

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--January 13, 1976

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
Sid Jagger
Jean Mather
Dean Rindy

Absent

Linda Lewis-McGowan
George Ramsey, III

Also Present

Richard Lillie, Director of Planning
Tom Knickerbocker, Assistant Director
of Planning
Joe S. Ternus, Director of Urban
Transportation
Charles Graves, Director of Engineering
Curtis Johnson, Director of Water and
Wastewater
Lonnie Davis, Director of Building
Inspection
John German, Assistant Director
of Public Works
Bill Bulloch, Assistant Director
of Urban Transportation
Evelyn Butler, Supervisor of Current Planning
Luther Polneau, Community Development
Coordinator, Planning Department
Betty Baker, Planning Technician, Planning
Department
Stephanie Storms, Office of Environmental
Resource Management
Dona Jakubowsky, Administrative Secretary

Council Members Present

Betty Himmelblau
Margret Hofmann

ZONING

The following zoning changes were considered by the Zoning Committee at the meeting of January 6, 1976.

Present

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

Also Present

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

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 A 1972 request for "O" Office on subject tract was not recommended by the Planning Commission and was withdrawn prior to City Council hearing.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.

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

C14-75-112 Mary Lou Shirer--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 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

STAFF REPORT:

Duncan Muir of the Planning Staff reviewed the information that had previously been presented and the actions that were taken by the Committee and the Planning Commission.

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.

CITIZEN COMMUNICATION

WRITTEN COMMENTS

Same as before.

PERSONS APPEARING

Phillip Speis (Representing Applicant)
C.T. Uselton

FOR

COMMITTEE ACTION:

Mrs. Mather felt that too many people were buying property and waiting for zoning to change. Mr. Bobbitt suggested putting a buffer zone on Stobaugh and zone the rest "C" Commercial. Mr. Guerrero reminded the other Committee members that this area was inhabited by older residents who would be unable to move. Mr. Jagger feared that too much traffic would be created on Stobaugh Lane if this zoning change was granted. A motion was made and seconded to recommend that "C" Commercial zoning be DENIED.

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

COMMISSION ACTION:

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

COMMISSION VOTE:

To DENY the request of Mary Lou Shirer for a change in zoning from "A" Residence, 1st H & A to "C" Commercial, 1st H & A on property located at 918 Stobaugh Street.

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

C14-75-113

Mrs. W.T. Caswell:
410 Chicon Street, also
bounded by East 4th Street

"B" Residence, 2nd H & A to
"D" Industrial, 2nd H & A

STAFF REPORT:

Subject tract is the south portion of a larger tract which fronts a major arterial and sides to a collector street in east Austin. The north half is zoned "D" Industrial; the south half "B" Residence. The south half is the subject of this zoning request. Warehousing and some industrial activity presently exist on the tract.

Commercial and industrial activities exist on tracts to the east, north and west and are oriented to the railroad facilities to the north. Multi-family housing and playground facilities exist to the south and southeast.

The staff can recommend a zoning change to "DL" Light Industrial except for the southernmost 5 feet, rather than the requested "D" Industrial only under certain conditions. Vehicular access to East 4th Street which presently exists should be eliminated to minimize traffic along this street which serves residential development to the south. The "DL" Light Industrial district provides for a privacy fence and a 15-foot building setback where adjacent to "O" Office or more restrictive zoning. This 15-foot setback can only be used for an employee recreation area, driveway area or off-street parking area for employees and customers.

Additional street right-of-way is needed from subject tract to provide for future street widening. Ten feet is necessary to expand East 4th Street to 60 feet which, even though traffic generation is minimized from subject tract, may need to be widened to accommodate increased traffic generated by other commercial-zoned tracts to the west. One-half the additional right-of-way, 5 feet, to increase Chicon Street, a major arterial, from 60 to 70 feet is also needed.

In summary, the staff recommends leaving a 5-foot strip of "B" Residence after dedication of right-of-way along East 4th Street, and "DL" on the remainder, providing Chicon Street right-of-way is expanded. The Light Industrial district permits only non-polluting industrial activities and will provide privacy fencing and building setback along the southern border facing the residential development. The "DL" zoning and recommended 5-foot strip of "B" will provide a 20-foot building setback from the southern property line.

STAFF RECOMMENDATION:

The staff recommends that "D" Industrial be denied, and that "DL" Light Industrial be denied unless the applicant is willing to provide 10 feet of right-of-way on East 4th Street and 5 feet of right-of-way on Chicon Street for future widening of both streets to accommodate increased traffic densities which may be generated by uses permitted by zoning intensification, in which case the staff would recommend that "DL" Light Industrial be granted excluding the southernmost 5 feet to remain "B" Residence.

This recommendation will permit an industrial use of the entire tract, provide for street widening and create a buffer for the residential use to the south. Commercial or industrial use of subject tract is consistent with adjacent zoning and uses oriented to rail access.

C14-75-113 Mrs. W.T. Caswell--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Investors Realty Inc. #2, P.O. Box 1987
George R. Brooking, Austin Housing Authority,
Box 6159

FOR

AGAINST

PERSONS APPEARING

John Miller (Representing Applicant)
Margaret Leora, Chalmers Courts
Leo Hernandez, Pan American Board
Arturo Gill
Father Joseph Znotas, St. Julius Catholic Church,
900 Tillery

AGAINST

AGAINST

AGAINST

AGAINST

COMMITTEE ACTION:

Members heard from Mr. John Miller, the applicant's representative, who told them that the applicant is willing to go along with "DL" Light Industrial and will reserve a strip of "B" Residential, but wishes to retain access from 4th Street. He said that right-of-way would also be provided, and that this applicant would also agree to a green belt area in lieu of a privacy fence. In response, Mr. Guerrero said that he thought that the residents of the area were really more concerned about the change in zoning than in buffers. Mrs. Mather suggested a trade-off in working with the applicant and felt that a roll-back should be considered. Mr. Jagger agreed, and added that maintaining a status-quo would not improve the neighborhood. He said that these things should be worked out on an individual basis. Mr. Guerrero felt that it was too late to begin trading out and Mr. Bobbitt said he thought it would be inconsistent to deny this request when the entire area is already zoned "C" Commercial.

Mr. Guerrero moved to recommend that "D" Industrial be DENIED and the motion was seconded by Mrs. Mather.

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

COMMISSION ACTION:

Mr. Lillie read a letter from the applicant's representative requesting a postponement to the next regular Planning Commission meeting in order to meet with the neighborhood representatives. Mr. Jagger expressed a desire to hear from the residents in the neighborhood before a vote was taken. Mr. Guerrero said that it seemed that they would be reversing the decision made by the Zoning Committee.

COMMISSION VOTE:

To POSTPONE the request of Mrs. W.T. Caswell for a zoning change from "B" Residence, 2nd H & A to "D" Industrial, 2nd H & A on property located at 410 Chicon Street, also bounded by East 4th Street to the next regular Planning Commission on February 10, 1976.

