30 feet. The city standard for streets serving business uses is a minimum of 60 feet of r.o.w. and 40 feet of paving.

STAFF RECOMMENDATION:

The staff recommends that this case be denied as a commercial intrusion into a single-family neighborhood which should be protected. The residential street access is very inadequate for commercial traffic.

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

WRITTEN COMMENT

Peter P. Zaremba: 4510 Balcones Drive	FOR
Mrs. Eileen Hunter: 1609 Waterston Avenue	FOR
James A. King: 1614 Waterston Avenue	FOR
Morgan L. Pearce, Trustee: 811 Capital Natl. Bank	FOR

PERSONS APPEARING

Josephine Viscardi (applicant)	
Fannie A. Littlefield: 1611 West 12th Street	FOR
Seymour Washington: 1615 West 12th Street	FOR
Rev. Willard B. Southerland: 1725 West 11th Street	AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that rezoning would be an intrusion into the residential neighborhood and that additional traffic would be generated on West 12th Street which is an extremely narrow, unpaved street. Ms. Mather expressed a desire to see what plan is in process for the Clarksville area before making any change in the area. Mr. Everett recommended that the request be denied. Mr. Guerrero seconded the motion.

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

C14-75-086 Josephine Viscardi--Contd.

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 Josephine Viscardi for a zoning change from "A" Residence, "1st" H & A to "O" Office, "1st" H & A on property located at 1606 West 12th Street, and the rear of 1605 Waterston Avenue be DENIED.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
 Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C14-75-087 Mrs. Maude Ramsey: "A" Residence, "1st" H & A to "C" Commercial,
 4510 Avenue A, and the rear of "1st" H & A (Tract 1) &
 4503 Guadalupe Street (Tract 1) "B" Residence, "1st" H & A
 4509-4529 Avenue A, and also (Tract 2)
 bounded by West 46th Street
 (Tract 2)

STAFF REPORT:

Subject tracts are located at the western edge of an older single-family neighborhood in north central Austin. They front a residential street with 50 feet of r.o.w. and 40 feet of paving. Tract 2 has been subdivided into residential lots, but only two lots are presently developed with single-family homes. Single-family homes abut Tract 2 to the east and south. Apartments exist to the west and north of Tract 2.

Apartments side Tract 1 to the north and south; a vacant commercial structure which once was used as a plant nursery exists to the west. Tract 1 was used as the nursery yard. The nursery and stock yard has ceased operation, thereby removing any non-conforming status which Tract 1 might have had. The most recent zoning and development along Avenue A has been apartments; the development and zoning of Tract 1 should be consistent with the development which sides it.

Apartments are a logical use of Tract 2, but the development should not intrude into the privacy of the adjacent single-family properties. The density of the "BB" apartment district is more compatible with single-family homes than the "B" density. The staff recommends a 50-foot building setback from the east and south property lines in which parking can be placed.

R.o.w. on Avenue A is presently 50 feet. As two tracts, one to the north of Tract 1 and the other to the south of Tract 2, were rezoned for more intensive uses, street r.o.w. was not expanded. More recently, r.o.w. was expanded five feet south of Tract 1 as land use was intensified. In order to provide space for sidewalks, street lights, and utility lines, a minimum of ten feet of curb base is necessary. A r.o.w. expansion of five feet on either side of Avenue A is required for this.

C14-75-087 Mrs. Maude Ramsey--Contd.

STAFF RECOMMENDATION:

The staff recommends that "C" Commercial be denied on Tract 1 as incompatible with established zoning and land use to the north and south. If the applicant is willing to provide five feet of street r.o.w. to expand the curb base of Avenue A, the staff would recommend that "B" Residence be granted.

On Tract 2, the staff recommends that "B" Residence be denied as the permitted density is incompatible with the adjacent low-density neighborhood. If the applicant is willing to provide a 50-foot building setback and privacy fence along the east and south property lines, and five feet of r.o.w. to expand the curb base of Avenue A, the staff would recommend that "BB" Residence be granted.

CITIZEN COMMUNICATION (HYDE PARK NEIGHBORHOOD ASSOCIATION)

WRITTEN COMMENT

John H. Wilshusen: 326 Glenmore, Corpus Christi	FOR
Bob J. Bailey: 4605 Avenue A	FOR
A. L. Koelzer: 2408 Windsor Road	FOR
B. D. St. Clair: Texas State Bank - 5th floor	FOR
Frank Douglas: Texas State Bank - 5th floor	FOR
Mr. & Mrs. Walter Davis: 4524 Avenue B	FOR
C. R. Peck: 4528 Avenue B	FOR
C. L. Reeves: P. O. Box 9387	AGAINST

PERSONS APPEARING

Malcolm Robinson (representing applicant)	
Maude Ramsey (applicant)	
Bob Bailey: 5002 North Lamar	FOR
Bill Williams	FOR
Mr. & Mrs. J. B. Mock: 4514 Avenue B	AGAINST
S. B. Speir: 4512 Avenue B	AGAINST

COMMITTEE ACTION:

Separate consideration was given each tract.

In regard to Tract 2, Mr. Everett pointed out that without a 50-foot setback along the east and south property lines of Tract 2, apartments could be constructed within five feet of the property line and would be very objectionable to the adjoining residents. Ms. Mather was of the opinion that if the apartments are to be one long unit, which could be built without a special permit, the 50-foot setback would be desirable. A special permit would be required if there are to be detached units. She was of the opinion that with special permit review, r.o.w. and design control could be acquired. Mr. Jagger was of the opinion that a 50-foot setback to the rear, 25-foot setback on the front and 5-foot r.o.w. would create a very undesirable building and he had rather see a building backed up to the property line than have a parking lot at the rear. He also stated that it would be better to deny the request than create such an undesirable project. Mr. Jagger was of the opinion that

C14-75-087 Mrs. Maude Ramsey--Contd.

"BB" Residence density would be as dense as the property could contain. Ms. Mather recommended to deny "B" Residence but to grant "BB" Residence, "1st" H & A on Tract 2, subject to a special permit.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

Members then agreed to continue the hearing on Tract 1 to obtain additional information from Building Inspection verifying whether Tract 1 contained a non-conforming commercial status.

COMMISSION ACTION:

Members reviewed each tract separately. Mr. Bobbitt read the Committee's recommendation on Tract 2 to deny "B" Residence but grant "BB" Residence, subject to a special permit. Ms. Mather questioned whether or not the applicant agreed to submit a special permit. The applicant stated he would agree to submit a special permit if "B" were granted. Mr. Hetherly pointed out that the size of the tract would prohibit any greater density than "BB". A majority was in agreement with the Committee's recommendation.

Members then continued the hearing on Tract 1. Mr. Bobbitt read a memorandum (on file with the Planning Department) from the Building Inspection Department. Members were in agreement that the information submitted in the memorandum did not clarify the non-conforming use status. Ms. Mather pointed out that the nursery sales occurred on the front "C"-zoned portion of the tract and that a nursery could continue on that portion without rezoning. Mr. Rindy pointed out that the "C"-zoned portion faced a major arterial and that the "C" district had many unsuitable uses that would be an intrusion into the residential area. Mr. Bobbitt stated that he could see no objection to having "C" Commercial on either side of "B" and backing up to "C". He made a motion to grant "C" Commercial on Tract 2. The motion died for lack of a second. Ms. Mather recommended that "C" Commercial be denied but that "B" Residence, "1st" H & A be granted. Mr. Hetherly pointed out that because the tract adjoins "C" Commercial, many additional uses are possible with the use of a special permit.

COMMISSION VOTE:

To recommend that the request of Mrs. Maude Ramsey for a zoning change on property located at 4510 Avenue A and the rear of 4503 Guadalupe Street (Tract 1) and 4509-4529 Avenue A, also bounded by West 46th Street (Tract 2) as follows:

Tract 1:

DENY "C" Commercial, "1st" H & A but GRANT "B" Residence, "1st" H & A, subject to five feet of r.o.w. on Avenue A.

AYE: Messrs. Bobbitt, Everett, Guerrero, Ramsey and Rindy.
 Mmes. Lewis-McGowan and Mather

ABSTAIN: Mr. Hetherly

ABSENT: Mr. Jagger

C14-75-087 Mrs. Maude Ramsey--Contd.

Tract 2:

DENY "B" Residence, "1st" H & A, but GRANT "BB" Residence, "1st" H & A, subject to a special permit.

