

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--December 9, 1975

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

Present

O.P. "Bob" Bobbitt, Acting Chairman  
Miguel Guerrero  
Sid Jagger  
Jean Mather\*  
George Ramsey, III  
Dean Rindy

\*Arrived at 8:13 P.M.

Also Present

Richard Lillie, Director of Planning  
Tom C. Knickerbocker, Assistant Director  
of Planning  
Joe S. Ternus, Director of Urban  
Transportation  
Charles Graves, Director of Engineering  
George W. Henry, Traffic Safety Official  
Urban Transportation  
Don Bird, Assistant City Attorney  
Betty Baker, Planning Technician  
Dona Jakubowsky, Administrative Secretary

ZONING

The following zoning changes were considered by the Zoning Committee at the meeting of December 2, 1975.

Present

O.P. "Bob" Bobbitt, Chairman  
George Ramsey, III  
Miguel Guerrero  
Sid Jagger  
Jean Mather

Also Present

Tom C. Knickerbocker, Assistant Director  
of Planning  
Duncan Muir, Planner  
Brian Schuller, Planner  
Dona Jakubowsky, Administrative Secretary

C14-75-076	University of Texas: 701-731 Exposition Boulevard 2611-2703 West 8th Street 700-736 Newman Drive 2624-2710 Lake Austin Boulevard	<u>"A" Residence, 1st H &amp; A to</u> <u>"O" Office, 1st H &amp; A (as amended)</u>
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**STAFF REPORT:**

The staff reported that a request for a postponement for 30 days had been received from the applicant.

**COMMITTEE ACTION:**

Members heard from Mr. Robert Sneed, the applicant's representative, who asked for a postponement of 30 days to allow more time to contact the residents in the area, and agreed to recommend that the case be postponed for 30 days.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, Jagger, and Mrs. 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 POSTPONE FOR 30 DAYS the request of the University of Texas for a zoning change from "A" Residence, 1st H & A to "O" Office, 1st H & A on property located at 701-731 Exposition Boulevard, 2611-2703 West 8th Street, 700-736 Newman Drive, and 2624-2710 Lake Austin Boulevard.

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey, and Rindy; Mrs. Mather

ABSENT: Messrs. Hetherly and Everett; Ms. Lewis-McGowan

C14-75-100	William B. Cotton: 3401 Ed Bluestein Boulevard	<u>"A" Residence, 1st H &amp; A to</u> <u>"DL" Light Industrial, 1st H &amp; A</u>
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**STAFF REPORT:**

The staff reported that a letter requesting a postponement had been received.

**COMMITTEE ACTION:**

Members reviewed a letter from the applicant's representative, Mr. Melvin Ware, that requested a postponement of 30 days to allow more time for the applicant to coordinate his land use with the adjoining tract located south of the subject site. Mr. Bobbitt reminded the other members that this was the third request for a postponement on this application and discussion followed concerning the subject of multiple postponements and if there should be a limit established on the number of postponements that may be granted to one application. Mr. Ramsey moved that the application be denied and Mr. Guerrero seconded that motion. Mr. Jagger felt that the application should not be denied but postponed indefinitely and Mr. Ramsey withdrew his motion.

C14-75-100 William B. Cotton--Contd.

Members were in agreement to recommend that this application be postponed indefinitely and Mr. Bobbitt added that this would be the last postponement on this application.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, and Jagger, Mrs. 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 POSTPONE INDEFINITELY the request of William B. Cotton for a zoning change from "A" Residential, 1st H & A to "DL" Light Industrial, 1st H & A on property located at 3401 Ed Bluestein Boulevard.

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey, and Rindy; Mrs. Mather

ABSENT: Messrs. Hetherly and Everett; Ms. Lewis-McGowan

<u>C14-75-111</u>	<u>Franchise Realty Interstate Corp.:</u>	<u>"GR" General Retail, 1st H &amp; A to</u>
	<u>9422 North Lamar Boulevard</u>	<u>"GR" General Retail, 2nd H &amp; A</u>

**STAFF REPORT:**

Subject tract fronts a major arterial in north Austin, and is one lot removed from an intersection of major arterials. A fast-food restaurant is under construction on this tract. The purpose of the zoning application is to permit the construction of a 60-foot sign to advertise the enterprise.

Fifth and Second Height and Area districts, which permits 60-foot signs have been established on tracts located approximately 300 feet to the south. Structures and signs within those districts do not appear to exceed the height limitation of First Height and Area district, 35 feet. A tall advertising device at subject location is not justified.

Recent Planning Commission and City Council decisions have run contrary to large or tall advertising signs. The primary reason for this is that they tend to magnify unsightly sign competition for the motorist's attention.

**STAFF RECOMMENDATION:**

The staff recommends that Second Height and Area be denied as it would permit uses which would be incompatible with established development in the area and because it is inconsistent with Planning Commission and City Council policy. If a very tall sign were established, intensive sign competition may be stimulated.

**CITIZEN COMMUNICATION****WRITTEN COMMENT**

Autotrowie Systems Inc., Houston, TX

FOR

**PERSONS APPEARING**

Larry Havel (Representing Applicant)

Janet Kriegel (North Austin Civic Association)

AGAINST

Francie Breyfogle (North Austin Civic Assoc.)

AGAINST

C14-75-111 Franchise Realty Interstate Corp.--Contd.

## COMMITTEE ACTION:

Members reviewed the information presented and agreed with the staff recommendation to deny.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, and Jagger; Mrs. 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 Franchise Realty Interstate Corp. for a zoning change from "GR" General Retail, 1st H & A to "GR" General Retail, 2nd H & A on property located at 9422 North Lamar Boulevard be DENIED.

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey, and Rindy; Mrs. Mather

ABSENT: Messrs. Hetherly and Everett; Ms. Lewis-McGowan

C14-75-112 Mary Lou Shirer:  
918 Stobaugh Street

"A" Residence, 1st H & A to  
"C" Commercial, 1st H & A

## STAFF REPORT:

Subject lot fronts a minor residential street in north Austin. It is developed with a single-family residence. Single-family homes face and side subject tract. "C" Commercial zoning and residential use in transition to commercial exists to the north oriented to a major arterial. Vacant "C" Commercial zoning exists to the east. That property was rezoned to permit a unified development oriented to an intersection of major streets.

The Planning Commission has consistently recommended against zoning changes along Stobaugh Street as an intrusion into a low-density neighborhood served by minor streets. A 1972 request for "O" Office on subject tract was not recommended by the Planning Commission and was withdrawn prior to City Council hearing. A previous request for "C" Commercial zoning on subject tract was not recommended and was denied by the City Council.

Conditions have not changed to justify a change in zoning on subject tract. On the contrary, traffic has probably decreased on Stobaugh Street since the opening of the Anderson Lane-Research Boulevard-Lamar Boulevard intersection to the northeast. Stobaugh Street used to provide a short-cut for traffic to avoid the hazardous at-grade intersection of those streets. The new intersection facilitates traffic movement, and it is now impossible to turn from Lamar Boulevard onto Stobaugh Street.

## STAFF RECOMMENDATION:

The staff recommends that any change in zoning be denied as an intrusion into an established neighborhood. Conditions have not changed since the previous zoning cases to warrant a change in zoning.