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

C14-75-120 Michael R. Walsh & Charles Burks: "A" Residence, 1st H & A to
503 West 38th Street "O" Office, 1st H & A

STAFF REPORT:

REPORT:
Subject tract is a residential lot which fronts 38th Street, a major arterial street, just east of its intersection with Guadalupe Street. A single-family structure exists on the lot. Surrounding land uses include vacant land to the east and the south, single-family residences to the north and offices to the west.

This tract is located between a "C" Commercial zoning strip along Guadalupe Street one-half lot to the west and an apartment district one lot to the east.

The expansion of West 38th Street west of Guadalupe Street is presently under construction. According to the major arterial plan, West 38th Street, in front of subject tract, is planned to be expanded to 80 feet of right-of-way and 44 feet of paving. The approved alignment requires 5 feet of right-of-way from this tract.

The requested zoning is the most restrictive business zoning district. It is considered by the staff to be appropriate intermediate zoning for subject location between the "C" Commercial and "B" Residence Districts. The presedential impact will be minimal if the "O" Office is terminated at the "B" Residence District to the east, and the west boundary of the Children's Home on the north side of the street.

STAFF RECOMMENDATION:

RECOMMENDATION:
The increased vehicular activity which may be generated by conversion from residential to business use of subject lot will necessitate 5 feet of additional right-of-way to contribute to the planned expansion of West 38th Street. If the applicant is willing to dedicate this right-of-way, the staff recommends that "O" Office, 1st Height and Area be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Junior Helping Hand Home for Children
406 W. 38th St.

J.W. Howeth, 505 W. 38th St.

FOR

FOR

PERSONS APPEARING

Straud Kelly (University Neighborhood Assoc.)

Janis Linder (Hyde Park Neighborhood Assoc.)

AGAINST

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and all agreed that the residential structure presently on the lot should remain. Mrs. Mather said that she understood that this was what was intended and Mr. Everett asked if the owner had in fact stated that this was his intention. Mr. Muir, of the Planning Staff, replied that the applicant indicated that he planned to use the existing structure. The Committee agreed to recommend that the request for a zoning change from "A" Residence, 1st H & A to "O" Office, 1st H & A be GRANTED subject to a restrictive covenant prohibiting the removal of the existing residential structure, and provision of 5 feet of right-of-way on W. 38th Street.

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

COMMISSION ACTION:

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

COMMISSION VOTE:

To GRANT the request of Michael R. Walsh & Charles Burks for a zoning change from "A" Residence, 1st H & A to "O" Office, 1st H & A on property located at 503 West 38th Street, subject to a restrictive covenant prohibiting the removal of the existing residential structure and provision of 5 feet of right-of-way on W. 38th Street.

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

ABSENT: Ms. Lewis-McGowan and Mr. Rindy

C14-75-121	Eric Neely, et ux:	"A" Residence, 1st H & A to
	1017 Aggie Lane	"B" Residence, Second H & A

STAFF REPORT:

Subject tract is a residential lot located at the end of a dead-end street which has no turnaround. The street has a paving width of 30 feet and a total length of approximately 350 feet.

Adjacent land uses include single-family homes to the east and north, and undeveloped land to the south and west. Apartments exist two lots to the east.

Surrounding zoning is "D" Industrial, 2nd Height and Area to the west and south, and "A" Residence, 1st Height and Area to the north and east. "B" Residence, 2nd Height and Area exists one lot east and on the adjacent two lots where apartments are developed.

The access street, Aggie Lane, needs to have a turnaround for safe movement of private vehicles and public service vehicles, including police, fire and garbage collection vehicles. The recommended turnaround, with a right-of-way radius of 50 feet can be established by right-of-way contributions from subject lot, the lot is approximately 850 square feet. Unless provision for a turnaround is made, the staff will not recommend an increase in residential density of subject tract.

The street width of 30 feet is less than the recommended 40 feet for apartment development. But because of the small amount of land served by this street, the total number of units which will use the street will be limited. With the proper turnaround, the vehicular congestion hazard will be minimized.

STAFF RECOMMENDATION:

The increased traffic density which would be created by development of apartments on subject tract will necessitate a contribution of approximately 850 square feet to contribute to a turnaround on this narrow street. If the applicant is willing to provide this right-of-way for a turnaround, the staff recommends that "B" Residence, 2nd Height and Area be granted.

C14-75-121 Eric Neely, et ux--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Sylvion Kirlin, 8311 Hwy. 71 West
Rudolph R. Carlson, Rt. 2, Box 157, Manor, TX.
Mrs. Edworth Carter, 1015 Aggie Lane
Nettie E. Breeland, 1012 Morrow St.

FOR
FOR
AGAINST
AGAINST

PERSONS APPEARING

Edward J. Jennings (Representing Applicant)

COMMITTEE ACTION:

Mr. Jennings, the applicant's representative, explained to the members that because the subject lot was very small, the turnaround that was requested by the staff would render it useless for multiple dwellings. Members agreed that the lot was not large enough for a turnaround and they also agreed that it was too small to accomodate a large multiple dwelling. For these reasons, Mrs. Mather made a motion that the request be denied and Mr. Everett seconded that motion. Mr. Jagger suggested that "B", 1st H & A be granted but that a restrictive covenant be placed on it limiting the building to three units. The other members were in agreement.

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

COMMISSION ACTION:

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

COMMISSION VOTE:

To DENY the request of Eric Neely, et ux for a zoning change from "A" Residence, 1st H & A to "B" Residence, 2nd H & A on property located at 1017 Aggie Lane, but to GRANT "B" Residence, 1st H & A subject to a restrictive covenant limiting the number of units to three.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

C14-75-122 Howard R. Barr, et al:
904-906 Rio Grande Street
703-705 West 10th Street

"B" Residence, 2nd H & A to
"O" Office, 2nd H & A

STAFF REPORT:

Subject tract is comprised of three residential lots in an old neighborhood directly west of the downtown area. The tract fronts and sides major arterial street.

Three older residential structures exist on two of subject lots; the other lot is vacant. Surrounding uses include mixed residential and uses permitted in the "O" Office District. Surrounding structures are very old, many of which were built prior to 1900.

C14-75-122 Howard R. Barr, et al--Contd.

Adjacent zoning includes "C" Commercial, 2nd Height and Area to the northeast; "O" Office, 2nd Height and Area to the east, south and west, and "B" Residence, 2nd Height and Area to the north and east.

Planning Commission and City Council zoning policy for this area has been to grant a maximum of "O" Office zoning in order to encourage preservation of the unique character of this old neighborhood. The "O" Office District is the most restrictive business district and lends itself to mixed business and residential uses.