AYE: Messrs. Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSTAIN: Mr. Hetherly

ABSENT: Mr. Jagger

C14-75-088 Lenore Johnson Estate and Mrs. Florence J. Jarmon: "B" Residence,
1012 Rio Grande Street "2nd" H & A to "O" Office, "1st" H & A
701 West 11th Street

STAFF REPORT:

Subject lots are located at the intersection of two major arterial streets within an old neighborhood west of the downtown area. Residential structures and use presently exist on the lots. Surrounding uses include Pease Elementary School to the north, art gallery to the northeast, residential to the east, south and west, and an antique shop to the south.

Subject property falls within an area studied by the Planning Commission during the late-1950's after which the Commissions have consistently recommended for a transition to the "O" Office district. This use district provides for a compatible mixture of low-intensity business enterprise and residential activity, and will help preserve the historic character of the area. The structure existing on the easternmost lot of subject property was built in 1874.

The staff supports the request for a more restrictive and less intensive Height and Area district. Although subject tract and surrounding properties presently have "2nd" H & A, all area development conforms to the height limitation of "1st" H & A. By requesting the "1st" H & A district, the applicant has affirmed a commitment to help preserve the historic character which presently exists within the area.

STAFF RECOMMENDATION:

The staff recommends that "O" Office be granted, as it is compatible with surrounding zoning and development, and consistent with Planning Commission policy, and that "1st" H & A District be granted as it is consistent with existing development of the area.

C14-75-088 Lenore Johnson Estate and Mrs. Florence J. Jarmon--Contd.

CITIZEN COMMUNICATION (OLD AUSTIN NEIGHBORHOOD)

WRITTEN COMMENT

The Regency, c/o Geo. S. Nalle, Jr.: 601 West 11th Street	FOR
Earl E. Simms, Jr.: c/o F.S. Pearson, P.O. Box 1987	FOR
Herman Pressler Estate: 906 Rio Grande Street	FOR
Anne Byrd Nalle: 1003 Rio Grande	FOR
G. S. Nalle: 1003 Rio Grande	FOR
Sigrid Zeiss: 601 West 12th Street	FOR
Mrs. Leona Hofer: 2103 Hartford Road	FOR
Mrs. Mary P. Hurst: 3913 Balcones Drive	FOR

PERSONS APPEARING

Majorie Ogle (representing applicant)

COMMITTEE ACTION:

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

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. 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 Lenore Johnson Estate and Mrs. Florence J. Jarmon for a zoning change from "B" Residence, "2nd" H & A to "O" Office, "1st" H & A on property located at 1012 Rio Grande Street and 701 West 11th Street be GRANTED.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
 Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C14-75-090	North Austin Lions Club: "A" Residence, "1st" H & A to	
	3703-3709 West Avenue	"LR" Local Retail, "2nd" H & A (Tract 1)
	715-721 West 38th Street	and "O" Office, "1st" H & A (Tract 2)

STAFF REPORT:

Subject tract is located at the intersection of a residential collector street and a major arterial street in north Austin. The arterial street is scheduled to be expanded to 78 feet of paving within the next year. Surrounding uses include the Austin State Hospital to the north, a bank and vacant land to the east, single-family neighborhood to the south and southwest, and office-commercial development to the west.

C14-75-090 North Austin Lions Club--Contd.

The residential tracts fronting West Avenue to the west are subject to transition pressures due to the intensification of business development oriented to West 34th Street to the south, Lamar Boulevard to the west, and West 38th Street to the north. A number of single-family and duplex homes remain along West Avenue. A zoning case was processed in 1973 for three lots west of subject tract 2. To provide compatibility with the adjacent residential use, "O" Office restricted to professional and semi-professional office use was granted.

The neighborhood oriented to West 35th Street to the south of Tract 2 is presently free from traffic intrusions and should be protected. The small street or alley which abuts Tract 2 is unpaved and presently experiences low-density residential traffic.

"LR" Local Retail, "2nd" H & A has been established to a depth of 278 feet south of West 38th Street, or to a line 50 feet north of Tract 2. The staff recommends that this depth be maintained across Tract 1.

STAFF RECOMMENDATION:

That "LR" Local Retail, "2nd" H & A be denied on the entire Tract 1, but that the requested zoning be granted on Tract 1, excluding the southern 50 feet. The staff recommends that "O" Office be denied on Tract 2 unless the applicant is willing to prohibit access to Maiden Lane and provide a privacy fence along the southern boundary of Tract 2. Should those conditions be acceptable, the staff would recommend that "O" Office be granted on Tract 2 and the southern 50 feet of Tract 1.

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

John P. Schneider, M.D.: 5 Green Lanes	FOR
Nieman, Hanks & Puryear: 1200 American Bank Bldg.	FOR
Forest S. Pearson: P. O. Box 1987	FOR
Hulda Koester: 3513 West Avenue	FOR

PERSONS APPEARING

W. J. Williams, Jr. (representing applicant)	
J. Lewis Beck (representing applicant)	
Tully Embrey	FOR

COMMITTEE ACTION:

The applicant indicated he was in agreement with the staff's recommendation. Members reviewed the information presented. In answer to Ms. Mather's question regarding the need for "LR", the staff pointed out that a bank requires "LR". Mr. Bobbitt questioned the need for prohibited access on Maiden Lane. Ms. Mather stated that the traffic generated by the use would warrant the prohibited access. Mr. Everett recommended that "LR" Local Retail be denied,

CI4-75-090 North Austin Lions Club--Contd.

but that "LR" Local Retail, "2nd" H & A be granted on Tract 1, excluding the southern 50 feet and that "O" Office, "1st" H & A be granted on Tract 2 and the southernmost 50 feet of Tract 1, subject to prohibited access to Maiden Lane and a privacy fence along the southern boundary of Tract 2. Mr. Jagger seconded the motion.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. 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 North Austin Lions Club for a zoning change from "A" Residence, "1st" H & A to "LR" Local Retail, "2nd" H & A (Tract 1) be DENIED, but that "LR" Local Retail, "2nd" H & A be GRANTED on Tract 1, excluding the southern 50 feet and that "O" Office, "1st" H & A be GRANTED on Tract 2 and the southernmost 50 feet of Tract 1, subject to prohibited access to Maiden Lane and a privacy fence along the southern boundary of Tract 2.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

CI4-75-091 Joe M. Milicia: "A" Residence, "1st" H & A to
1623 Willow Street, also "GR" General Retail, "1st" H & A
bounded by Chalmers Street

STAFF REPORT:

Subject 3,472-square-foot tract is half of a residential lot at the intersection of a minor residential street and a residential collector street within the Model Cities area east of Austin. A residence with an illegal commercial sign advertising a grocery store presently exists on the tract. Surrounding uses are single-family homes and vacant lots across the street to the north.

A zoning request for "LR" Local Retail was processed in 1968 to permit the "sale of beer and wine to go" in a grocery store which was operating on subject tract. An effort was made at that time to determine whether the grocery store was legal and non-conforming, or in violation of the "A" zoning. The Planning Commission unanimously recommended to deny the zoning request as "contrary to the established development and not related to the commercial area established along East First Street." The request was later withdrawn before the City Council.

In 1974, the structure on subject tract was remodeled as a residence only; thereby removing any non-conforming status which might have existed.

C14-75-091 Joe M. Milicia--Contd.

STAFF RECOMMENDATION:

That this case be denied as an intrusion into the interior of a well-established single-family neighborhood and as inconsistent with the neighborhood revitalization efforts of the Model Cities program for this area.

CITIZEN COMMUNICATION (CONCERNED CITIZENS OF EAST AUSTIN)

WRITTEN COMMENTS

Carl E. Jackson: 1706 Canterbury Street

AGAINST

Mrs. Stella M. Schwartz: 1701 Willow Street

AGAINST

PERSONS APPEARING

Adrian Overstreet (representing applicant)

Joe Milicia (applicant)

COMMITTEE ACTION:

The applicant's attorney explained to the Committee that the structure had been condemned and the applicant had remodeled it according to the requirements to operate it as a grocery store. In answer to Mr. Everett's question regarding the existence of documents stating that he could operate a grocery store if the building were remodeled, the applicant stated he probably could produce his building permits and other records. Members were in agreement that additional clarification was needed from the applicant and the Building Inspection Department before a decision could be made. Members were in agreement to continuing the hearing to the full Commission, pending receipt of additional information from the Building Inspection Department.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

COMMISSION ACTION:

Mr. Bobbitt read a memorandum from the Building Inspection Department (on file with the Planning Department) regarding the non-conforming use. Members were in agreement that the information did not clarify their questions regarding the condemnation of the building, the remodeling of the building to meet City standards, nor non-conforming use status. The staff recommended that the Commission take action on the zoning and that the applicant could appear before the Board of Adjustment for relief. Members were assured that information regarding these questions would be provided the City Council when this case appears for hearing. Mr. Rindy stated that he normally would be opposed to spot zoning but this use has existed for so many years and is much more compatible with the surrounding neighborhood than most grocery stores, that he would be in favor of granting the request with a restrictive covenant. He was of the opinion that the case was similar to an earlier case. Mr. Bobbitt pointed out that the earlier case was non-conforming while this case is not. Mr. Hetherly pointed out the problems of enforcing restrictive covenants. Mr. Ramsey recommended that the request be denied. The motion died for lack of a second. Mr. Rindy then recommended that the request be granted. Mr. Everett seconded the motion.