C14-75-112      Mary Lou Shirer--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

William O. Heine	FOR
Opal Moore	FOR
C.T. Uselton	FOR
L.S. Everett	FOR
Willie Janecka	AGAINST
Kenneth Rogers	AGAINST
Mr. and Mrs. Earl Rogers	AGAINST
H. Glenn Huddleston, San Antonio	AGAINST
C.A. Franklin	AGAINST

PERSONS APPEARING

Phillip Speis (Representing Applicant)

COMMITTEE ACTION:

Members heard from the applicant's representative, Mr. Phillip Speis, who requested a postponement of 30 days. Mr. Bobbitt pointed out that this request was not made 7 days prior to the hearing as required and informed the other members that they could refuse the request. The other members agreed to allow the postponement for 30 days.

AYE:            Messrs. Ramsey, Guerrero, and Jagger; Mrs. Mather  
NAY:            Mr. Bobbitt

COMMISSION ACTION:

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

COMMISSION VOTE:

To POSTPONE FOR 30 DAYS the request of Mary Lou Shirer for a zoning change from "A" Residential, 1st H & A to "C" Commercial, 1st H & A on property located at 918 Stobaugh Street.

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

<u>C14-75-113</u>	<u>Mrs. W.T. Caswell:</u>	<u>"B" Residence, 2nd H &amp; A to</u>
	410 Chicon Street, also	<u>"D" Industrial, 2nd H &amp; A</u>
	bounded by East 4th Street	

STAFF REPORT:

Received request for postponement for 30 days.

COMMITTEE ACTION:

Members reviewed the letter requesting postponement from John C. Miller, dated November 28, 1975 and agreed to recommend that the postponement for 30 days be granted.

AYE:            Messrs. Bobbitt, Ramsey, Guerrero, and Jagger; Mrs. Mather

C14-75-113      Mrs. W.T. Caswell--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 POSTPONE FOR 30 DAYS the request of Mrs. W.T. Caswell for a zoning change from "G" Residence, 2nd H & A to "D" Industrial, 2nd H & A on property located at 410 Chicon Street, also bounded by East 4th Street.

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

<u>C14-75-114</u>	<u>Jack and Lucille Kelly:</u>	<u>"A" Residence, 1st H &amp; A to</u>
	300-302 West 42nd Street	<u>"B" Residence, 2nd H &amp; A</u>
	4200 Avenue C	

## STAFF REPORT:

Subject tract is a small residential lot developed with a single-family residence and lies within a single-family neighborhood in north central Austin. Surrounding land uses are single-family homes.

Until recently, apartment zoning was commonly granted within this neighborhood because it was considered a deteriorated neighborhood within which multi-family structures to house the expanding enrollment of the University of Texas could be placed.

Present Planning Commission and City Council policy reflects an attempt to preserve and enhance the traditional character of this older neighborhood. The Commission did not recommend a similar request for apartment zoning for a lot located two blocks northeast of subject tract at the intersection of Avenue D and West 44th Street. The lot backed to apartment zoning. Another 1974 request for apartment zoning (history #2) was granted on a lot one block west only because it faced a new apartment structure across the street. The latest request to use a large older house as a home for young people from broken homes (history #1) was granted by the City Council with numerous conditions. Among them were an occupancy limitation of 10 youths and a rollback to "A" Residence zoning. Neighborhood opposition to additional apartments in this area has been evident.

## STAFF RECOMMENDATION:

The staff recommends that this case be denied as it is an intrusion into an established single-family neighborhood. This recommendation is consistent with established Planning Commission and City Council policy for this neighborhood.

C14-75-114 Jack and Lucille Kelly--Contd.

## CITIZEN COMMUNICATION (Hyde Park Neighborhood Association)

## WRITTEN COMMENTS

Leroy and Betty Jo Peterson	FOR
Joe R. Long	FOR
Aubrey G. Page	AGAINST
Kenneth H. Higgins	AGAINST
Ronald W. Heald	AGAINST
Joanne L. Ladredge	AGAINST
Mattie Lee Seymour	AGAINST
Merle and Virginia Franke	AGAINST
Lessie C. Fromberg	AGAINST
Karen Jo Vaura	AGAINST
Vivian M. Green	AGAINST
Dorathy Luckey Schuttz	AGAINST
Luckey Bugbee	AGAINST
Tom and Pattie Suehs	AGAINST
Mr. and Mrs. Disney Rich	AGAINST
Mildred L. Cook, M.D.	AGAINST
R.M. Smith	AGAINST
C.D. Hare	AGAINST
PETITION (Residential) 40 names	AGAINST

## PERSONS APPEARING

Lucille Kelly (Applicant)	
Lawrence Kirk	AGAINST
Karen Feiffer	AGAINST
Lowell T. Rogers	AGAINST
Dean Rose	AGAINST
John Kerr (Hyde Park Nieghborhood Assoc.)	AGAINST
Agnes Edwards (Hyde Park Neighborhood Assoc.)	AGAINST
Mrs. Walter Richter	AGAINST

## COMMITTEE ACTION:

Members reviewed the information presented and a petition that was submitted, and heard from the applicant, Mrs. Lucille Kelly. Mrs. Kelly presented photographs of the area showing lot sizes, garage apartments, and neighborhood deterioration. Mr. Merle Frankie, President of the Hyde Park Neighborhood Association, spoke against the zoning change and said that many families were moving into the area and restoring the structures that were there and that if this trend was allowed to continue, Hyde Park could become the show-place of Austin. Mrs. Mather asked if the applicant could withdraw the application before it goes to Council and present a specific plan for a duplex or a triplex which the Commission could review. In response to this, Mr. Ramsey advised that the applicant speak to the Planning staff. Mrs. Mather said that the Commission would rather postpone action on this application than to turn it down. Mr. Jagger explained to the applicant that the reason for this is that there is a period of time that must lapse before an application can be heard again after it has been withdrawn or denied. Mr. Jagger asked about the garage apartments in the area and Mr. Muir responded that these were non-conforming uses that were constructed before the area was zoned. The members were in agreement to recommend that this application be postponed for 60 days to give the applicant time to present a site plan which could be reviewed by both the neighborhood association and the Planning staff.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, Jagger; Mrs. Mather

C14-75-114      Jack and Lucille Kelly--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 POSTPONE FOR 60 DAYS the request of Jack and Lucille Kelly for a zoning change from "A" Residence, 1st H & A to "B" Residence, 2nd H & A on property located at 300-302 West 42nd Street, 4200 Avenue C.

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

C14-75-115      Edward J. Jennings, et al:                      "BB" Residence, 1st H & A to  
Various properties located on Grandview "A" Residence, 1st H & A  
Street, Owen Avenue, West 30 ½, 31st,  
31 ½, 32nd Streets, West Avenue and  
King Street.

## STAFF REPORT:

The owners of 24 homes are requesting a change to "A" Residence with the purpose of trying to maintain the single-family quality of their neighborhood. Subject properties are residential lots developed with single-family or duplex homes located within an established neighborhood in north central Austin. Approximate boundaries of subject neighborhood are the strip-commercial area along Guadalupe Street on the east, mixed office and residential along West 34th Street on the north, the strip commercial district along Lamar Boulevard on the west, and mixed apartment and single-family residential along West 30th Street on the south.

Within this neighborhood, all properties are presently developed with single-family homes, duplexes, and some large, older homes which have been divided into 3 or 4 units, with the exception of an apartment complex at the intersection of West Avenue and West 32nd Street and a small apartment on the south side of West 31st Street between Washington Square and Guadalupe.