STAFF RECOMMENDATION:

The requested zoning is consistent with city policy and established uses within this area. The staff recommends that "O" Office, 2nd Height and Area be granted.

CITIZEN COMMUNICATION**WRITTEN COMMENT**

Ted Siff, West 9th St. Partnership
604 W. 11th St.

FOR (w/restrictions)

Herman P. Pressler, 2133 Pine Valley, Dr., Houston

FOR

Mary Bell James, 3314 Bowman Ave.

FOR

George B. Shepherd, 7701 E. Ben White Blvd.

FOR

Barry Gillingwater, 1000 West Ave.

FOR

Dorothy C. Evans, 7525 Park Pace #2, Houston

FOR

Dr. Zemer Baun, 908 Nueces

FOR

Mrs. Mary P. Hurst, 708 W. 10th St.

FOR

Mary Leadway, 703 W. 9th St.

FOR

Earl E. Simms, Jr., P.O. Box 1987

FOR

Douglas Coopwood, 705 W. 9th St.

FOR

PERSONS APPEARING

Howard Barr (Applicant)

COMMITTEE ACTION:

Members reviewed the information and heard the applicant. Mrs. Mather suggested that the Committee recommend the request for a zoning change to "O" Office, 2nd H & A be granted, subject to a restrictive covenant prohibiting the removal of the existing residential structures.

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

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and were in agreement with the recommendation of the Committee, with the exception of Mr. Rindy who preferred to encourage residential uses in this area.

COMMISSION VOTE:

To GRANT the request of Howard R. Barr, et al for a zoning change from "B" Residence, 2nd H & A to "O" Office, 2nd H & A on properties located at 904-906 Rio Grande St. and 703-705 West 10th Street, subject to a restrictive covenant prohibiting the removal of the existing residential structures.

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

NAY: Mr. Rindy

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

C14-75-123 George J. Shia:
5511-5519 Sunshine Drive

"B" Residence, 1st H & A to
"O" Office, 1st H & A

STAFF REPORT:

Subject tract is a vacant tract which fronts a neighborhood collector street without adequate right-of-way along a portion of this tract. Surrounding uses include a restaurant and apartments to the north, junk car storage to the east, a single-family residence owned by the applicant to the south and McCallum High School to the west. Subject tract is presently undeveloped.

A right-of-way of 60 feet is necessary along Sunshine Drive. If subject tract is developed consistent with the requested zoning, a varying right-of-way contribution of from 0 to 15 feet to accomodate increased traffic should be required.

STAFF RECOMMENDATION:

The increased traffic generation attendant to uses permitted by the requested zoning warrant an increase in street right-of-way to 60 feet. If the applicant is willing to provide the right-of-way to expand Sunshine Drive, the staff recommends the requested "O" Office be granted.

CITIZEN COMMUNICATION**WRITTEN COMMENT**

C.D. Smith, 4329 Monte Vista

FOR

C.B. Carpenter, 510 S. Congress Ave.

FOR

Billy McElroy, 1614 Westover Rd.

FOR

PERSONS APPEARING

John Selman (Representing Applicant)

Dr. George J. Shia (Applicant)

Bill Joseph

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and felt that the proposed use would be better than the use that is there presently. Mrs. Mather suggested that the applicant and the City make a right-of-way trade along subject tract to establish 60 feet of right-of-way on Sunshine Drive.

AYE: Messrs. Bobbitt, Everett, 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 GRANT the request of George J. Shia for a zoning change from "B" Residence, 1st H & A to "O" Office, 1st H & A, on property located at 5511-5519 Sunshine Drive, subject to a right-of-way trade along subject tract to establish 60 feet of right-of-way on Sunshine Drive.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

C14-75-124	W. Hugh Looney:	<u>"B" Residence, 1st H & A to</u>
	4100 Avenue D, also	<u>"A" Residence, 1st H & A</u>
	bounded by West 41st Street	

STAFF REPORT:

Subject tract is a corner lot at the intersection of a neighborhood collector street and a minor residential street in an older neighborhood in central Austin. Surrounding land use and zoning is "A" Residential.

A special permit for a home for young people from broken homes was approved by the Planning Commission, appealed to the Council, and granted by the City Council with numerous conditions to insure its compatibility with the surrounding neighborhood. One of the conditions was a rollback in zoning to "A" Residence.

STAFF RECOMMENDATION:

Consistent with the City Council's decision to preserve this neighborhood, the staff recommends that the requested "A" Residence, 1st Height and Area be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Virginia R. Korb, 306 W. 41st St.

FOR

Karen Jo Vavra, 4113 Avenue C

FOR

C.M. Hayes, III

FOR

Owen M. Russell, 4103 Avenue D

FOR

PERSONS APPEARING

Mrs. Richter (Representing Applicant)

COMMITTEE ACTION:

Members reviewed the information and agreed to recommend that the request for a zoning change be GRANTED.

AYE: Messrs. Bobbitt, Everett, 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 GRANT the request of W. Hugh Looney for a zoning change from "B" Residence, 1st H & A to "A" Residence, 1st H & A on property located at 4100 Avenue D, also bounded by West 41st Street.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

STAFF REPORT:

STAFF RECOMMENDATION:

NOTE:

CITIZEN COMMUNICATION

WRITTEN COMMENT

PERSONS APPEARING

John Selman (Representing Applicant)

C14-75-125 Townsend Development Co., Inc.--Contd.

COMMITTEE ACTION:

Members reviewed the information presented. Mr. John Selman, the applicant's representative told the Committee that only 60 feet of the width of the existing lot would be needed. Mrs. Mather was concerned about the residences across the street, but was told by Mr. Selman that there were two state buildings as well as other offices in the area. The discussion then turned to the possibility of the City wanting to widen the street sometime in the future. The Committee agreed to recommend that the request for a zoning change be GRANTED, subject to a 5-foot utility easement and a 2-foot landscaped area along W. 49th St. and a privacy fence along the north boundary adjacent to the residential area.

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

COMMISSION ACTION:

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

COMMISSION VOTE:

To GRANT the request of Townsend Development Co., Inc. for a zoning change from "A" Residence, 1st H & A to "O" Office, 1st H & A on property located at 1200-1208 W. 49th St., also bounded by Grover Street, subject to a 5-foot utility easement and a 2-foot landscaped area along W. 49th St., and a privacy fence along the north boundary adjacent to the residential area.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

<u>C14-75-126</u>	<u>East Industrial District:</u> 3000-4800 Blocks of Ed Bluestein Blvd. and 6000-6807 Martin Luther King Blvd.	<u>Int. "AA" Residence, 1st H & A to</u> <u>"D" Industrial, 1st H & A (Tract 1) and</u> <u>"E" Heavy Industrial, 1st H & A</u> <u>(Tracts 2 & 3)</u>
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STAFF REPORT:

Subject tract of 418⁺ acres is part of an industrial area recently annexed in east Austin. Industrial developments include the Tracor and Motorola installations. Boundaries of the tract are the M-K-T railroad on the east and south, Ed Bluestein Boulevard on the west, and Martin Luther King, Jr. Boulevard on the north excluding two existing residential areas.