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

C14-75-092 Austin Paper Company--Contd.

COMMISSION VOTE:

To recommend that the request of Austin Paper Company for a zoning change from Interim "A" Residence, Interim "1st" H & A to "GR" General Retail, "1st" H & A on property located at 8600-8700 Balcones Drive be GRANTED.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C14-75-093 Hansel and Gretel, Inc.: "C" Commercial, "1st" H & A to
6503 Airport Boulevard, also "C-2" Commercial, "1st" H & A
bounded by Huntland Drive

STAFF REPORT:

This small property is to the rear of a service station, located at the intersection of a major arterial street and a commercial collector street in north Austin. Subject tract occupies 3,471 square feet of the existing structure. The "C-2" zoning request is made to permit a conversion of the present restaurant operation into a lounge serving mixed drinks. A special permit is being processed in conjunction with this zoning request.

Subject tract is located with an intensive retail-commercial area generally bounded by I. H. 35, Airport Boulevard and Huntland Drive.

STAFF RECOMMENDATION:

That "C-2" Commercial be granted as compatible with surrounding zoning and uses.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Peter von Wupperfield (representing applicant)

COMMITTEE ACTION:

Members reviewed the information in conjunction with a request for a special permit. The staff pointed out that there was some confusion on their part due to the fact that the applicant's name is Ed Brown and the owner's name is Edwin Brown. The day of the hearing the staff received a letter from the attorney for Edwin Brown, indicating that Mr. Brown, the owner, was not in favor of the zoning change and special permit application being processed. The staff pointed out that it is the policy of the Planning Commission and City Council to not process a zoning change or special permit unless the owner of the property signs the application or submits a letter of authorization. In regard to this policy, the members recommended to continue the hearing to the full Planning Commission to allow the applicant and owner time to resolve their differences.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

C14-75-093 Hansel and Gretel, Inc.--Contd.

COMMISSION ACTION:

The applicant's representative reported that contact had not been made with the property owner. Members were in agreement to postpone this case for 30 days, pending receipt of a letter from the property owner indicating his desire to have this property rezoned.

COMMISSION VOTE:

To POSTPONE for 30 days the request of Hansel and Gretel, Inc. for a zoning change from "C" Commercial, "1st" H & A to "C-2" Commercial, "1st" H & A on property located at 6503 Airport Boulevard, also bounded by Huntland Drive, pending receipt of a letter from the owner, Edwin Brown.

AYE: Messrs. Hetherly, Bobbitt, Everett, Ramsey and Rindy.

 Mmes. Lewis-McGowan and Mather

NAY: Mr. Guerrero

ABSENT: Mr. Jagger

PLANNED UNIT DEVELOPMENTS

C814-75-005 Walter W. Fondren: Int. "A" Residence, Interim "1st" H & A to 662
Rear of 5207-5711 East attached single-family dwelling units with
Riverside Drive common open space and recreation area
 called "Towne View"

STAFF REPORT:

The applicant has submitted for Zoning Committee review a revised site plan in compliance with general departmental requirements. This is an application for a Planned Unit Development located at 5207-5711 Riverside Drive. With the exception of a portion of the two streets connecting to Riverside Drive, all of the 83.8-acre tract is outside the city limits. A total of 634 units are proposed for a density of 7.58 units per acre. The unit type schedule shows 506 townhouse units and 128 duplex units proposed with two retail areas and two recreation areas each containing two tennis courts and a swimming pool. The total common open space is 31.67 acres or 37.8 per cent of the gross site area.

The area is served by two public streets from Riverside Drive and one additional internal public loop street. All other streets shown are to be private streets.

Riverside Farms Subdivision which abuts the Planned Unit Development to the west is the only developed property adjoining this project and is developed with large acreage lots.

The new City of Austin fire station is located at the intersection of proposed Towne View Drive and Riverside Drive.

Since a portion of the tract is within the Austin city limits, review by the City Council is required on that portion within the city limits.

C814-75-005 Walter W. Fondren--Contd.

STAFF RECOMMENDATION:

The staff recommends approval of the site plan and preliminary subdivision, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

CITIZEN COMMUNICATION (SOUTH AUSTIN NEIGHBORHOODS EAST)

WRITTEN COMMENT

None

PERSONS APPEARING

Bill Scudder (representing applicant)

COMMITTEE ACTION:

Ms. Mather was of the opinion that the density was too intense. A majority of the members recommended to approve the site plan and preliminary subdivision, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger.

NAY: Ms. Mather

COMMISSION ACTION:

Ms. Mather restated her opinion that the density of this development is too intense for its location on Riverside Drive and that buffering between this P.U.D. and the development behind it is inadequate. Mr. Rindy agreed the density is too intense for the area and would create additional traffic congestion. A majority of the members were in agreement with the Committee's recommendation to approve the request, subject to conditions.

COMMISSION VOTE:

To APPROVE the site plan and preliminary subdivision of Walter W. Fondren for 662 attached single-family dwelling units with common open space and recreation area called "Towne View" on property located at the rear of 5207-5711 East Riverside Drive, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Ramsey

NAY: Mr. Rindy. Ms. Mather

ABSTAIN: Ms. Lewis-McGowan

ABSENT: Mr. Jagger

C814-74-007 Carl Wootten: 124 Attached and Detached Single-family Dwelling
 Lakeshore Drive, Westlake units with common open space and
 Drive and Lake Austin recreation area called "Harbor
 (Colorado River) Village"

STAFF REPORT:

This application for a Planned Unit Development was considered by the Planning Commission on July 8, 1975, and was postponed indefinitely to allow the applicant to meet certain departmental requirements.

The site is located partially within the Austin city limits, (504.9 contour line). The balance of the tract is in Travis County. The western portion of the site is bounded by undeveloped land while the eastern portion which fronts on West Lake Drive, abuts large single-family lots on the north and south with multi-family and commercial uses and zoning to the east. The plan presented at this time has been revised to move the structures further back from the draws.

Land use breakdown shows 86 two-story condominium units proposed, 8 single-family attached units and 31 detached single-family units for a total of 125 units. The unit density is 5.87 units per acre with approximately 52 per cent of the area in common open space and 14 per cent of the area in private open space. The area is to be served by the extension of Lakeshore Drive, a public street. The balance of the streets are to be private streets.

Since a portion of the tract is within the Austin city limits, review by the City Council is required on that portion within the city limits.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Mrs. Lela H. Thomas: 2305 Camino Alto

FOR

Mrs. Daniel M. McRae: 2508 West Lake Drive

AGAINST

PERSONS APPEARING

Steve Harris (representing applicant)

S. A. Garza (representing applicant)

Hennritta Jackobsen (Westlake Zoning Committee)

AGAINST

Mrs. Richard N. Goeth: 3707 Westlake Drive

AGAINST

Barbara Polkinghorn (Now or Never)

AGAINST

Craig Wallace: 2503 Westlake Drive

AGAINST

Mr. & Mrs. Charles Cleland: 3427 Monte Vista

AGAINST

COMMITTEE ACTION:

Ms. Mather was of the opinion that the sewer line capacity and the uncertainty of the West Lake Drive development were matters of concern although the present plans are an improvement over those first submitted. For this reason she stated she would abstain from voting. All members expressed some concern regarding the Lake Austin Development Plan which is before the Council and there was discussion as to how this would affect the decision. Mr. Guerrero was of the opinion that the applicant had diligently tried to comply with all requirements by the various departments concerning this

C814-74-007 Carl Wootten--Contd.

development. A majority of the members recommended to approve the site plan and preliminary subdivision, subject to compliance with departmental requirements as on file with the City of Austin Planning Department and the four safeguards submitted by Barbara Polkinghorn, representative of Now or Never.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger
ABSTAIN: Ms. Mather

COMMISSION ACTION:

Mr. Bobbitt read the Committee's recommendation to approve the request, subject to conditions. Ms. Mather stated that the quality of the subdivision is very good and the open space ratio is more than 50 per cent; however, the sewer line is reaching its capacity and Westlake Drive cannot handle additional traffic. Mr. Rindy was of the opinion that this development is in an area that may impose a hazard to the quality of the water. He made a substitute motion to postpone action on the case, pending completion of the Lake Austin Development Plan and policy by City Council. Ms. Lewis-McGowan seconded the motion. Mr. Bobbitt was of the opinion that this case posed no real threat because there are not that many cases pending in the area. Mr. Everett pointed out that this development has been in process for over a year. Mr. Hetherly was of the opinion that approving this P.U.D. would not speed up development on Lake Austin and that this applicant has made every effort to meet the requirements requested. The substitute motion failed 2-5 with one abstention. The vote was then taken on the original motion to approve the request, subject to conditions.