Blanket apartment zoning was placed on this neighborhood in 1962 amidst strong, owner opposition. With the two exceptions mentioned, the area maintains its original single-family character. Many large, architecturally significant structures exist within this area, including the Heritage House at 3112 West Avenue.

## STAFF RECOMMENDATION:

The staff recommends that "A" Residence be granted as it conforms to the established usage of subject properties and with the character of the surrounding neighborhood.

This recommendation is consistent with the Planning Commission and City Council policy of preserving established single-family neighborhoods.

## CITIZEN COMMUNICATION (Austin Heritage Neighborhood Association)

## WRITTEN COMMENT

E.J. Mathews	FOR
Dorsey V. & Helen L. Twidwell	FOR
Marguerite S. Harrell	FOR
Mike H. and Louise T. Horvath	FOR
Sam and Virginia Waitten	FOR



C14-75-115 Edward J. Jennings, et al--Contd.

R.J. Bartosh, Attorney	FOR
Sanda Fountain	FOR
Herbert I. Cunningham	FOR
A.P. Brogan	FOR
John B. Howell	FOR
Susanna Franklin	FOR
Mrs. T.G. Steffan	FOR
John C. Mackey	AGAINST
Dow Chapman	AGAINST
Texas General Corporation	AGAINST
Charles Wilson	AGAINST
Beatrice Norwood	AGAINST
Joe Ann Fischer	AGAINST
Carey Legett, Jr.	AGAINST
James P. Richardson	AGAINST
Mrs. W.B. Gregg	AGAINST
PERSONS APPEARING	
Jack Jennings (Representing Applicant)	
Mrs. Leon Dunn	FOR
Robert Jerry	FOR
Mrs. John Felter	AGAINST
Myers Parsons	AGAINST
Mrs. Greig	AGAINST

## COMMITTEE ACTION:

The Committee heard from Mr. Jack Jennings, representing the applicants, who explained that the property owners in the neighborhood were applying for the zoning change and that money from the Austin Heritage Neighborhood Association supported this change. Mr. Jagger asked if each of these applications was signed by the property owner and Mr. Muir, of the staff, said that they were. Members recommended that the request for a zoning change from "BB" Residence, 1st H & A, to "A" Residence, 1st H & A be granted.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, Jagger; Mrs. 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 Edward J. Jennings, et al for a zoning change from "BB" Residence, 1st H & A to "A" Residence, 1st H & A on various properties located on Grandview Street, Owen Avenue, West 30½, 31st, 31½, 32nd Streets, West Avenue and King Street be GRANTED.

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

C14-75-116 Judge J.H. Watson:  
2311 Nueces Street

"B" Residence, Second H & A to  
"GR" General Retail, Second H & A

**STAFF REPORT:**

Subject property is located within a multi-family residential neighborhood west of the University of Texas in central Austin. The tract fronts a one-way major arterial which traverses the neighborhood. Surrounding uses are multi-family residential and attendant parking, excepting the commercial use on the tract to the northeast which is oriented to the intersection of West 24th Street and San Antonio Street.

Parking, as an accessory use to adjacent principal uses, has existed on subject tract. This parking may be continued without a zoning change but to convert to rental parking which is not designated to serve adjacent uses requires the "GR" General Retail district.

**STAFF RECOMMENDATION:**

The staff recommends that "GR" General Retail be denied as a commercial intrusion into a residential neighborhood.

**CITIZEN COMMUNICATION****WRITTEN COMMENTS**

Richard Hardin	FOR
24 Residents of New Guild Co-op House	AGAINST
Thomas R. Stitt (Inter-Cooperative Council)	AGAINST

**PERSONS APPEARING**

Mark Cohen (Representing Applicant)	
Jack Fisk (Representing Applicant)	
Mrs. Eugene P. Schoch, Jr.	AGAINST
Sherry Richneau (Pi Phi Sorority)	AGAINST
Thomas Stitt (Inter-Cooperative Council)	AGAINST
Valerie Hunter (Seneca House)	AGAINST
Susanne Kelly (New Guild Co-op)	AGAINST
Mike McHone (Save University Neighborhoods)	AGAINST
Randy Daly	AGAINST

**COMMITTEE ACTION:**

Members reviewed the information presented. Mr. Jagger asked Mr. Muir if there was some provision for another zoning as all members were concerned about granting "GR" General Retail in that area. Mr. Muir informed him that it could be done under "LR" Local Retail with a special permit. General Jack Fisk, representing the applicant, explained that the intent was to have monthly, weekly, and hourly parking or lease parking, and that the applicant would be willing to restrict the use to parking. Mrs. Mather felt that another parking lot would only add to the decline of the neighborhood, but that she was disturbed that the Building Inspection Department seemed to encourage the applicant to pave the lot. Mr. Ramsey pointed out that if people can't park on this lot they will go deeper into the neighborhood to park. Mr. Jagger said he could not think of another use for the land other than a parking lot. Mrs. Mather thought that it could be used for an apartment and felt that would be a better use. Mr. Jagger thought that another parking lot could be used in the area and that the residents of the area could

Cl4-75-116 Judge J.H. Watson--Contd.

help stop the deterioration of the neighborhood by doing research into the other parking lots to find out if they were zoned for commercial parking. The members agreed to recommend that "GR" General Retail be denied, but that "LR" Local Retail with a special permit and a restrictive covenant limiting the use to a parking lot be granted.

AYE: Messrs. Bobbitt, Ramsey, and Jagger  
NAY: Mr. Guerrero and Mrs. Mather

**COMMISSION ACTION:**

Mr. Ramsey read the Committee Action and Mr. Bobbitt explained that under "GR" zoning no special permit would be required. Mr. Jagger added that if the applicants would change the use, it might be more desirable to the neighborhood and that he was concerned about the covenant. Mr. Ramsey said that the covenant would be binding so long as it met with the approval of the Commission and City Council. The City attorney, Mr. Don Bird, explained that a covenant can be modified by special agreement between the City Council and the owner. Mr. Rindy expressed a reluctance to grant a re-zoning, especially since the zoning might all be changed in the future. Mr. Knickerbocker related that several lots are now accessory uses and that some are illegal uses and added that the Building Inspection Department is working in that area now.

**COMMISSION VOTE:**

Members reviewed the information presented. It was then recommended that the request of Judge J.H. Watson for a zoning change from "B" Residence, 2nd H & A to "GR" General Retail, 2nd H & A be DENIED but that "LR" Local Retail, 2nd H & A, with a special permit and a restrictive covenant limiting the use to a parking lot be GRANTED.\*

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

\*The vote was a tie resulting in no recommendation.

<u>Cl4-75-117</u>	<u>Michael R. Walsh, Trustee:</u>	<u>"A" Residence, First H &amp; A to</u>
	4600-4800 South Interstate Highway 35	<u>"DL" Light Industrial, First H &amp; A</u>
	4601-4615 Weidemar Lane	
	925-1211 Shelby Lane	

**STAFF REPORT:**

Subject tract is bounded by an expressway on the east, an industrial collector street on the north and a substandard industrial collector street on the west within the St. Elmo Industrial District in south Austin. This tract lies within an area which was designated under the Master Plan for manufacturing and related uses prior to annexation. "D" Industrial has been established on tracts to the north and west. "DL" Light Industrial, pending subdivision, has been granted on the tract to the south.