The industrial master plan designations for smaller tracts within subject tract were established by a series of separate actions dating from 1963 to 1973. The Tracor tract and all land north to M.L. King Boulevard was designated for industrial uses in 1963. In 1966, the industrial designation on the land presently developed as Craigwood Subdivision and the land to the east over to the railroad was changed back to residential to permit the single-family subdivision. Later in 1969, the land to the east of Craigwood Subdivision to the railroad was changed back to industrial.

C14-75-126 East Industrial District--Contd.

Another area toward the south end of subject tract remains residential by master plan designation and use. This area and the aforementioned Craigwood single-family neighborhood should receive some measure of buffer-protection as the industrial tracts are zoned.

The staff has met with a representative of Tracor and reviewed their existing development, plans and possibilities of buffering for the Craigwood neighborhood. A parking lot presently exists within 35 feet of the southern edge of the subdivision. The property owner has tentatively agreed to provide a 35-foot strip of "A" Residence and a 100-foot building setback as a buffer for the adjacent neighborhood.

The staff recommends buffering be provided by the property owners of industrial land which abuts other boundaries of the two mentioned residential areas consisting of one or more of the following:

1. A 6-foot privacy fence or landscaped screening.
2. A 50-foot strip of "A" Residence to be used as open space or landscaped area.
3. A 100-foot building setback.

Two small areas, Tracts 2 and 3 of the Tracor tract, have been or are being used for storage of minor explosive devices. This use requires "E" Heavy Industrial. The industrial designation under the master plan includes "E" Industrial uses. Any expansion of an existing "E"-use, or a new "E"-use would require approval by the Zoning Board of Adjustment of detailed site and use plans.

STAFF RECOMMENDATION:

"D" and "E" Industrial zoning is consistent with the master plan designation and established uses of subject tract. The abutting residential areas should receive buffering from the intensive uses. With proper buffering, the staff recommends that "D" Industrial, 1st Height and Area be granted on Tract 1, and the "E" Heavy Industrial be granted on Tracts 2 and 3.

Note: Privacy fencing, landscaped screening, and building setbacks would require a restrictive covenant.

The staff notes that in the most recent zoning case involving an industrial tract on South IH 35, the Planning Commission recommended the front 25 feet along the highway be maintained as a scenic area*, but allowing for driveway access. This condition, as well as the buffering conditions, if recommended, would require a restrictive covenant.

CITIZEN COMMUNICATION
WRITTEN COMMENT

Lewis H. Huff, Jr., 5101 Provencial Dr.
Nancy D. Garren (L.B.J. Neighborhood Assoc.)
5901 Coolbrook
Olyvia Green, 5011 Regency Dr.
C.B. Carpenter, 510 S. Congress Ave.

AGAINST

AGAINST

AGAINST

FOR

C14-75-126 East Industrial District--Contd.

Steve Gage, Jr. (Usable Space Assoc., Ltd.)	
6330 Harrold Court	FOR
PETITION, Concerned Citizens and Property Owners	
of Craigwood & Cavalier Park Subdivisions of	
Northeast Austin, 124 names	AGAINST
PERSONS APPEARING	
Dick Baker (Representing Tracor and Motorola)	FOR
Major Jones, 6204 Parliament Dr.	AGAINST
Lewis H. Huff, Jr., 5101 Provencial Dr.	AGAINST
Dorothy Regine	AGAINST
Sam Dickson	NO OPINION

COMMITTEE ACTION:

The Committee heard from Mr. Dick Baker who was representing Tracor and Motorola. He explained that the "E" Heavy Industrial zoning was requested on the two small tracts designated as Tracts 2 & 3, because these two areas contained buildings which housed minor explosive devices. Mr. Jagger asked that since the "E" zoning designation would allow more kinds of uses than Tracor needed, could it not be restricted to just the use needed. Some of the people from the neighborhood indicated they would accept "E" zoning with restrictions. For those who did not and also were objecting to "D" Industrial, Mr. Guerrero explained that the "D" zoning would be necessary for the companies to continue operation and that the reason it must be zoned is that the City is annexing the land. It was pointed out that "E" uses existing at the time of annexation will be permitted to continue but, any changes or new uses permitted by "E" Heavy Industrial zoning would have to be approved by the Zoning Board of Adjustment after a public hearing. Members were concerned that the owners of the other properties were not in attendance. Mr. Jagger suggested that only the tracts owned by Tracor and Motorola be acted upon at present and the other tracts be postponed pending response from those owners.

Members agreed to recommend that on the Tracor property, "E" be GRANTED on tracts 2 and 3 and "D" be GRANTED on the remainder of the property, subject to 35 feet of "A" and a 100 foot building setback adjacent to Craigwood subdivision and a 25 foot scenic area* along Ed Bluestein Boulevard. They further agreed that on the Motorola property, "D" be GRANTED on the entire ownership subject to 50 feet of "A" and a 100 foot building setback adjacent to residential area and a 25 foot scenic area* along Ed Bluestein Boulevard, and to POSTPONE the remainder of the property pending response from the owners.

AYE: Messrs. Everett, Guerrero, and Jagger; Mrs. Mather
ABSTAIN: Mr. Bobbitt

*SCENIC AREA: no buildings, parking areas, signs, or business use of any kind, except access driveways & landscaping, will be allowed in this area.

COMMISSION ACTION:

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

C14-75-126 East Industrial District--Contd.

COMMISSION VOTE (Triple Action):

To GRANT "E" Heavy Industrial on Tracts 2 and 3 and "D" on the remainder of the Tracor property, subject to 35 feet of "A" Residence and a 100 foot building setback adjacent to Craigwood subdivision and a 25 foot scenic area along Ed Bluestein Boulevard, and

To GRANT "D" Industrial on the entire ownership of the Motorola property, subject to 50 feet of "A" Residential and a 100 foot building setback adjacent to residential area and a 25 foot scenic area along Ed Bluestein Boulevard, and

To POSTPONE action on all the other properties located at 300-4800 Blocks of Ed Bluestein Blvd. and 6000-6807 Martin Luther King Blvd., pending response from the owners of these properties.

AYE: Messrs. Hetherly, Everett, Guerrero, Jagger, and Rindy; Mrs. Mather

ABSTAIN: Mr. Bobbitt

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

<u>C14-75-127</u>	<u>North Industrial District 2:</u> 9000-10731 F.M. 1325 9061-9239 Research Blvd. (U.S. 183) also all of Longhorn Blvd., Industrial Terrace, Neils Thompson Dr., Reid Dr., Business Dr. and United Dr.	<u>Interim "AA" Residence, 1st H & A to</u> <u>"D" Industrial, 1st H & A</u>
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STAFF REPORT:

Subject tract includes 826⁺ acres of land in north Austin recently annexed into the city. The land is bounded by F.M. 1325 on the east, Research Boulevard on the south, Missouri-Pacific railroad on the west and the boundary of the IBM tract on the north.