COMMISSION VOTE:

To APPROVE the special permit and preliminary subdivision of Carl Wooten for 124 attached and detached single-family dwelling units with common open space and recreation area called "Harbor Village" on property located on Lakeshore Drive, Westlake Drive and Lake Austin, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Ramsey
NAY: Mr. Rindy
ABSTAIN: Mmes. Lewis-McGowan and Mather
ABSENT: Mr. Jagger

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

C814-73-010 Austex Development Company, Ltd.--Contd.

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 special permit and preliminary subdivision of Austex Development Company, Ltd. for 118 attached single-family dwelling units with common open space and recreation area called "Cinnamon Hollow", a revised planned unit development, on property located at Buffalo Pass, Stassney Lane and Westgate Boulevard, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

SPECIAL PERMITS

C14p-73-041 Ginther-Davis Interests: A Request for a One-year Extension on
1124 Rutland Drive, also approved special permit for 200
bounded by Mearns Meadow apartment units called, "Cross
Boulevard Creek Apartments"

STAFF REPORT:

This is a request by Ginther-Davis Interests and the Cross Creek Properties to grant a one-year extension to an approved special permit which will expire on October 9, 1975, if construction has not started by that date.

The staff has reviewed the request in relation to current requirements and recommends a one-year extension of the special permit approval be granted, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

.Will Garwood (representing applicant)

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation that a one-year extension be approved, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

C14p-73-041 Ginther-Davis Interests--Contd.

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 Ginther-Davis Interests for a one-year extension on a previously approved special permit for 200 apartment units called "Cross Creek Apartments" on property located at 1124 Rutland Drive, also bounded by Mearns Meadow Boulevard.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C14p-75-014 Growth Corporation and Laura Burns: A Shopping Center Complex
3401-3443 Greystone Drive with indoor tennis courts called,
"Greystone Mall"

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 to request approval of a revision to a previously approved special permit. The applicant is proposing to replace the proposed retail uses on the western half of the property with a private indoor tennis facility or club consisting of five tennis courts and a pro-shop.

STAFF RECOMMENDATION:

The proposed change results in a less intensive use of the property and the staff recommends approval of this request, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

CITIZEN COMMUNICATION (NORTHWEST AUSTIN CIVIC ASSOCIATION)

WRITTEN COMMENT

Jacquelyn Worden: 3505 Greystone Drive

AGAINST

Mrs. Agnes Long: 7406 Shadow Hill

PERSONS APPEARING

John Burns (applicant)

Laura Burns (applicant)

COMMITTEE ACTION:

Ms. Mather expressed concern over the closeness of the buildings to adjacent existing buildings. A majority of the members recommended that the request be approved, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

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

ABSTAIN: Mr. Jagger

C14p-75-014 Growth Corporation and Laura Burns--Contd.

COMMISSION ACTION:

Mr. Bobbitt read the Committee's recommendation to approve the request, subject to conditions, and members were in agreement with their recommendation.

COMMISSION VOTE:

To APPROVE the request of Growth Corporation and Laura Burns for a special permit for the construction of a shopping center complex with indoor tennis courts called "Greystone Mall" on property located at 3401-3443 Greystone Drive, 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. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

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-75-036 First United Pentecostal Church: A Day Care Center for 150 Children
1504 East 51st Street called, "True Story Day Care Center
and Kindergarten"

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 facility in the First United Pentecostal Church at 1504 East 51st Street. All property shown on the site plan is owned by the applicant and is a part of the total 9.09 acres owned at this location. Day care operations will occupy the shaded areas shown on the site plan. Adequate off-street loading and unloading areas are provided for the children.

STAFF RECOMMENDATION:

The staff recommends approval of this request, 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

PERSONS APPEARING

Garron L. Burgett (representing applicant)

C14p-75-036 First United Pentecostal Church--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation to approve this request, subject to compliance with departmental requirements.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. 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 APPROVE the request of First United Pentecostal Church for a special permit for a day care center for 150 children called "True Story Day Care Center and Kindergarten" on property located at 1504 East 51st 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. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

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-75-037 PGV Investments, Ltd.: A Marimont Cafeterial With 282 Patron Seats
Bounded by West 38th Street,
Ronson Street and West 37th 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 for a special permit to allow a cafeteria at 615 West 38th Street. The use is allowed in "O" Office District, subject to special permit approval. Access to the site is from West 38th Street and West 37th Street. No access is proposed from Ronson Street to the west. The project was designed to save the maximum number of trees as shown on the site plan. The staff feels this is an example of a well-planned application that minimizes the impact of a local retail use on the area.

C14p-75-037 PGV Investments, Ltd.--Contd.

STAFF RECOMMENDATION:

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

CITIZEN COMMUNICATION (NORTH UNIVERSITY NEIGHBORHOODS ASSN.)
(AUSTIN HERITAGE NEIGHBORHOOD ASSN.)

WRITTEN COMMENT

R. C. Preece: 3702 Ronson Street	FOR
Mrs. Ester Mills: 3708 Ronson Street	FOR
Mrs. Waltene M. Kretschmar: Rt. #, Box 148, Leander	FOR
Mrs. Elizabeth Kinney: 1512 Mohle Drive	FOR
E. J. Bomer: 1402 Nueces	FOR

PERSONS APPEARING

J. W. Howeth (representing applicant)	
Ray McClure (representing applicant)	
Forest Pearson	AGAINST
Stroud Kelley (North University Neighborhoods Assn.)	AGAINST

COMMITTEE ACTION:

The staff pointed out that Urban Transportation, Public Works and Engineering Departments have changed their 30-foot driveway requirement to 25 feet. Mr. Everett was of the opinion that the traffic situation would be helped by future widening of 38th Street and that it would be best to leave the decision of two-way traffic on 37th Street up to the applicant. Mr. Jagger was of the opinion that this development would encourage the more desirable office-type development rather than other disadvantageous development. The members were in unanimous agreement to approve the special permit, subject to compliance with departmental requirements as on file with the City of Austin Planning Department and to allow the applicant to provide additional parking spaces subject to approval by the staff, and requiring that no additional trees be cut.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

COMMISSION ACTION:

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

C14p-75-037 PGV Investments, Ltd.--Contd.

COMMISSION VOTE:

To APPROVE the request of PGV Investments, Ltd. for a special permit for the construction of a Marimont Cafeteria with 282 patron seats on property bounded by West 38th Street, Ronson Street and West 37th Street, subject to compliance with departmental requirements as on file with the City of Austin Planning Department and allowing the applicant to provide additional parking spaces subject to approval by the staff and also requiring that no additional trees be cut, and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

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-75-038 Edward R. Rathgeber, Jr. & Dr. Ed Petrus: Medical and Dental Offices
William Cannon Drive and called, "Cannon Professional Park"
Emerald Forest Drive

STAFF REPORT:

This application has been filed as required under Section 45-17, Sub-Section (h), Paragraph (10), 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 clinic as required in "A" Residence District. Specific ordinance requirements are that the site shall have not less than five acres and the principal buildings must be not closer than 100 feet to the front property line and fifty feet to the side and rear property line. A pharmacy and dispensing optician's office are proposed within the structure labelled "pharmacy". These uses require "O" Office zoning which, according to the applicant will be applied for by the next application deadline on September 3, 1975.