All streets within industrial areas require a minimum of 80 feet of right-of-way under the subdivision ordinance. The present right-of-way of Weidemar Lane to

C14-75-117      Michael R. Walsh, Trustee--Contd.

the west is approximately 40 feet, requiring one-half the additional right-of-way, approximately 20 feet, to increase it to 80 feet.

STAFF RECOMMENDATION:

The staff recommends that "DL" Light Industrial be denied unless the applicant is willing to dedicate approximately 20 feet of additional right-of-way to provide for the expansion of Weidemar Lane to accomodate industrial traffic, in which case the staff would recommend that the case be granted.

Note to applicant: A subdivision may be necessary prior to issuance of a building permit.

CITIZENS COMMUNICATION

WRITTEN COMMENTS

Jas. P. Nash

Austin Metal & Iron Co.

Tom Searcy

FOR

FOR

FOR

PERSONS APPEARING

Michael Walsh (Applicant)

COMMITTEE ACTION:

Members reviewed the information presented and heard from the applicant who stated that he is willing to give the 20 feet of additional right-of-way requested by the staff. Mrs. Mather asked if he had a specific use in mind for the subject tract, and he responded that he did not. All the members were concerned about the kinds of uses that will be developed along I.H. 35 and what kind of view they will present. They all agreed that more set-back should be required along this and other major highways. Mr. Jagger moved that the first 25 feet be zoned Interim "A", with a 60-foot corridor and access points to be determined by the Highway Department. Discussion followed to determine the appropriate method to maintain an attractive view of subject property from south I.H. 35. It was suggested that the front 25 feet be left as open space or landscaping, except for access to the interior of the tract. Mr. Muir pointed out that a 25-foot building set-back from the highway is presently required. He added that the City had no means of enforcing use restrictions put on subdivision plats by the owners. Mr. Muir said that the staff would like a week to gather more information on this case. The Committee agreed to recommend that the case be referred to the full Planning Commission on December 9, 1975.

AYE:          Messrs. Bobbitt, Ramsey, Guerrero, and Jagger; Mrs. Mather

COMMISSION ACTION:

Mr. Lillie reported that prior zoning to the north and south of this tract had already been zoned without a green belt area. The existing ordinance would not allow building in the front 25 feet but that it would allow parking. He also told the Committee that he had spoken to the applicant and that he had indicated that he would be present at the meeting and would have a slide presentation. The applicant's concern, he said, was that if a green belt is require, he will not be able to sell the land. Mrs. Mather stated that motorists are getting an

C14-75-117 Michael R. Walsh, Trustee--Contd.

ugly view from the highway and that she prefers to have a green belt area there. The Commission discussed placing a restriction on a plat prohibiting any use, but Mr. Lillie reminded the members that this land may not have to be subdivided.

## COMMISSION VOTE:

After discussion, the Committee decided to recommend that the request of Michael R. Walsh for a zoning change from "A" Residence, 1st H & A to "DL" Light Industrial, 1st H & A on property located at 4600-4800 South I.H. 35, 4601-4615 Weidemar Lane, 925-1211 Shelby lane be APPROVED subject to a restrictive covenant limiting the first 25 feet of the property to green belt, with no buildings or parking area, and that this covenant be placed in the deed records and, should the property be subdivided, on the subdivision plat. This restriction would permit any access driveways that may be required.

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

C14-75-118	Lee W. Machen: 103-105 Ainsworth Street	"A" Residence, First H & A to "GR" General Retail, 1st H & A
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## STAFF REPORT:

Subject tract consists of two residential lots, one of which contains a residential structure. The lots front a minor residential street. Surrounding land uses include single-family homes and a mobile home on the north, non-conforming drive-in grocery and auto repair garage fronting a major arterial on the east, vacant land to the south, and vacant residential lots to the west.

A zoning case was processed on the tract to the south. A buffer of "B" Residence zoning and privacy fence was granted along the southern boundary of subject tracts. That zoning case was later dismissed when the conditions were not met.

"LR" Local Retail has been established to a depth of approximately 215 feet west of South Congress Avenue at the intersection of Sandra Street and Congress to the north. Those lots can be developed together and oriented to South Congress Avenue. Subject tract has access only to Ainsworth Street, a minor residential street serving a single-family neighborhood.

## STAFF RECOMMENDATION:

The staff recommends that "GR" General Retail be denied as it is an intrusion into the single-family neighborhood established on this minor residential street.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

Hart Townsley  
Mrs. Mamie Daniel  
James R. McMurrey, Jr.  
Charles L. Kinney, Sr.  
Frank Pirrung  
Jacqueline Pirrung

FOR  
FOR  
AGAINST  
AGAINST  
AGAINST  
AGAINST

## PERSONS APPEARING

George Butler (Representing Applicant)

C14-75-118 Lee W. Machen--Contd.

## COMMITTEE ACTION:

Members heard from the applicant's representative, Mr. George Butler, who said that the applicant was willing to use only one lot instead of the two that were originally requested. Mrs. Mather asked Mr. Butler if he would be using the second lot for parking then and he said that it would not be used for parking. Mr. Ramsey made a motion to grant the request for one lot only. The motion died for lack of a second. Mrs. Mather said that she felt that the proposed use would be an intrusion into the neighborhood, whether it used one lot or two. She also felt that one lot would not be a large enough area to accomodate the use. The other members were in agreement and recommended that the request for a zoning change from "A" Residence, 1st H & A to "GR" General Retail, 1st H & A be denied.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, Jagger and Mrs. 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 Lee W. Machen for a zoning change from "A" Residence, 1st H & A to "GR" General Retail, 1st H & A on property located at 103-105 Ainsworth Street, be DENIED.

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

## PLANNED UNIT DEVELOPMENTS

C814-75-007	NPC Associates:	102 attached single-family dwelling units with
	1709-1753 &	<u>recreation facilities and common open space called</u>
	1708-1752	<u>"Quail Run", a Planned Unit Development</u>
	Rundberg Lane	

## STAFF REPORT:

This is an application for approval of a Planned Unit Development on 13.6 acres of land located at 1709-1753 to 1708-1752 Rundberg Lane. Rundberg Lane divides the site approximately in half with 8.4 acres to the north and 5.4 acres to the south.

The east one-third of the site is zoned "BB" Residence and the west two-thirds zoned "B" Residence.

A total of 102 units are proposed with 64 attached units on the north section and 38 on the south section. All are duplex type units with each unit on an individual lot served by 25-foot private streets.

The land coverage breakdown indicates 52 percent of the area is covered by buildings and streets, leaving 48 percent of the area in open space. A swimming pool is proposed in each section.

C814-75-007 NPC Associates--Contd.

The applicant indicates the southernmost portion of the total tract under this ownership is not part of this P.U.D. application. Due to the existence of "LR" Local Retail zoning across Colony Creek Drive to the south, the staff feels this is the appropriate time to review proposed development on this south tract.

The owner had indicated he has no present plans for re-zoning or development of this site and is unable at this time to indicate proposed use. The staff feels development of the entire tract between Rundberg Lane and Colony Creek Drive should be considered at one time, or a restrictive covenant recorded on that portion south of the drainage ditch that would insure special permit site plan approval by the Planning Commission prior to any development.