This tract has been designated for industrial uses under the Master Plan for many years. The area includes IBM, Balcones Research Center, Longhorn Business Park, Texas Nuclear, Glastron among other commercial and industrial uses. Two proposed major arterial streets will affect the IBM and Balcones Research tracts. MoPac Boulevard will extend northerly to F.M. 1325 through the northwest corner of the IBM tract. Loop 260 will extend along the common property line of the IBM and Balcones Research tracts easterly to Braker Lane. The extension of MoPac Boulevard right-of-way north of Research Boulevard is the responsibility of Travis County.

Loop 360 is a city project. The planned right-of-way is 200 feet, flaring at its intersection with F.M. 1325 and MoPac Boulevard. It is recommended that the property owners provide right-of-way in accordance with the Expressway and Major Arterial Plan, providing a building setback 25 feet north of the proposed right-of-way line. The right-of-way will be established at the earliest possible date.

C14-75-127 North Industrial District 2--Contd.

STAFF RECOMMENDATION:

"D" Industrial zoning is consistent with the Master Plan designation and uses which have been established on this tract. Provision for the extension of Loop 360 through this tract should be made at this time. The staff recommends that "D" Industrial, 1st Height and Area be granted.

Note: A building setback for right-of-way, if recommended, would require a restrictive covenant.

The staff notes that in the most recent zoning case involving an industrial tract on South IH 35, the Planning Commission recommended the front 25 feet along the highway be maintained as a scenic area*, but allowing for driveway access. This condition, if recommended, would require a restrictive covenant.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Texas Nuclear Corp., P.O. Box 9267	FOR
Wayne Dayton, 8501 Research Blvd.	FOR
William D. Gaston, 2508 Pecos	FOR
George B. Shepherd, 7701 E. Ben White Blvd.	FOR
University of Texas at Austin	FOR
R.A. Hart, Driftwood, Texas	FOR

PERSONS APPEARING

Richard Whorrall (Representing IBM)
James Guerhing (Representing IBM)

COMMITTEE ACTION:

Mr. Richard Whorrall, Facilities Manager for IBM, explained to the Committee members that his company has a building under construction that will exceed the height requirements established under 1st H & A and asked that that be changed to 3rd H & A. It was explained by staff that there was not sufficient time to change the application because of notification requirements. Mrs. Mather added that the Legal Department had advised that the application could not be amended to a more intensive zoning, but that action could be postponed. Mr. Jagger inquired if there was to be any building setbacks or landscaping on the property and was answered by Mrs. Mather who said that none were required by the staff because there were no residential areas near this property. To this, Mr. Jagger responded that he thought both building setback and landscaping should be required along FM 1325. Mr. Jagger asked Mr. Whorrall if their present building exceeded the height and area requirements. Mr. Whorrall said it did not and that he wished to recommend that this application be approved and that his company would return later with another application for the new structure.

Mr. Jagger made a motion that "D" Industrial, 1st H & A be GRANTED subject to a 25 foot scenic area* along FM 1325, Research Blvd. & proposed Loop 360, and a 25-foot building setback from the proposed right-of-way for Loop 360 to be determined by property owners. The motion was seconded by Mrs. Mather.

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

C14-75-127 North Industrial District 2--Contd.

COMMISSION ACTION:

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

COMMISSION VOTE:

To GRANT "D" Industrial, 1st H & A on property located at 9000-10731 FM 1325 and 9061-9239 Research Blvd. (US 183), also all of Longhorn Blvd., Industrial Terrace, Neils Thompson Dr., Reid Dr., Business Dr. and United Dr., called North Industrial District 2, subject to a 25 foot scenic area* along FM 1325, Research Blvd. & proposed Loop 360, and a 25 foot building setback from the proposed right-of-way for Loop 360 to be determined by property owners.

AYE: Messrs. Hetherly, Everett, Guerrero, Jagger, and Rindy; Mrs. Mather

ABSTAIN: Mr. Bobbitt

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

*SCENIC AREA: no buildings, parking areas, signs, or business use of any kind, except access driveways and landscaping will be allowed in this area.

C14-75-128 Texas Instruments Industrial District: Int. "AA" Residence, 1st H & A to
12127-12553 U.S. Highway 183 "D" Industrial, 1st H & A
also bounded by McNeil Drive

STAFF REPORT:

Subject tract of 472⁺ acres is part of an industrial area recently annexed in northwest Austin. The entire tract is owned by Texas Instruments. Only the western portion is presently developed. Street boundaries include U.S. 183 on the south and McNeil Drive on the northwest. A proposed arterial is planned in the general vicinity of the north boundary of this tract.

Existing and anticipated land uses which abut this tract are residential and industrial on the south, residential on the east, industrial on the north and commercial/industrial on the west.

The staff recommends buffering for the residential land uses along part of the southern boundary and the eastern boundary of this industrial tract. Representatives for Texas Instruments have met with the staff and have tentatively agreed to a 50-foot strip of "A" Residence and a 100-foot building setback where this tract is adjacent to Summit Oaks and Angus Valley Subdivisions.

STAFF RECOMMENDATION:

"D" Industrial zoning is consistent with the Master Plan designation and established land use of this tract. With the buffering adjacent to the adjacent residential neighborhoods, the staff recommends that "D" Industrial, First Height and Area be granted.

Note: The recommended 100-foot building setback would require a restrictive covenant.

C14-75-128 Texas Instruments Industrial District--Contd.

The staff notes that in the most recent zoning case involving an industrial tract on South IH 35 the Planning Commission recommended the front 25 feet along the highway be maintained as a scenic area, but allowing for driveway access. This condition, if recommended, would require a restrictive covenant. Texas Instruments has indicated a willingness to provide this scenic area.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Raymond D. Mathews, 5403 Branding Chase

FOR

Milton J. Scott, 5410 Pony Chase

AGAINST

Greg Hazeloff, 5408 Pony Chase

AGAINST

PERSONS APPEARING

Dick Baker (Representing Texas Instruments)

C

COMMITTEE ACTION:

Mr. Guerrero read the written comments that had been received. Mr. Jagger moved to recommend that "D" Industrial zoning be GRANTED subject to 50 feet of "A" and a 100 foot building setback adjacent to Summit Oaks and Angus Valley subdivision, and a 25 foot scenic area* on Highway 183 and McNeil Drive. The motion was seconded by Mr. Everett.

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

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and agreed with the recommendations of the Committee.