STAFF RECOMMENDATION:

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

CITIZEN COMMUNICATION (FAR SOUTH AUSTIN COMMUNITY ASSOCIATION)

WRITTEN COMMENT

Far South Austin Community Assoc. (Martha Simmons, Chairperson) FOR

PERSONS APPEARING

Dick Rathgeber, Jr. (applicant)

Martha Simmons (Far South Austin Community Association) FOR

C14p-75-038 Edward R. Rathgeber, Jr. & Dr. Ed Petrus--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation to approve this request, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. 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 APPROVE the request of Edward R. Rathgeber, Jr. and Dr. Ed Petrus for a special permit for the construction of medical and dental offices called "Cannon Professional Park" on property located at William Cannon Drive and Emerald Forest Drive, 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. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

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-75-039 W. Hugh Looney, III: Residential Home Care for Children from
4100 Avenue D broken homes

STAFF REPORT:

This application has been filed as required under Section 45-17, Sub-Section (h), Paragraph (7), 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 an eleemosynary institution at 4100 Avenue D. The use proposed is a residential care home for young people assigned and administered by the Texas Youth Council. A maximum of 14 children ranging in ages from 15 to 18 years will live at this location and be supervised by from two to five staff members who will be present 24 hours a day. The Welfare Department will be required to monitor the operation through certain review and inspections if this application is granted. The applicant proposes to restore the house and does not propose any changes that would indicate that this structure is anything other than a residence.

C14p-75-039 W. Hugh Looney, III--Contd.

STAFF RECOMMENDATION:

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

CITIZEN COMMUNICATION (HYDE PARK NEIGHBORHOOD ASSOCIATION)

WRITTEN COMMENT

Mrs. L. F. Hooker: 4002 Avenue D	FOR
Mrs. James Warren: 4100 Speedway	AGAINST
Mrs. H. M. Lindsey: 200 West 40th Street	AGAINST
Joanne Aldredge: 4109 Avenue C	AGAINST
Ronald Heald: 4109 Avenue C	AGAINST
Mr. & Mrs. G. M. Vaughan: 4111 Avenue C	AGAINST
Mrs. Alma Daherty: 4105 Avenue C	AGAINST
Mrs. Tom Wohleb: 4006 Avenue C	AGAINST
Mrs. Neely M. Hazelwood: 4012 Avenue D	AGAINST
Mrs. K. L. Ware: 4113 Avenue D	AGAINST
Mr. & Mrs. M. S. Griffith: 112 West 41st Street	AGAINST
Mrs. Zilphia Darus: 4013 Avenue D	AGAINST
Ray Bonham: 108 West 41st Street	AGAINST
Mrs. Bertha L. Hutson: 4108 Avenue C	AGAINST
Mr. & Mrs. Joe J. Joseph: 4112 Speedway	AGAINST
Dr. Walter Meyer: 409 West 30th Street	AGAINST
Mrs. James Warren: 4100 Speedway	AGAINST
Mary Baker: 305 West 42nd Street	AGAINST
Mr. & Mrs. Leroy Peterson: 4110-4112 Avenue D	AGAINST
Mrs. W. O. Whitley: 4001 Avenue C	AGAINST
Mrs. Valeskit Dertli: 4005 Avenue C	AGAINST
Mr. & Mrs. R. L. Houston: Rt. 3, Box 2023, Leander	AGAINST
Christ's Mission Community Church: 4115 Avenue D	AGAINST
Mr. & Mrs. Thomas M. Suchs: 4108 Avenue D	AGAINST
Mr. & Mrs. Ira H. Houston: 4110 Speedway	AGAINST
Walter W. Bahn, Rt. 1, Elgin	AGAINST
Mr. & Mrs. A. E. Martin: 4107 Avenue C	AGAINST
Estelle Rolf: 4108 Speedway	AGAINST
J. Monroe Davis: 213 West 41st Street	AGAINST
Mr. & Mrs. O. W. Teinert: 4007 Avenue D	AGAINST
Mearl D. Hale: 4106 Avenue D	AGAINST
Mrs. Carrie Lee Wyman: 4004 Avenue D	AGAINST
B. J. Woody: 4010 Avenue C	AGAINST
George Nalle: 4014 Avenue D	AGAINST
R. L. Allen: 4009 Avenue D	AGAINST
W. N. Buck: 4101 Avenue C	AGAINST
Mr. & Mrs. L. L. Myers: 4008 Avenue D	AGAINST
Joe R. Long: 3926 Balcones	AGAINST
Owen M. & Helen T. Russell: 4103 Avenue D	AGAINST
Troy Harrell: 4111 Avenue D	AGAINST
Mrs. Homer Wieland: 4104 Speedway	AGAINST

C14p-75-039 W. Hugh Looney, III--Contd.

Mr. & Mrs. B. J. Woody: 3506 Interregional	AGAINST
Max W. Schlegel: 4105 Avenue D	AGAINST
Petition bearing 53 names	AGAINST
PERSONS APPEARING	
W. Hugh Looney, III (applicant)	
Dr. Pindar (Texas Youth Council)	FOR.
Tom Billings	FOR
Jim Karhan	FOR
Rev. Merle Franke	FOR
Tom Zelenka (Hyde Park Neighborhood Association)	FOR
Neil Hayes: 4011 Avenue D	FOR
Fran Norman	FOR
Tom Seas: 4108 Avenue D	AGAINST
Robert King (representing O. M. Russell)	AGAINST
W. P. McMain: 4105 Avenue B	AGAINST
Karen King	AGAINST
Thomas Suchs: 4108 Avenue D	AGAINST
Mrs. Otto W. Teinert: 4007 Avenue D	AGAINST
O. W. Teinert: 4007 Avenue D	AGAINST
Dawn M. Brooks: 4009 Avenue D	AGAINST
Betty Jo Peterson: 4110-4112 Avenue D	AGAINST
Sharon L. Allen: 4009 Avenue D	AGAINST
Estelle Rolf	AGAINST
Mrs. Pinkney Pruett: 4205 Avenue D	AGAINST
Ziephia Darus: 4013 Avenue D	AGAINST
Bernice Clifton: 4014 Avenue G	AGAINST
Mr. & Mrs. Ray Bonham: 108 West 41st Street	AGAINST
Mr. & Mrs. M. S. Griffith: 111 West 41st Street	AGAINST
Mrs. Neely M. Hazlewood: 4012 Avenue D	AGAINST
Mrs. H. M. Lindsey: 200 West 40th Street	AGAINST
Mrs. Lena Clifton: 4014 Avenue G	AGAINST
Mrs. W. P. McMain: 4105 Avenue B	AGAINST
W. P. McMain: 4105 Avenue B	AGAINST
Mr. & Mrs. Ira Houston: 4110 Speedway	AGAINST
Mr. & Mrs. Max Schlegel: 4105 Avenue D	AGAINST

COMMITTEE ACTION:

A petition bearing 53 names was presented to the Committee opposing the request. Ms. Mather was of the opinion that "B" Residence zoning would be a greater threat to the neighborhood than the present request. Mr. Guerrero expressed concern about the effects on the elderly in the neighborhood and the youth represented by the request. Messrs. Bobbitt, Everett and Jagger felt the program to be a good one and to be appropriate for any neighborhood. Mr. Everett recommended that the request be approved, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

C14p-75-039 W. Hugh Looney, III--Contd.

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 W. Hugh Looney, III, for a special permit to provide residential home care for children from broken homes on property located at 4100 Avenue D, 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. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

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-75-040 Stephen Lee Scott: Paramount Bar with Capacity for 1,200 Persons
713 Congress Avenue

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 to allow the consumption of alcoholic beverages in the Paramount Theater located at 713 Congress Avenue. The applicant proposes to have a portable bar which will be set up on the balcony to serve alcoholic beverages during live performances only. He proposes this service would not be available during the showing of movies. The existing theater seating capacity of 1,200 persons is not to be changed. This proposal would allow patrons to take the beverages to their seats at these proposed times.

STAFF RECOMMENDATION:

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

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

Harry Pruett
George S. Nalle: 1003 Rio Grande Street

FOR
FOR

Cl4p-75-040 Stephen Lee Scott--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation to approve the request, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. 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 APPROVE the request of Stephen Lee Scott for a special permit to serve alcoholic beverages to theater patrons in the Paramount Bar with seating capacity for 1,200 persons, on property located at 713 Congress Avenue, 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. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
 Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

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-75-041 Hansel & Gretel, Inc.: A Lounge with a Maximum of 100 Seats
6503 Airport Boulevard

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 special permit to allow a lounge with a maximum seating capacity of 100 seats. The lounge would occupy the existing Hansel & Gretel restaurant. Existing uses on the "C"-zoned property at present include Sage Department Store, Sage Nursery and a service station in addition to Hansel & Gretel restaurant.