**STAFF RECOMMENDATION:**

The staff recommends approval subject to compliance with departmental requirements and recommendations.

**CITIZEN COMMUNICATION****WRITTEN COMMENT**

None

**PERSONS APPEARING**

Leo Danze (Representing Applicant)

Janet Kriegel (North Austin Civic Association)

George Patton

Francie Breyfogle

FOR  
AGAINST  
AGAINST

**COMMITTEE ACTION:**

Mrs. Mather and Mr. Jagger were both concerned about drainage and questioned Mr. Schullar, of the Planning staff, about Comment #2 from the Environmental Resource Management Department. This comment reads, "Runoff from this P.U.D. should be retained on-site in specific retention or holding areas, and should be slowed down through the use of check dams or similar devices." Mr. Schullar responded that this comment refers to the new creek ordinance. Mr. Danze said that NPC would be contacting the ERM Department to work on this issue, as there was not enough land to allow retention. The members were in general agreement to recommend approval of the request for a P.U.D.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, and Jagger; Mrs. 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 NPC Associates for 102 attached single-family dwelling units with recreation facilities and common open space called "Quail Run," a PUD, subject to compliance with departmental requirements and recommendations and a restrictive covenant providing for a special permit approval on the area between the drainage ditch and Colony Creek Drive; and to APPROVE a preliminary subdivision.

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey, and Rindy; Mrs. Mather

ABSENT: Messrs. Hetherly and Everett; Ms. Lewis-McGowan

## SPECIAL PERMITS

C14p-75-056      Bread and Roses Foundation:      Library and Study Hall (Political Study  
2204 San Gabriel      Group) (Eleemosynary Institution)

## STAFF REPORT:

This is an application for an Eleemosynary Institution to be located in an existing residence at 2204 San Gabriel zoned "B" Residence. The specific use proposed is political study and discussion group meetings. The existing garage apartment on the rear of the lot is not to be used in connection with this proposal.

The maximum number of people in attendance at any one time is to be 30 with the average being 10 or 12. Hours of operation are after 7:00 PM for about three hours three nights a week.

## STAFF REPORT:

The staff feels this use is not inappropriate in this predominantly apartment student housing area and recommends approval subject to compliance with departmental requirements and recommendations.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS

None

## PERSONS APPEARING

Billy Polk (Representing Applicant)  
Tom Stitt (Inter-Cooperative Council)  
Mike McHone (Save University Neighborhoods)  
Jack Jennings

AGAINST  
NO POSITION  
AGAINST

## COMMITTEE ACTION:

Members reviewed the information presented and asked if there was a representative of the applicant present to answer some questions. Mr. Billy Polk was in attendance as a representative of the applicant. He explained that the Bread and Roses Foundation was a non-profit organization and that they were applying for tax exempt status. He said that it would serve as a meeting place for various groups and as a school with regularly scheduled classes requiring fees. Mr. Ramsey asked why they felt a need for a school so close to the University and Mr. Polk replied that these classes were not directed at University students, but were being formed for non-students. Mr. Jagger wondered if the organization had a charter and was told that it did. This document was presented to the Commission members at this time. Mr. Jagger asked how the organization was funded and was told that they received donations, held drives, and charged fees for the courses offered as well as for use of the facility by groups. When asked how many people would be in attendance at one time, Mr. Polk responded that there had never been more than 25, but usually, just 10 to 12 people. Mr. Jagger said he would like for the application to be more specific before granting a special permit. Mr. Bobbitt suggested that the case be referred to the Planning Commission in one week, at which time the applicants could present some materials explaining in more detail what the organization's purpose is. The other members were in agreement.

AYE:      Messrs. Bobbitt, Ramsey, Guerrero, and Jagger; Mrs. Mather



**COMMISSION ACTION:**

**COMMISSION VOTE:**

**STAFF REPORT:**

**STAFF RECOMMENDATION:**

CITIZEN COMMUNICATION

PERSONS APPEARING

Linda Stanton (Representing Applicant)

C14p-75-057 William G. Downes--Contd.

## COMMITTEE ACTION:

Members reviewed the information presented. Mrs. Mather felt that there should be some buffering along the fence in the play yard. All members were concerned about the parking on 14th Street. The applicant's representative was told that this parking would have to be moved to another area and Ms. Stanton assured them that this would not present a problem. The Committee agreed to recommend that the request for a day care center be approved, subject to departmental requirements and recommendations and buffering along the fence in the play yard.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, and Jagger; Mrs. 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 William G. Downes for a Seventh Day Adventist Day Care Center for 27 children to be located at 3200 East 14th Street, subject to compliance with departmental requirements and recommendations and buffering along the fence in the play yard.

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey, and Rindy; Mrs. Mather

ABSENT: Messrs. Hetherly and Everett; Ms. Lewis-McGowan

<u>C14p-75-058</u>	<u>University of Texas:</u>	<u>Food Store</u>
	701-731 Exposition Boulevard	
	2611-2703 West 8th Street	
	700-736 Newman Drive	
	2624-2710 Lake Austin Boulevard	

## STAFF REPORT:

The staff reported that a request for a postponement for 30 days had been received from the applicant.

## COMMITTEE ACTION:

Members heard from Mr. Robert Sneed, the applicant's representative, who asked for a postponement of 30 days to allow more time to contact the residents in the area, and agreed to recommend that the case be postponed for 30 days.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, Jagger, and Mrs. Mather

## COMMISSION ACTION:

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

C14p-75-058 University of Texas--Contd.

COMMISSION VOTE:

To APPROVE the request of the University of Texas for a postponement of consideration for a food store to be located at 701-731 Exposition Boulevard, 2611-2703 West 8th Street, 700-736 Newman Drive, and 2624-2710 Lake Austin Boulevard.

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

C14p-75-059 Austin Community Nursery Schools: "Austin Community Nursery Schools"  
1204 Peyton Gin Road A day care center for a maximum  
of 40 children

STAFF REPORT:

The staff reported that a request for withdrawal had been received from the applicant.

COMMITTEE ACTION:

To recommend approval of the request for withdrawal.

AYE: Messrs. Bobbitt, Ramsey, Guerrero, and Jagger; Mrs. 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 the Austin Community Nursery Schools for a withdrawal.

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

STREET VACATIONS

C10v-75-017 H.H. Pool

Vacate portion of East 3rd Street Alley from I.H. 35 to Brushy Street

Mr. Lillie explained that the applicant owns the adjacent property and intends to expand southward. The owner will be paying fair market value for the land that he purchases for expansion. Mr. Pool also has agreed to pay for all expenses necessary in the removal and relocation of utilities.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

None

C10v-75-017 H.H. Pool--Contd.

## COMMISSION ACTION:

Mr. Rindy questioned the easements and was told by Mr. Lillie that the easements would be retained by the City. Mr. Jagger added that unless the applicant was going to build on the property, the utilities would not have to be moved. Mr. Joe Morahan, Director of Property Management, said that he had spoken to the applicant and that he was fully aware of all costs involved.

## COMMISSION VOTE:

To APPROVE the request of H.H. Pool to vacate the portion of East 3rd Street Alley from I.H. 35 to Brushy Street, subject to departmental requirements and recommendations.

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey, and Rindy

ABSENT: Messrs. Hetherly and Everett; Mmes. Mather and Lewis-McGowan

## PUBLIC HEARINGS

C2o-75-002 Ordinance

To consider an amendment to Chapter 41 of the Code of the City of Austin of 1967; establishing general sidewalk location requirements.