COMMISSION VOTE:

To GRANT a zoning change from Int. "AA", 1st H & A to "D" Industrial, 1st H & A on property located at 12127-12553 U.S. 183, also bounded by McNeil Drive, subject to 50 feet of "A" Residential and a 100 foot building setback adjacent to Summit Oaks and Angus Valley subdivisions, and a 25 foot scenic area* on Highway 183 and McNeil Drive.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

*SCENIC AREA: no buildings, parking areas, signs, or business use of any kind, except access driveways and landscaping, will be allowed in this area.

C14-75-429	Austin Savings & Loan Assoc.: 6901-6915 Manchaca Road 1900-1952 and 1901-1921 William Cannon Drive, also bounded by Cannonleague Dr.	<u>Int. "A" Residence, 1st H & A to</u> <u>"C" Commercial, 1st H & A</u>
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STAFF REPORT:

Subject tracts are located in south Austin. Tract 1 is located at the corner of a neighborhood collector street, Cannonleague Drive, and a major arterial street, the boulevarded William Cannon Drive. Tract 2 is at the intersection of major arterials, Manchaca Road and William Cannon Drive, and is bounded by Cannonleague Drive on the east.

Surrounding uses include undeveloped "GR" General Retail zoned land to the south and west of Tract 2, single-family residential to the east and north, and a suburban residence to the west of Tract 1.

General Retail zoning has been established to the south and west of Tract 2. A buffer area of "BB" Residence along Cannonleague Drive facing the single-family development had been recommended by the Planning Commission. Although "GR" was granted to Cannonleague Drive, the staff recommends buffering on subject tracts along Cannonleague Drive to protect the single-family neighborhood to the east.

Tract 1 is a very narrow tract for intensive commercial development. In order to provide compatibility with the abutting neighborhood to the north and with the configuration of the tract, it is recommended that "O" Office be established in lieu of the requested zoning, with buffering for the residential uses to the north and east.

Cannonleague Drive is a collector street which will also carry a certain amount of commercial traffic. Five feet has been dedicated from the eastern side, and from the "GR" tract to the south of Tract 2, as contributions of street right-of-way to increase this street from 50 to 60 feet. A dedication of 5 feet of right-of-way from subject tracts is necessary. The existing right-of-way of Manchaca Road along the western edge of Tract 2 is 80 feet requiring 10 feet from subject tract to complete the planned 90 feet.

The staff has discussed residential buffering with the applicant's representative. A tentative agreement has been reached as follows:

1. After 5 feet of right-of-way for street purposes along Cannonleague Drive, a 20-foot landscaped buffer-strip of "A" Residence with a privacy fence constructed of wood and/or masonry along the western edge of the "A" strip.
2. A 40-foot building setback from Cannonleague Drive.
3. A privacy fence along the north boundary of Tract 1.

STAFF RECOMMENDATION:

General Retail zoning is consistent with the zoning established to the south of Tract 2 and that which is recommended at the intersections of major arterials. "O" Office zoning, as the least intensive business district, would be compatible

C14-75-129 Austin Savings & Loan Assoc.--Contd.

with the size and configuration of Tract 1. If the applicant is willing to provide 5 feet of street right-of-way to bring Cannonleague Drive up to 60 feet, 10 feet of right-of-way to bring Manchaca Road up to the planned 90 feet, and to provide the recommended residential buffering, the staff recommends that "C" Commercial be denied on Tract 1, but "O" Office be granted, and the "C" Commercial be denied by the "GR" General Retail be granted on Tract 2, excluding the eastern-most 20 feet after right-of-way, to be buffer-zoned "A".

Note: The fencing and landscaping conditions would require a restrictive covenant.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Danny E. Johnson, 6905 Cherrydale
South Austin Auto Supply, Inc.,
2801 Manchaca Road
R.R. Rylander

FOR

FOR

AGAINST

PERSONS APPEARING

Earl Lockhart (Representing Applicant)
Jim Colfield
Paul Schlocter, 6807 Meadow Circle

AGAINST

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement to recommend that "C" Commercial be DENIED but that "O" Office be GRANTED on Tract 1 and "GR" General Retail be GRANTED on Tract 2, subject to 5 feet of right-of-way on Cannonleague Dr., 10 feet of right-of-way on Manchaca Rd., a landscaped "A" strip of 20 feet after right-of-way along Cannonleague Dr., a 6-foot privacy fence along the western edge of the "A" strip, a 40-foot building setback along Cannonleague, and a privacy fence on the north boundary of Tract 1.

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

COMMISSION ACTION:

Members reviewed the information as it appeared on the memorandum and agreed with the recommendation of the Committee.

COMMISSION VOTE:

To DENY the request of Austin Savings and Loan Assoc. for a zoning change from Int. "A" Residence, 1st H & A to "C" Commercial, 1st H & A on properties located at 6901-6915 Manchaca Road and 1900-1952 and 1901-1921 William Cannon Drive, also bounded by Cannonleague Drive, but to GRANT "O" Office on Tract 1 and "GR" General Retail, 1st Height and Area on Tract 2, subject to 5 feet of right-of-way on Cannonleague Dr., 10 feet of right-of-way on Manchaca Rd., a landscaped "A" Residential strip of 20 feet after right-of-way along Cannonleague Dr., a 6-foot privacy fence along the western edge of the "A" strip, a 40-foot building setback along Cannonleague, and a privacy fence on the north boundary of Tract 1.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

C14-75-130	Nelson Puett, Jr.: 5330 Manchaca Road	"GR" General Retail, 1st H & A to "C-1" Commercial, 1st H & A
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STAFF REPORT:

Subject tract is a small tract of 640 square feet and is the floor space of part of a strip-business-center developed along Manchaca Road, a major arterial in south Austin. The purpose of the request is to expand an existing package store. "C-2" zoning has been established on the existing package store to the south.

STAFF RECOMMENDATION:

The requested zoning is compatible with the existing shopping center and the zoning established for the package store to the south. The staff recommends that "C-1" Commercial be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Don W. Cantwell, 1900 St. Albans Blvd.

AGAINST

Gerald L. Waterman, 6401 Emerald St.

AGAINST

PERSONS APPEARING

None

COMMITTEE ACTION:

Members reviewed the information presented and agreed to recommend that the change in zoning be GRANTED.

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

COMMISSION ACTION:

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

COMMISSION VOTE:

To GRANT the request of Nelson Puett, Jr. for a zoning change from "GR" General Retail, 1st H & A to "C-1" Commercial, 1st H & A on property located at 5330 Manchaca Road.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

C14-75-131	Balcor Realty Investors: 400 East Anderson Lane (Loop 111) also bounded by Gessner Drive	"GR" General Retail, 3rd H & A to "C-2" Commercial, 3rd H & A
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STAFF REPORT:

Subject tract is part of an office building which exists at the intersection of a collector street, Gessner Drive, and a major highway, Research Boulevard, in north Austin. The purpose of subject request is to establish a nightclub within the office building. Surrounding zoning is "GR" General Retail. If "C-2" zoning is established, a special permit will also be required for this use.