STAFF RECOMMENDATION:

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

C14p-75-041 Hansel & Gretel, Inc.--Contd.

CITIZEN COMMUNICATION (NO FORMAL NEIGHBORHOOD GROUP)

WRITTEN COMMENT

None

PERSONS APPEARING

Peter von Wupperfield (representing applicant)

COMMITTEE ACTION:

Members reviewed the information in conjunction with a request for a zoning change. The staff pointed out that there was some confusion on their part due to the fact that the applicant's name is Ed Brown and the owner's name is Edwin Brown. The day of the hearing the staff received a letter from the attorney for Edwin Brown, indicating that Mr. Brown, the owner, was not in favor of the zoning change and special permit application being processed. The staff pointed out that it is the policy of the Planning Commission and City Council to not process a zoning change or special permit unless the owner of the property signs the application or submits a letter of authorization. In regard to this policy, the members recommended to continue the hearing to the full Planning Commission to allow the applicant and owner time to resolve their differences.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

COMMISSION ACTION:

The applicant's representative reported that contact had not been made with the property owner. Members were in agreement to postpone this case for 30 days, pending receipt of a letter from the property owner indicating his desire to have this property rezoned.

COMMISSION VOTE:

To POSTPONE for 30 days the request of Hansel and Gretel, Inc. for a special permit for a lounge with a maximum of 100 seats on property located at 6503 Airport Boulevard.

AYE: Messrs. Hetherly, Bobbitt, Everett, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

NAY: Mr. Guerrero

ABSENT: Mr. Jagger

C14p-75-042 Middle Earth Foundation: Temporary Housing for Runaway Young People
1107 Concordia Avenue and
3416 Robinson Avenue

STAFF REPORT:

This application has been filed as required under Section 45-17, Sub-Section (h), Paragraph (7), 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 an eleemosynary institution at the southwest corner of Robinson Avenue and Concordia Avenue. The applicant, Middle Earth Foundation, proposes to provide temporary housing for a maximum of 16 runaway children. Two permanent house parents will reside in the house. The length of stay of the children will vary depending upon how quickly the children can be returned home or moved to the proper authority. The applicant has prepared an information packet relative to the Department of HEW compliance, description of services, staffing requirements, proposed programs, etc.

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

John M. & Vesta V. Adams: 3412 Robinson Avenue	AGAINST
G. W. Lenz: 5705 Shoal Creek Boulevard	AGAINST
Mrs. Martha C. Koucurek: 3406 Robinson Avenue	AGAINST
J. Monroe Davis: 3404 Robinson Avenue	AGAINST
Bart Couch: 3408 Hollywood Avenue	AGAINST
Mrs. Lydia Jaecks: 3492 Hollywood Avenue	AGAINST
R. J. Vickers: 3409 Robinson Avenue	AGAINST
Petition bearing 50 names	

PERSONS APPEARING

Jane Bell (representing applicant)	
Janet Sandidge (representing applicant)	
Larry Waterhouse (representing applicant)	
J. W. Howeth	FOR
Ernie Grimes	FOR
Bruce Mirroff	FOR
Janis Love	FOR
Carol Oppenheimer	FOR
Harriett Sunsang	FOR
Sue Doughty	FOR
Dave Shrunk	FOR
Roy Easton	FOR
Brady Arbuckle	AGAINST
Bernice Hightower	AGAINST
Mrs. T. F. Haisler	AGAINST
R. L. Roberts	AGAINST

C14p-75-042 Middle Earth Foundation--Contd.

John M. Adams: 3412 Robinson Avenue
E. Wilkenson: 3403 Robinson Avenue
Elizabeth Vickers

AGAINST
AGAINST
AGAINST

COMMITTEE ACTION:

Ms. Mather was of the opinion that the question was not about the program, but rather whether or not the facility should be located in a residential neighborhood. Mr. Jagger opened discussion concerning the applicant's efforts to contact surrounding property owners and their efforts to explain the request to them. Messrs. Bobbitt and Everett expressed their concern over the lack of effort on the part of the applicant to talk with the neighborhood residents and convince them of the program's advantages to the neighborhood. The members urged the applicant to contact the residents and to report back to the full Planning Commission. Mr. Jagger was of the opinion that the request was not a negative intrusion into the neighborhood since the property abuts "C" Commercial areas. Mr. Guerrero also pointed out the "C" Commercial abutting the property and the fact that this request was very similar to the earlier request for a home for delinquent children. Members were in agreement to continue the hearing for one week to the Planning Commission to allow the applicant time to meet with neighborhood residents and prepare a report for the Commission.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. Ms. Mather

COMMISSION ACTION:

Ms. Jane Bell, representing the applicant, submitted a letter and report (on file with the City of Austin Planning Department) pertaining to their contact with the area residents. In answer to Mr. Bobbitt's question regarding the 30-day time for children to be retained at the center, the applicant stated that 30 days would be the maximum time which would allow for any delays such as making appointments with the various agencies for counseling or other delays. She pointed out that most of the children would only stay from four to six days. In answer to Ms. Mather's question regarding the existing four-plex in "A" Residence, the staff pointed out that it is a non-conforming use and cannot revert back to a higher use in the event this use is discontinued. Mr. Everett stated he was favorably impressed with the additional information presented and that it had answered most of his questions regarding the operation. He recommended that the request be approved, subject to compliance with departmental requirements. Ms. Lewis-McGowan stated she understood the feelings of the residents in wanting to preserve the neighborhood. She pointed out that the neighborhood is changing and that 26th Street is planned to be made a freeway through that neighborhood. She was of the opinion that since there is to be no structural change to the house and with the close review by the various agencies, approval of this request would not be detrimental to the neighborhood. Mr. Hetherly stated he would vote for the request and would use this case as an example for considering future cases of this nature.

C14p-75-042 Middle Earth Foundation--Contd.

COMMISSION VOTE:

To APPROVE the request of Middle Earth Foundation for a special permit for temporary housing for runaway young people on property located at 1107 Concordia Avenue and 3416 Robinson Avenue, 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. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather
ABSENT: Mr. Jagger

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-73-057 Tom F. Marsh: Expansion of the Existing Northwest Hills Pet Clinic
3428 Greystone Drive

STAFF REPORT:

This application has been filed as required under Section 45-22, Sub-Section (v), 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 amend a previously approved special permit for a veterinarian clinic located at 3428 Greystone Drive. The existing special permit was approved on January 8, 1974 for an 18 x 50-foot area within the small convenience center at this address. This applicant is now requesting that the existing special permit be amended to allow the expansion of this use into the adjoining 18'-8" x 50' area as shown on the site plan.

STAFF RECOMMENDATION:

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

CITIZEN COMMUNICATION (NORTHWEST AUSTIN CIVIC ASSOCIATION)

WRITTEN COMMENTS

None

PERSONS APPEARING

Dale Hill (representing applicant)

C14p-73-057 Tom F. Marsh--Contd.

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement with the staff's recommendation to approve the request, subject to compliance with departmental requirements as on file with the City of Austin Planning Department.

AYE: Messrs. Bobbitt, Everett, Guerrero and Jagger. 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 APPROVE the request of Tom F. Marsh for a special permit to expand the existing Northwest Hills Pet Clinic on property located at 3428 Greystone Drive, 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. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
 Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

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-75-014 Vacate a Portion of West 9th Street, South R.O.W.
 at West 9th Street and adjacent to Lot 1, Hooper's
 Resub. of part of Blk. 104

This is a request by Thomas W. Murray and Anne F. Murray to vacate a portion of West 9th Street, south r.o.w. at West 9th Street and adjacent to Lot 1, Hooper's Resubdivision of Part of Block 105. The existing house and garage are situated within the r.o.w. The garage could be moved or torn down but the house cannot be moved. The City has a process in which the applicant can obtain use of the r.o.w. for a period of time by a license agreement. Public Works Department recommends approval of the vacation, subject to a deed from the property owner to the City for that portion of the street vacated if the building is ever moved. The staff pointed out that r.o.w. is adequate and they recommend that the Commission consider the proposal of deed restriction.

C10v-75-014 Street Vacation--Contd.

CITIZEN COMMUNICATION

PERSONS APPEARING

Harry Vine (representing applicant)

COMMISSION ACTION:

The applicant's attorney stated he was not agreeable to the licensing agreement but would be willing to provide a deed restriction on the r.o.w. Ms. Mather recommended that the request be approved, subject to a deed from the owner. Mr. Bobbitt seconded the motion.