## STAFF REPORT:

Mr. Charles Graves, Director of the Engineering Department, explained that the proposed ordinance dealt with the location of sidewalks and whether they should be placed on one or both sides of the street. He said that the Urban Transportation Department would deal with the location and that Engineering would speak to the other portion, which he said is a matter of easing the administrative burden on the developers and the City. Mr. Graves explained that at the present time when sidewalks are required the physical requirements are included in the letter of credit, which covers a three year period. However, many of the sidewalks are not installed in this three year period and some letters of credit are four, five, and six years old. Under the proposed ordinance the occupancy permit will not be issued until the sidewalk is built. The provision is made also that in the event that the sidewalk is not built within two years, the City can, at the initiative of the director of Urban Transportation, design and construct the sidewalk for the owner and assess him through the regular assessment procedures through the City Council. There is also provision for a letter of credit for subdivisions outside the city limits because there are no building permits or certificates of occupancy issued outside the city limits.

Mr. Joe Ternus, Director of Urban Transportation, then spoke about the location of sidewalks. He said that the present ordinance, in respect to location, is severely limited to safe school routes, which is the only case that the Planning Commission can require sidewalks. This makes it difficult to determine where the schools will be located and to establish school routes. Mr. Ternus explained that this proposal would allow sidewalks to be built on one side of minor streets, and on both sides of major arterials. He said that pedestrian movement is an integral part of the transportation network and that it is one of the areas that came out extremely strong throughout the entire community in the Goals Assembly Program.

C2o-75-002 Ordinance--Contd.

Mr. George Henry, the City's Traffic Safety Official, represented Mr. Bill Nolan, Chairman of the Citizen's Traffic Safety Commission. He said that the proposed ordinance met with the Commission's approval. Mr. Henry related the Commission's endorsement of three items that they felt should be considered very strongly. They are: (1) sidewalks to be installed on one side of each minor collector and residential street, (2) sidewalks to be installed on both sides of major collector streets and arterials, and (3) that a letter of credit be issued for two years instead of three years, as is now the practice.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Susan Reid (League of Women Voters)	FOR
Evelyn Booth (Austin Council of P.T.A.'s)	FOR
Mike McHone (Save University Neighborhoods)	FOR
Luther Simond (Camel Elementary School)	FOR
John Harris (South Austin Civic Club)	FOR

## CITIZEN TESTIMONY:

There were three major concerns brought out in the citizen testimony. The first was that sidewalks be installed on both sides of the street wherever possible and that the proposed criteria be expanded to accomodate this concern. Another concern expressed was the fact that some schools were constructed without sidewalks and still do not have them. Many people felt that sidewalk construction around schools should be a priority item. The concern that seemed to be voiced more than any other was that so many older, established neighborhoods do not have sidewalks. The citizens appearing urged the Commission to consider these neighborhoods very strongly for sidewalk construction along with the new subdivisions.

## COMMISSION ACTION:

Mr. Bobbitt suggested that action be delayed until more people were present but Mr. Jagger felt that the case should be heard. Mr. Lillie thought that the department representatives who were present should be allowed to speak. After Mr. Graves, Mr. Ternus, and Mr. Henry had spoken, the Commissioners had several questions.

Mr. Rindy asked about tying the construction of sidewalks to the construction of streets, which just recently had been done on Kramer Lane. Mr. Graves explained that an indefinite letter of credit had been issued. This makes sidewalk installation the responsibility of the developer even though the property is sold before the sidewalk is installed. Mr. Jagger wondered if it would be more meaningful to count the two years from the date of recordation of the plat instead of from the approval of the plat. Mr. Rindy inquired what was meant by "impractical" as used in the proposed ordinance and Mr. Graves answered by giving examples such as a street which is parallel to a creek or a cliff or some other situation where it would not be practical, if not impossible, to build a sidewalk. Mr. Ramsey made the observation that it seemed inequitable to the

C2o-75-002 Ordinance--Contd.

homeowners to place sidewalks on only one side of the street, because only those people owning property on that side would be burdened with the cost of the sidewalk while the entire neighborhood would benefit.

Mr. Jagger asked Mr. Ternus if this ordinance did not say the same things that had always been required and if so, what was the purpose of it. Mr. Ternus allowed that it did state the same things that had been recommended in the past and Mr. Lillie further explained that up to this time, all the city could do was recommend, but that with an ordinance the city could require that the sidewalks be built.

Mr. Jagger expressed concern over the wording of paragraph number seven of the proposed ordinance which reads, "Where no letter of credit is required, sidewalks which have not been built within two years from the date of final plat approval, shall be, at the initiative of the Director of Urban Transportation, constructed by the City of Austin and assessment made against the affected properties for all engineering, administration, and construction costs." He was concerned mainly about the role of the Urban Transportation Department and said that he did not want to see something so iron clad that the Commission could not do what it needed to do. Mr. Don Bird, Assistant City Attorney, explained that the Commission still retains the standard for variance and that almost anything can be varied. He also said that the proposed ordinance was limited in that the Commission could only determine whether the sidewalks would be placed on one or both sides of the street.

Mr. Bobbitt asked Mr. Ternus to give the Commission some information on older subdivisions. Mr. Ternus replied that this ordinance deals only with new subdivisions but that the same location criteria should apply in the older areas. He said that the process used to get a sidewalk installed in an older neighborhood varies. He felt that this could be addressed at another time or, if the Commission wished, both old and new subdivisions could be discussed at the same time. He added that he liked Mr. Jagger's suggestion of using the date of plat recordation instead of the plat approval for the two year period. Mr. Rindy asked if the city had the option of using money from the Community Development Funds for sidewalk installation in the older areas. He was answered by Mr. Ternus, who explained that the money was available but that it was only available in a limited supply. He added that this money would not begin to approach the problem and the longer the new areas were delayed the more expensive the programs were going to become. Mr. Bobbitt inquired of Mr. Ternus if he thought the question of the older neighborhoods should be discussed at some later date and the new subdivisions should be the only ones under consideration now and Mr. Ternus answered that he thought that all that was needed on the older areas was a policy from the City Council. Mr. Lillie suggested that the Commission continue this hearing and any action be taken at the next meeting on January 13.

Mr. Jagger felt that the ordinance as it read did not provide the flexibility that is necessary and asked if the wording could be changed. Mrs. Mather and Mr. Rindy both agreed that some of the wording needed to be changed. Mr. Lillie agreed to provide the language they desired.

C2o-75-002 Ordinance--Contd.

Mr. Rindy asked if a time limit could be put on subdivisions outside the city limits. This was answered by Mr. Graves who explained that nothing gives completion or terminal dates for subdivisions outside the city limits. Mr. Lillie wondered, since most of the subdivisions outside the city limits use city utilities, if the sidewalk construction could be tied to the use of these utilities. Mr. Graves said that it could but that there is some wording in the ordinance that poses a problem. It says ". . . in lieu of providing these services the subdivider may provide a letter of credit." Mr. Lillie said that he would try to put together some language on that also.

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## COMMISSION VOTE:

To CONTINUE the Public Hearing on January 13, 1976, to consider an amendment to Chapter 41 of the Code of the City of Austin of 1967; establishing general sidewalk location requirements.