C14-75-131 Balcor Realty Investors--Contd.

STAFF RECOMMENDATION:

"C-2" Commercial zoning for nightclubs, bars or lounges is an appropriate use within an established office building and is compatible within the commercial district which exists along Research Boulevard. The staff recommends that "C-2" Commercial, Third Height and Area be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Charles E. Scott, P.O. Box 9564

AGAINST

PERSONS APPEARING

Tom Heaton (Representing Applicant)

Charles Scott, P.O. Box 9564

AGAINST

COMMITTEE ACTION:

Members reviewed the information presented. They were told by Mr. Charles Scott, a tenant in the subject building, that if a bar were allowed in the building, the insurance rates of the tenants would be raised. This fact concerned the members. Mr. Everett made a motion that the Committee recommend that this application be DENIED and the motion was seconded by Mrs. Mather.

AYE: Messrs. Bobbitt, Everett, and Jagger; Mrs. Mather

NAY: Mr. Guerrero

COMMISSION ACTION:

Mr. Everett reported that more information was expected on the insurance rates. Mrs. Mather felt that the case should be postponed until this information was presented.

COMMISSION VOTE:

To POSTPONE the request of Balcor Realty Investors for a zoning change from "GR" General Retail, 3rd H & A to "C-2" Commercial, 3rd H & A on property located at 400 East Anderson Lane (Loop 111) also bounded by Gessner Drive until the next regular Planning Commission on February 10, 1976.

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

NAY: Mr. Hetherly

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

SPECIAL PERMITS

C14p-74-002 Frank Barron: 150-unit apartment project (revised)
5109 Old Manor Road

STAFF REPORT:

This is an application for a revision to a special permit approved in February, 1974 for 144 two-story apartment units.

C14p-74-002 Frank Barron--Contd.

The revised plan under consideration at this time proposes 150 units in three-story structures for a density of approximately 37 units per acre on this 4.03 acre "GR" General Retail zoned tract.

Wilbarger Creek abuts the tract on the west, Old Manor Road on the north, undeveloped land and proposed East 51st Street on the east and apartments on the south.

Although this proposal increases the density, the use of three-story units decreases the percentage of impervious surface coverage.

The extension of East 51st Street between Old Manor Road and Manor Road to the south is not included in the current Capital Improvements Program.

Access to this site at this time is limited to one driveway to Old Manor Road with two additional driveways to proposed East 51st Street as shown on the site plan. The applicant has dedicated a narrow strip for 51st Street right-of-way as shown on the site plan.

STAFF RECOMMENDATION:

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

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Frank Barron (Applicant)

COMMITTEE ACTION:

Mr. Jay Wienhiemer from the Office of Environmental Resource, told the members that his office was requesting a postponement in order to obtain more information about the 100-year flood plain from the applicant. The applicant, Mr. Frank Barron, told the Committee that a postponement would present a hardship to him. Mr. Bobbitt asked him if it would pose too great a hardship if the case was postponed to the full commission in one week, and Mr. Barron replied that it would not. Mrs. Mather agreed and made a motion to CONTINUE the hearing on January 13, 1976. The motion was seconded by Mr. Everett.

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

COMMISSION ACTION:

Members reviewed the information presented and agreed to postpone this request to allow the applicant time to provide additional information relative to the Creek Development Permit and the noise level from the airport.

COMMISSION VOTE:

To POSTPONE until January 30, 1976 the request of Frank Barron for a 150-unit apartment project to be located at 5109 Old Manor Road to allow the applicant

C14p-74-002 Frank Barron--Contd.

time to provide additional information relative to the Creek Development Permit as required by the Engineering Department and Environmental Department, and information from Mr. Roy Bayless, Aviation Director, relative to the effect the airport will have on this development.

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

<u>C14p-75-060</u>	<u>Judge J.H. Watson:</u> 2311 Nueces Street	<u>Commercial parking lot for rental of</u> <u>space by hour, daily, weekly, monthly</u> <u>and otherwise.</u>
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STAFF REPORT:

This is a special permit application for a parking lot at 2311 Nueces Street. The applicant applied for "GR" General Retail zoning in November 1975 and the Planning Commission recommended "LR" Local Retail with a special permit.

The amended zoning application will be considered by the City Council in January, 1976.

STAFF RECOMMENDATION:

The staff recommends approval subject to compliance with departmental requirement

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Mark Cohen (Representing Applicant)
General J.G. Fisk (Representing Applicant)
Susanne Kelly
Eugenia Schoch
Randy Daly

AGAINST
AGAINST
AGAINST

COMMITTEE ACTION:

Members reviewed the information presented. Mrs. Mather asked the applicant's representative, Mr. Mark Cohen, if the applicant intended to comply with the recommendation made by the Environmental Department that tree wells be cut around the 4 trees on the lot to allow the trees to continue to prosper. Mr. Cohen replied that the drip line for the trees goes out to the street and that too much pavement would have to be torn up to comply with that recommendation. Mrs. Mather then offered an alternate solution of drilling holes in the pavement and inserting pipe into these holes to allow moisture to go to the tree roots. General Fisk, also a representative of the applicant, responded that holes drilled in the pavement would cause it to crack, even if pipes are inserted. Mr. Jagger made a motion to approve the application for a special permit subject to all departmental requirements and recommendations. The motion was seconded by Mr. Everett with a request to the applicant to work with the Environmental Department.

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

C14p-74-060 Judge J.H. Watson--Contd.

COMMISSION ACTION:

No action was necessary on this special permit as the City Council disapproved the request for a change in zoning.

PLANNED UNIT DEVELOPMENTS

<u>C814-73-006</u>	<u>Nash-Phillips-Copus:</u> Coronado Hills Drive and Old Town Drive	<u>Request to revise "Old Town" Phase Two,</u> <u>a previously approved planned unit</u> <u>development, reducing the number of</u> <u>dwelling units from 76 to 72.</u>
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STAFF REPORT:

This is an application for a revision to a portion of the previously approved Planned Unit Development "Old Town II".

The project was approved by City Council in July, 1973 and the forty units south of the drainage easement have been recorded in Final Plat Form and are constructed.

Upon re-evaluation of the project the owner found the proposed revision would solve some internal drainage problems as well as provide a lay-out more compatible with the residences existing to the west. This revision reduces the number of units in this section from 76 to 72. This reduces the over-all density on this "BB" zoned project from 7.3 units per acre to 6.8 units per acre.

The units along the west side are one-story units with the balance being two-story units.

The staff feels this is an improvement to the project, however, the applicant must show the area within the 100 year flood plain which may require further modification of the plan.