COMMISSION VOTE:

To APPROVE the request of Thomas W. Murray and Anne F. Murray to vacate a portion of West 9th Street, south r.o.w. at West 9th Street and adjacent to Lot 1, Hooper's Resub. of part of Block 104, subject to a deed from the owner providing that the r.o.w. will revert back to the City in the event the structure is removed.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C2o-75-007 Ordinance

Public hearing to consider an amendment to Section 45-29 (b) (1) of the Zoning Ordinance regarding notice on Special Permit appeals.

Mr. Lillie reported that the present ordinance does not provide that notices be sent to adjoining property owners in the case of an appeal of a special permit to City Council. He stated that this was called to the staff's attention by Councilwoman Himmelblau when a special permit that received a great deal of opposition was appealed to City Council with no opposition appearing. This proposed amendment would provide for notification of those property owners within 200 feet of the area in question. The staff recommends approval of the proposed amendment.

COMMISSION ACTION:

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

C2o-75-007 Ordinance--Contd.

COMMISSION VOTE:

To APPROVE an amendment to Section 45-29 (b) (1) of the Zoning Ordinance to provide for notification of property owners within 200 feet following appeals of special permits to the City Council.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C2o-75-009 Ordinance

Public hearing to consider an amendment to Section 45-1 and Section 45-16.1 of the Zoning Ordinance concerning limiting dogs and cats per household.

Mr. Hetherly announced that the purpose of this hearing is to gather input, both pro and con, on the proposed pet ordinance. He stated that the Commission would take no action at this time.

Mr. Lillie stated that several weeks ago the City Council requested that the Planning Commission review the possibility of amending current ordinances in effect for the purpose of establishing a limit to the number of dogs and cats which may be kept in a house. The request was made after the Council heard an appeal from a citizen who had a problem with noise and odor caused by more than a dozen dogs next door. He stated that the staff contacted several cities in the state and have found that a number of Texas cities have enacted ordinances restricting the number of domestic pets which may be kept in residential areas in the city. All of these regulations addressed the quantity of dogs and some included other animals. The control of the quantity of household pets is generally handled by placing provisions in the zoning ordinance which deals with land uses and the health ordinance which deals with public health protection. In addition to the noise and odor nuisances which may accompany concentrations of animals, there are also health hazards which can occur from improper care of animals. Some animals, such as cats, are difficult to restrain and consequently, uncontrolled breeding takes place. The offsprings are often uncared for, and ill health and disease are common results. Although an ordinance restricting the number of cats or other animals which can be kept in a residence will not stop uncontrolled breeding, it will help to control the magnitude of the problem. From the survey of Texas cities, a reasonable maximum number of dogs which should be permitted in any residence without creating a nuisance appears to be three or four, not including puppies too young to be weaned. Further, greater numbers of dogs at any one location have been defined as a kennel by the regulations of various cities. The city of Arlington survey spoke directly of cats in the kennel definition. Texarkana and Arlington regulations speak broadly of household or domestic animals in their definition. A unique provision in the Texarkana ordinance defines a private kennel as "the keeping

C2o-75-009 Ordinance

of five or more domestic animals not for pay or for sale". This use is allowed in residential areas by special permit and licensing by the city which involves yearly inspections for healthy and disease-free animals. This provision allows for a certain flexibility in that if a neighborhood does not object, the Planning Commission could approve a larger number of animals than four for a residential property. Austin presently has no licensing for kennels.

Mr. Lillie stated that after the Planning Department reviewed these other ordinances, they have suggested that a maximum of four dogs or cats over the age of 12 weeks is a reasonable quantity to be permitted in residential areas. The age provision will allow for occasional breeding and adequate placement time for litters. Five or more animals would fall under a definition of "kennel", requiring a site of not less than ten acres. A variance or special permit might be considered for five or more animals on less than ten acres.

Mr. Lillie then read from Chapter 5 of the Austin City Code dealing with the provisions for Animals and Fowl. He stated that the staff had received correspondence from a number of citizens concerning this ordinance amendment. In general, there was a clear statement to the enforcement of the current ordinance.

In conclusion, new ordinances like the creek ordinance or like this amendment to this ordinance often result when a property owner does something that is unreasonable in the eyes of a neighbor. We should not overreact to these types of problems, but rather provide opportunity for citizens to respond to the general community need, either to enforce current legislation, or if that legislation is inadequate, to consider new legislation to more adequately meet in a reasonable way the public health, safety and general welfare needs of the community.

CITIZEN COMMUNICATION:

WRITTEN COMMENT

Virginia S. George: 2004 Meadowbrook	FOR
Pat Chambers: 1414 West 51st Street	FOR
Wilda M. Adams: 2909 Clearview	FOR
Patricia Allen White	FOR
Mr. & Mrs. William Collier: 2902 Clearview	FOR
Gilbert & Cora McAllister: 3000 Clearview	FOR
Oscar & Jean Y. Maurer: 2904 Clearview	FOR
Dr. & Mrs. Harold Wise	FOR
Irving & Dorothy Ravel: 1904 Meadowbrook	FOR
Thelma V. Gardner: 2003 Mountain View Road	FOR
Mrs. E. A. Palmer: 2905 Clearview	FOR
Mr. & Mrs. Jack Gerling: 2000 Meadowbrook	FOR
Norman & Patricia Elliott: 2906 Clearview	FOR
Petition bearing 11 names	FOR

C2o-75-009 Ordinance

Petition bearing 204 names	AGAINST
Petition bearing 28 names	AGAINST
Petition bearing 99 names	AGAINST
PERSONS APPEARING	
Pat Chambers	FOR
John Wilson	AGAINST
Tom Autrey	AGAINST
Jim McNabb	AGAINST
Gloria Herring	AGAINST
Mary Ogden	AGAINST
Gayla Davis	AGAINST
Marion White	AGAINST
Norma Amescua: 1411 Fairwood Road	AGAINST
Mrs. Ruth Tyson: 708 Upson Place	AGAINST
Dolly Southwell: 1207 Baylor Street	AGAINST
Carolyn Young: 3406 Monte Vista Drive	AGAINST
Lissa Bengston: 2602 Twin Oaks	AGAINST
Mrs. Wilma Bengston: 2602 Twin Oaks	AGAINST
Harold & Sara Adams: 1903 Bluebonnet Lane	AGAINST
Gloria E. Herring: 6908 Drepel	AGAINST
Shirley Lambert: 4727 Burnet Road	AGAINST
Roland Lindsey: 2505 Glen Springs Way	AGAINST
Tommy and Patti Graham: 2601 Penny Lane #301	AGAINST
Sara Whittington: 5007-A Richmond	AGAINST
Helga Jeffs: 3305 Hackamore	AGAINST
Mylene Warkins: 708 West 22nd Street	AGAINST
Wilda Allan	NO OPINION

CITIZEN TESTIMONY:

Points raised by citizens in opposition to the proposed ordinance included: efforts should be made to enforce the current laws; the proposed ordinance was written by someone who was not an authority on dogs and cats; 12 weeks of age is unrealistic for breeders to place show animals; the proposed ordinance would be a violation of personal rights; would penalize those persons who were not guilty of neglecting their pets; and also, the cost to the City to enforce such an ordinance would be enormous.

COMMISSION ACTION:

Mr. Hetherly stated that a lot of good points had come out of the hearing. Mr. Rindy requested that a report from the City Attorney be presented to the Commission as to the enforcability of the current ordinance and whether or not it is adequate. Mr. Hetherly stated that this item will be discussed again at the next Planning Commission meeting and those citizens who leave their names and addresses will be notified. Ms. Mather suggested that a representative from the various groups be allowed to speak.

C14p-75-013 P & H Enterprises - Southwest Mediplex

1015 William Cannon Drive

Request to amend a previously approved special permit to relocate the service drive closer to the south property line.

This is a request by P & H Enterprises to amend a previously approved special permit to relocate the service drive closer to the south property line. This service drive is now in place and the staff recommends that this request be denied and that some attempt be made to put the land back to conform to the previously approved plan.