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

C14h-75-010 Scholz Garden:  
1607 San Jacinto

"C-2" Commercial, 2nd H & A to  
"C-2-H" Commercial-Historic,  
2nd H & A

## STAFF REPORT:

The Scholz Garden on San Jacinto is surrounded at present by State buildings. The half block that the Scholz Garden sits on is largely of the same scale. The building itself has a recorded Landmark Commission Seal and the State Legislature passed a resolution in 1966 extolling the merchants in this building. It is on the Austin Foundation Survey. The building was built in 1866. The blocked windows with segmental arches were in the original structure and additions retained the same style.

The building was built by August Scholz and was used as a beer garden and is considered to be one of the oldest businesses in Travis County that remains on the same location with the same name. It is presently owned by the Seangerrunde Home Company which was founded in 1879. This singing society of German origin is one of the most significant features of the Scholz Garden today.

It appears to meet almost all of the criteria (a), (b), (c), (g), (i), and (j). It is a very significant building and one that should probably be on the National Register. It seems to be threatened by the State expansion plans. There was discussion whether the State exempted it as a site for State expansion, with the resolution in 1966.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Carl Widen (Seangerrunde Home Company) FOR  
Manfred Holck (Seangerrunds Home Company) (12/9) FOR

C14h-75-010 Scholz Garden--Contd.

## LANDMARK COMMISSION ACTION:

Janie Harrison made the motion that this structure be zoned Historic since it met items (a), (b), (c), (g), (i), and (j) of the Preservation Ordinance. The motion was seconded by Anna Drayer.

AYE: Messrs. Creer, Bell, Betts and Parrish; Mmes. Drayer, Harrison and Smith  
ABSENT: Don Chapman, Norma Guerra, Roxanne Williamson, Ada Simond, and Katherine Hart.

## PLANNING COMMISSION ACTION:

Members reviewed the information presented and agreed with the recommendation of the Landmark Commission.

## PLANNING COMMISSION VOTE:

To APPROVE a zoning change from "C-2" Commercial, 2nd H & A to "C-2-H" Commercial-Historic, 2nd H & A on property located at 1607 San Jacinto.

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

C14h-75-018 German Free School:  
507 E. 10th Street

From "C" Commercial, 2nd H & A to  
"C-H" Commercial-Historic, 2nd H & A

## STAFF REPORT:

The German Free School was built in 1857. It is of stone construction in simple German Style.

This structure was first utilized as a school and later used by a German Vevein Social and Singing Club. The first trustees of the structure were Julius Schutze, (died 1904), Charles Pressler, Joseph Marin II, H. Steussy, Dr. J.A. Brown, and William Sattler.

The original structure contained a cellar, which was primarily to be used as a safe place in the event of Indian attacks. The cellar was "stocked" with barrels of water, sauerkraut and dried meats. The plans were for the women and children to go to the cellar and the men to go upstairs where they could shoot at the Indians from behind the shutters.

In restoration of the structure, Dr. Stevens used panclled doors from the Palm House which was at 202 East 9th, and built in 1842. During the time Albert Sidney Johnston rented the Palm House, our history reflects that Robert E. Lee visited there with Johnston frequently. The mantle of the fireplace in Dr. Steven's living room dates back to 1790, and was originally in his great-grandfather's home in Wartrose, Tennessee, which was built by Andrew Jackson.

Julius Schutze was born March 29, 1835, in Dessau, Annhalt, Germany. He arrived in Texas c. 1853. Schutze also founded the Texas Saengerbund, a German Singing Society in 1853. His first wife Henrietta died in 1862, and he later married



C14h-75-018 German Free School--Contd.

Julia Brueggerhoff. Schutze taught speech and music in San Antonio and Austin; was judge of Bastrop County, and served in the House of Representatives, representing the 26th district of the 12th Legislature. Professor Schutze would have been conscripted into the Confederate Army had it not been for a Catholic priest who lent him three pupils. (School teachers were exempt if they had the required number of students.)

After the Civil War, his life was endangered by threats from the Klu Klux Klan. A cousin was murdered by Klansmen near Fredericksburg.

Judge Schutze was fluent both in German and English, and numerous Indian dialects. In 1868, he was called to New York to make speeches on behalf of Ulysses S. Grant, and his vice-presidential running mate, Colfax. On December 9, 1895, he was commanded by the government to go to Colorado to settle a dispute with the Ute Indians.

Legend has it that his ability to communicate and get along with the Indians was aided considerably by "Ink". Judge Schutz was called "Ink" by the Indians and as he visited the reservations and met with them in peace talks, he distributed bottles of Liquor which came from cases labeled "Ink". Schutze was elected Vice-president of the Order of Sons of Herman of Texas and served in the capacity until 1895. He was then elected Grand President of the National Government of the Order of Sons of Herman at New Ulm, Minnesota and held that office until his death on April 23, 1904. Walter Tips delivered a moving eulogy at his funeral in his native tongue.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Dr. Stevens, 507 E. 10th Street	FOR
Mrs. Anita Schutze	FOR
Mr. C.A. Schutze	FOR
Mr. Chevallier, 507 E. 10th Street	FOR

## LANDMARK COMMISSION ACTION:

No motion was made, however, Mr. Creer requested a voice vote from members of the Commission regarding the Historic zoning of 507 E. 10th Street. The vote was as follows:

AYE: Messrs. Chapman and Parrish; Mmes. Smith and Williamson  
ABSENT: Messrs. Bell and Betts; Mmes. Drayer and Harrison

## PLANNING COMMISSION ACTION:

Members reviewed the information presented and agreed with the recommendation of the Landmark Commission.

C14h-75-018      German Free School--Contd.

## PLANNING COMMISSION VOTE:

To APPROVE a zoning change from "C" Commercial, 2nd H & A to "C-H" Commercial-Historic, 2nd H & A on property located at 507 E. 10th Street, called the German Free School.

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

C14h-75-019      Taylor-Pendexter Bldg.:  
                    800-802 Congress Avenue

From "C-2" Commercial, 4th H & A to  
"C-2-H" Commercial-Historic, 4th H & A

## STAFF REPORT:

The land on which the Taylor-Pendexter Building is situated was originally conveyed in a land patent to William Aiken. Conveyance in 1852 to Samuel G. Haynie excepted the west 25 feet of Lot 1 as it had been "donated and deeded . . . to the Division of the Sons of Temperance;" also referenced in the deed to Haynie was "all and singular houses and out-houses and improvements." Consequently, it is assumed Haynie had built a residence on this site c. 1850. Morgan C. Hamilton owned the property from 1852-54. In June of 1854, this property was acquired by George Washington Glasscock, who was born in Hardin County, Kentucky on April 14, 1810. In 1830, Glasscock was in Missouri, in 1832, history indicates he was in Springfield, Illinois in partnership with Abraham Lincoln in "flat boating" on the Sangamon River. In 1834, he came to Texas where he fought in the Grass Fight and the Siege of Bexar. He located in the Williamson County area in 1846; donated 172 acres for the county site, and the town of Georgetown, Texas was named for him. In 1853, he served in the Tenth and Eleventh Legislatures. Glasscock was one of the managers of the Lunatic Asylum during the administrations of Governors Houston, Clark, Lubbock and Murrah. In 1887, the Texas Legislature named Glasscock County in his honor. At the time of his death in February, 1879, Glasscock resided at 1400 West Avenue.

Dr. Matthew Taylor acquired the property in 1867, and because of the list of offices in the 100 block of West Hickory, verification can be made that a structure as early as 1871, was built by Dr. Taylor. He later added the second floor which had a large porch facing east to the avenue. In a later deed reference in 1906, to a "common wall" when Mrs. Mattie Pendexter built the 3rd story, the inference would be that Dr. Taylor's structure was added to and altered. Dr. Taylor was one of ten administrators appointed by Governor Davis in 1873 for the University of Texas. He officed in this structure from the date of purchase until its acquisition by the Pendexter family.

Dr. Taylor was born in 1826; arrived in Austin in 1851, and was City Alderman, 1851-52. He was one of the founders of the First Presbyterian Church at 7th and Lavaca. Taylor was also the personal physician of Governor Sam Houston, 1859-61. He was also responsible for bringing a herd of 32 camels to Austin which were imported from Egypt. He later sold them to a circus.

C14h-75-019 Taylor-Pendexter Bldg.--Contd.

It is interesting to know that the 1870 City Ordinance required that structures on Congress Avenue be of brick, rock, concrete or cast iron with fire-proof roofs. Taylor met these requirements.

This building clearly illustrates that it is not always necessary to destroy structures; in many instances their uses can be compatible with minimal modification and allow Austin the advantage for its modern needs of the present and the preservation of a portion of its past.

## CITIZEN COMMUNICATION

## WRITTEN COMMENT

None

## PERSONS APPEARING

Mr. Karotkin, 2607 Thomas Drive

FOR

## LANDMARK COMMISSION ACTION:

Bill Parrish made a motion that this structure be recommended for historic zoning; he further recommended that Mr. Karotkin be commended for having the first structure on Congress Avenue ever to be considered for historic zoning. The motion was seconded by Ina Ray Smith. The vote was as follows:

AYE: Messrs. Chapman and Parrish; Mmes. Smith and Williamson

ABSENT: Messrs. Bell and Betts; Mmes. Drayer and Harrison

## PLANNING COMMISSION ACTION:

Members reviewed the information presented and agreed with the recommendation of the Landmark Commission.

## PLANNING COMMISSION VOTE:

To APPROVE a change in zoning from "C-2" Commercial, 4th H & A to "C-2-H" Commercial-Historic, 4th H & A on property located at 800-802 Congress Avenue.

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey, and Rindy; Mrs. Mather

ABSENT: Messrs. Hetherly and Everett; Ms. Lewis-McGowan

## OTHER BUSINESS

C13-75-001 Neighborhoods

To set a public hearing for January 13 to consider the City of Austin 1976-77 Housing and Community Development application for funds.

## STAFF REPORT:

Mr. Lillie explained to the Commission that this was a request to set a public hearing. The City has an annual application for 7.9 million dollars under Housing and Community Development (H&CD) funds. The Planning Department is responsible for putting that application together. At least six neighborhood meetings have been held during the months of November and December, 1975. The City Council will hold a public hearing this Thursday, December 11, 1975

C13-75-001      Neighborhoods--Contd.

at 7:00 PM in the City Council Chambers to hear additional needs addressed by citizens. The Planning Commission is required to hold a public hearing to make a recommendation to the City Council on the allocation of funds. The City Council will hold a public hearing tentatively on January 22, 1975 and the application will be submitted to the Housing and Urban Development Department on February 1.

**COMMISSION ACTION:**

Mr. Guerrero asked what would happen if what was heard at the public hearing was contradictory to what has already been said and done and Mr. Lillie replied that this was not likely. He said that there would be a list of needs for each meeting and a summary of these needs by department. These needs statements will then be submitted to the departments for them to develop projects with funding. He explained that the departments will not set priorities, but that this will be the responsibility of the Commission. Mrs. Mather thought there should be some step after the departments have developed their projects of taking it back to the communities. Mr. Lillie suggested that this be discussed at the meeting of the Planning Commission on the 22nd of December. Mrs. Mather felt that the Commission needed one session for the hearing and another to study what had been brought up at the hearing. It was felt by all the members that a special meeting should be held for this purpose on January 15, 1976 at 3:00 PM.

**COMMISSION VOTE:**

To SET A PUBLIC HEARING ON JANUARY 13, 1976 to consider the City of Austin 1976-77 Housing and Community Development application for funds and to hold A WORK SESSION ON JANUARY 15, 1976 at 3:00 PM to study the information obtained from the public hearing.

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

**SUBDIVISIONS**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 all departmental requirements have been complied with. The staff recommends approval of this plat. The Commission then

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

C8-75-16      Horseshoe Bend, Section Three, amended  
                         Kassarine Pass

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

The following final subdivision is appearing before the Commission for the first time and all departmental requirements have not been complied with. The staff recommends that this plat be disapproved. The Commission then

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

C8-75-43      Rutland Drive Business Park, III  
Rutland Drive

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey and Rindy

ABSENT: Messrs. Hetherly and Everett; Mmes. Lewis-McGowan and Mather

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following short form plats under the amended Rules and Regulations:

C8s-75-146      Sanchez Subdivision  
Knollpark Circle and Knoll Park

C8s-75-163      Airport-King Subdivision  
Airport Boulevard and East 18th Street

C8s-75-166      Point Vista, Section Seven  
East Rundberg Lane and Aberdeen Way

C8s-75-177      Resub. of Lots 9 & 10 Travis Vista  
Travis View Loop and Marshall Ford Rd.

C8s-75-181      Western Bank Plaza  
U.S. Highway 290 and Bluestein Boulevard

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey and Rindy

ABSENT: Messrs. Hetherly and Everett; Mmes. Lewis-McGowan and Mather

The Commission then

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

C8s-75-180      Town and Country Village, II  
U.S. Highway 183 and Spicewood Springs

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey and Rindy

ABSENT: Messrs. Hetherly and Everett; Mmes. Lewis-McGowan and Mather

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 compliance with required fiscal arrangements.

C8s-75-205      Resub. of Lot 6-B Austin Mall  
                                 Highland Mall Boulevard

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

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 required easements.

C8s-75-206      M. Smith Subdivision  
                                 Dessau Road

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

The Commission then

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

C8s-75-209      Codrington Addition  
                                 Westview Street

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

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-75-207      Resub. of Lot 47 Lakeside Addition  
                                 Live Oak Street and Bunny Road

C8s-75-208      Resub. of Lots 5 & 6-B Arroyo Doble 3  
                                 Bear Canyon Drive

C8s-75-210      Resub. Lots 6, 7 & 8 Woodward Ind. Village  
                                 Woodbury Drive

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

The staff reported that they had received a request to vacate this plat in order to file a new plat in its stead. The staff requested that such request be granted. After further discussion the Commission then

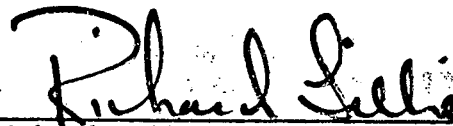
VOTED: To GRANT the request to vacate the following plat:

C8<sup>9</sup>-73-51      Whitehead Subdivision  
U.S. Highway 183

AYE: Messrs. Bobbitt, Guerrero, Jagger, Ramsey and Rindy

ABSENT: Messrs. Hetherly and Everett; Mmes. Lewis-McGowan and Mather

The meeting adjourned at 10:17 P.M.



Richard Lillie  
Executive Secretary