CITIZEN COMMUNICATION:

PERSONS APPEARING

Doug Pendergras (representing applicant)

COMMISSION ACTION:

Members reviewed the information presented. Mr. Everett was of the opinion that the applicant's action in relocating the drive was in direct violation of the previously approved special permit and that a number of trees were cut down. In answer to Mr. Rindy's question regarding what assurance the Commission has that the damage will be repaired, Mr. Lillie stated that the Certificate of Occupancy could be withheld until the staff was satisfied that all requirements had been met. Ms. Lewis-McGowan made a motion to deny the request and directed the Planning Department staff to take whatever measures necessary to ensure that all violations of the special permit be corrected before final approval. Ms. Mather seconded the motion.

COMMISSION VOTE:

To DENY the request of P & H Enterprises to amend a previously approved special permit to relocate the service drive of Southwest Mediplex closer to the south property line on property located at 1015 William Cannon Drive, and authorized the Planning Department staff to withhold the Certificate of Occupancy until all damage had been satisfactorily repaired.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.

 Mms. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C2o-75-006 Ordinance

To set a public hearing to amend Section 41-10 of the Subdivision Ordinance. Land suitability clause and Lake Austin interim controls.

This item was removed from the agenda and no discussion or action was taken. Mr. Lillie stated that this item would be placed on the agenda for the September 14, 1975 Planning Commission work session to set a public hearing.

C2o-75-010 Ordinance

To set a public hearing to consider an amendment to Section 45-14.4 and 41-31 (g) of the Zoning Ordinance to provide placement of signs on private property indicating approved zoning change.

This case was pulled from the agenda and no discussion or action was taken. Mr. Lillie stated that additional work with the Building Inspection Department needed to be done on this ordinance amendment and that it would be placed on the October agenda to set a public hearing.

C2o-75-011 Ordinance

To set a public hearing to consider an amendment to Section 45-29 (e) of the Zoning Ordinance to provide that the City Council may upon the recommendation of the Planning Commission grant a one-year extension of a Special Permit after hearing by the Planning Commission.

Mr. Lillie stated that the present ordinance provides that the Planning Commission may grant a one-year extension of a special permit. The City Council has asked that the approval of such a one-year extension be placed with the Council rather than the Planning Commission. This case is on the agenda tonight to set a public hearing to consider this amendment.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement to set a public hearing for the October Planning Commission meeting.

COMMISSION VOTE:

To SET A PUBLIC HEARING for October 14, 1975 to consider an amendment to Section 45-29 (e) of the Zoning Ordinance to provide that the City Council may upon the recommendation of the Planning Commission grant a one-year extension of a special permit after hearing by the Planning Commission.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.
 Mmes. Lewis-McGowan and Mather

ABSENT: Mr. Jagger

C2-75-001 Master Plan

Master Plan progress report.

This item was removed from the agenda and no discussion or action was taken. Mr. Lillie stated that this item would be placed on the agenda for the September 14, 1975 Planning Commission work session.

R140 Planning Commission
Elect Assistant Secretary

The floor was opened for nominations for Assistant Secretary. George Ramsey, III was nominated by Mr. Bobbitt and elected by the Commission.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Rindy.
 Mmes. Lewis-McGowan and Mather
ABSTAIN: Mr. Ramsey
ABSENT: Mr. Jagger

C1-75 Minutes

The Commission then

VOTED: To APPROVE the March 11, 1975 Planning Commission minutes

SUBDIVISIONS

C8-75-22 Oakside Valley
Walsh Tarlton Lane and Koel Drive.
Preliminary plan referred from August 26, 1975
Planning Commission meeting.

This subdivision, which was referred from the August 26th Planning Commission meeting, is the single-family portion of a 400-acre conceptual plan approved by the Planning Commission last year. This revised plat will extend Koel Drive easterly to the proposed park area with the cul-de-sac at the intersection with Matin Court. The applicant has now agreed to pull back Lots 10-23, Block A, to what was originally proposed and approved by the Commission as a park or greenbelt. The extension of Koel Drive cul-de-sac was discussed with the owners who were not in agreement with such proposal because negotiations are currently under way with PARD to accept the park for public purposes. The primary purpose of such cul-de-sac was to provide access to the park. If the park is accepted by the City, a small off-street parking lot could be placed inside the park to get the cars off the cul-de-sac. The staff was of the opinion that a problem could arise because there are four lots proposed around the cul-de-sac with need for driveways, plus a street intersection (Matin Court). There would be no room for cars to park for persons wishing to use the park unless there were provisions made within the park site. The staff is of the opinion that the extension of Koel Drive as recommended would resolve that problem. Mr. Lillie suggested that this problem can be solved in the future after the City and the developer make a decision on the transfer of the property. Mr. Lillie stated that the Environmental Resource Management Office had recommended that the total park site be included in this plat, but the Planning Department staff is of the opinion

C8-75-22 Oakside Valley--Contd.

that it would be premature to tie the park to this plat until the agreement is reached between the City and the developer.

The staff recommends approval of the revised plan, with or without the recommended extension, subject to compliance with departmental requirements and recommends that the Environmental Resource Management recommendation to plat the total park site be deleted.

COMMISSION ACTION:

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

COMMISSION VOTE:

To APPROVE the following revised preliminary plan, subject to compliance with departmental requirements as on file with the City of Austin Planning Department, deleting the eastern extension of Koel Drive and deleting the recommendation of Environmental Resource Management Department to plat the total park site:

C8-75-22 Oakside Valley
Walsh Tarlton Lane and Koel Drive

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero, Ramsey and Rindy.

 Ms. Mather

ABSENT: Mr. Jagger. Ms. Lewis-McGowan

R105-75 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 now met all departmental requirements. The staff recommends this be approved. The Commission then

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

C814-75-03 Summerwood, Section Two
Summerwood Drive

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Rindy. Ms. Mather

ABSENT: Messrs. Jagger and Ramsey. Ms. Lewis-McGowan

The Commission then

Final Subdivisions--Contd.

VOTED: To GRANT the request to withdraw the following preliminary and final subdivision plat:

C8-71-09 Creekwood
East 51st Street & Creekwood Circle

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Rindy. Ms. Mather
ABSENT: Messrs. Jagger and Ramsey. Ms. Lewis-McGowan

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following short form subdivisions under the Planning Commission Rules and Regulations:

C8s-75-127 Resub. Lots 5, 5A & 6, Blk. Y, N.W. Hills
 Cat Mt. Sec. Amended Plat
 Cat Mountain Drive
C8s-75-130 Warehouse Park Subd., Section Two
 North Lamar Blvd.

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Rindy. Ms. Mather
ABSENT: Messrs. Juarez and Ramsey. Ms. Lewis-McGowan

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:

C8s-75-145 First Resub. Gracywoods, Section One
 Knollpark Circle & Knollpark Drive
C8s-75-146 Sanchez Subdivision
 Holly Street & Waller Street
C8s-75-147 Flournoy's East, Section II
 S. Congress & Wasson Road
C8s-75-148 Carrell Oaks, Sec. 2, Resub., Lots 5-7
 Block "E"
 Echo Lane
C8s-75-149 First Resub. Lots 1-2, Balcones
 Village, Section 7
 Balcones Way
C8s-75-150 Resub. Lots 1 & 2, Lea Subdivision
 Old U. S. 183

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Rindy. Ms. Mather
ABSENT: Messrs. Jagger and Ramsey. Ms. Lewis-McGowan

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 granted a variance on the width of all lots with building setback line as shown on the plat and because of topography:

C8s-75-151 Little Bee Creek Estates
The High Road

AYE: Messrs. Hetherly, Bobbitt, Everett, Guerrero and Rindy. Ms. Mather
ABSENT: Messrs. Jagger and Ramsey. Ms. Lewis-McGowan

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; fiscal arrangements required; granted a variance on street width of Uphill Lane; and granted a variance on the signature requirements of the adjoining owner:

C8s-75-144 Roxie E. Sprouse Subdivision
Uphill Lane

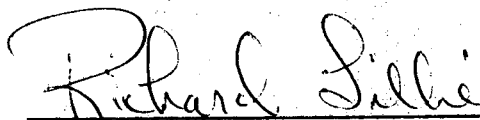
AYE: Messrs. Hetherly, Bobbitt, Everet and Rindy. Ms. Mather
ABSENT: Messrs. Jagger and Ramssey. Ms. Lewis-McGowan

The Commission then

VOTED: To GRANT the request to WITHDRAW the following short form subdivisions:

C8s-75-73 Matthews & Moore Addition
E. 7th Street & Shady Lane
C8s-75-98 Resub. Lot 3, Matthews & Moore Addn.
Shady Lane

The meeting adjourned at 12:30 a.m.


Richard Lillie
Executive Secretary