STAFF RECOMMENDATION:

The staff recommends approval of the revised site plan and preliminary subdivision subject to compliance with departmental requirements and recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Leo Danze (Representing Applicant)

COMMITTEE ACTION:

Members reviewed the information presented. Mr. Jay Wienhiemer of the Office of Environmental Resource Management explained that his department had requested the flood plain information so that they could make their comments. He also said that although there is a large drainage area there, the total drainage area comprises about 100 acres and the Environmental Department felt that there should be some structure built for retention of water where there is plenty of area to take the run-off. The Committee then agreed to recommend that this request be approved subject to departmental requirements and recommendations.

AYE: Messers. Bobbitt, Everett, Guerrero, and Jagger; Mrs. Mather

C814-73-006 Nash-Phillips-Copus--Cont.

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 Nash-Phillips-Copus for a revision to a previously approved planned unit development called Qld Town, Phase Two, located on Coronado Hills Drive and Old Town Drive, reducing the number of dwelling units from 76 to 72, subject to compliance with departmental requirements and recommendations.

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

ABSENT: Mr. Ramsey and Ms. Lewis-McGowan

PUBLIC HEARINGS

C14p-68-009 Radio Base Transmitter Station and

Radio Maintenance Shop:
2602-2610 Robinson Avenue

Expansion of a radio maintenance
shop on the south end of the
radio shop building.

STAFF REPORT:

This is an application for a revision to an approved Special Permit to allow a 40 foot by 60 foot expansion to the City of Austin Radio Communication Repair Shop located at 2602-2610 Robinson Avenue.

The Special Permit for the existing 40' x 84' building was approved in May, 1968.

An additional driveway, asphalt and curbing is proposed as shown on the site plan. Notices were sent to property owners living within 300 feet of this property.

STAFF RECOMMENDATION:

The staff recommends approval subject to compliance with departmental requirements.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

None

COMMISSION ACTION:

Members reviewed the information presented. Mr. Lillie explained that this was to be a 40' x 60' addition to the existing building and that it conforms with the original departmental requirements.

COMMISSION VOTE:

To APPROVE the expansion of the radio maintenance shop on the south end of the radio shop building subject to compliance with departmental requirements and recommendations.

C14p-68-009 Radio Base Transmitter Station and Radio Maintenance Shop--Contd.

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

C2o-75-002 Ordinance

Continued public hearing 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. Lillie informed the members that the changes in language had been made as they had requested and that these changes were underlined on the draft ordinance.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

John McFall

FOR

COMMISSION ACTION:

Members reviewed the information presented. The discussion turned again to the possibility of tying the construction of sidewalks to the construction of streets. Mr. Jagger suggested that perhaps sidewalks could be required when the streets are accepted by the City. Mr. Bulloch, Assistant Director of Urban Transportation, said that when some areas are developed there is a need for immediate construction of sidewalks because of school location. Mr. Hetherly suggested that sidewalk construction be required within two years from acceptance of streets for maintenance by the City. The other Commission members were in agreement.

COMMISSION VOTE:

To APPROVE an amendment to Chapter 41 of the Code of the City of Austin of 1967, establishing general sidewalk location requirements; providing for deleting the requirement of letters of credit for sidewalk requirements in subdivisions inside the corporate limits of the City of Austin; establishing time limits in when required sidewalks must be built; and providing for departmental requirements on specific locations, and establishing that, where no letter of credit is required, sidewalks which have not been built within two years from acceptance of streets for maintenance by the City, shall be upon the recommendation of the Director of Urban Transportation and approval by the City Council, constructed by the City of Austin and assessment made against the affected properties of all engineering, administration, and construction costs.

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

C2o-76-001 Ordinance

To consider an amendment to Chapter 45 of the Code of the City of Austin of 1967; establishing an "LC" Lake Conservation zoning district and deleting the "SR" Suburban Residential zoning district.

STAFF REPORT:

One of the areas of greatest public concern is the 60,000 acres which fall in the Lake Austin watershed and the water quality of the Lake. The area is bounded generally by RR 2244, U.S. 71 on the south, RR 620 on the west, U.S. 183 on the north and Mesa Drive - Cat Mountain Drive on the east.

Developments which adjoin the shoreline of Lake Austin and on which an approved final plat has been recorded include about 1,700 acres of land. Only about 25 per cent has been developed. Of the 1,700 acres, nearly 1,000 acres are located in the Apache Shores subdivisions near Mansfield Dam where less than five per cent of the lots have been developed. The remaining 700 acres are scattered in eight separate subdivisions and individual lots and tracts from Mansfield to Tom Miller Dam. Over 50 per cent of the lots are developed. The five per cent in Apache Shores is typical of subdivisions in which land sales is the primary end result. An additional 12 acres of land are in the process of final platting. This acreage covers Wilding, Section 7, which has approximately 1,330 feet of lake frontage.

No land with frontage on Lake Austin has been submitted by owners for pre-application or preliminary processing.

The remainder of the watershed, off the shoreline, has 1,100 acres of land with approved and recorded final plats, 1,000 acres of land with final plats in process, 2,000 acres of land with approved preliminary plans and no pre-applications are being processed. Nearly all of the land in some stage of subdivision development is located near U.S. 183 along the north edge of the watershed and nearly five miles from Lake Austin. Exceptions include: Cat Mountain Villa in Northwest Hills and Lakewood on Lakewood Drive, both P.U.D.'s.

Three large conceptual plans with nearly 7,000 acres of land have been submitted by owners and approved by the Planning Commission. They include Wilding, Great Hills and Canyon Springs. Only about 570 acres have been submitted as plats and received Planning Commission approval. The acreage currently in process is included in the totals above. Development is subject to connection to a private or public utility system.

In summary, of the approximate 60,000 acres of land in the Lake Austin watershed, including the 20,000 acres in the Bull Creek subwatershed, only about 10 per cent has had formal preliminary and final platting approval and another 10 per cent has had approval as a conceptual plan by the Planning Commission. Development plans approved or in process of approval include about three miles of the 44 miles of shoreline along Lake Austin. An additional 13 miles already has development in the form of housing, marinas and parks. This includes approximately 2.5 miles of lake frontage along City Park. Approximately 70 per cent of the shoreline is still undeveloped.

C2o-76-001 Ordinance--Contd.

Interim Controls - Lake Austin Watershed

The staff of the Office of Environmental Resource Management prepared a report identifying possible interim controls in this watershed until the Lake Austin Study is complete. Page 10 of the report concludes that interim control measures are needed. Page 11 of the report identifies recommended interim controls. Not that justification includes such issues as the "perceived threat" of development prior to completion of the Lake Austin Study: reduction of access and utility constraints in the northern and eastern portion of the watershed; and that the existing subdivision and Master Plan as interpreted do not provide for adequate environmental protection. Status reports and locational maps are available to assist your evaluation of the need for interim controls as identified in the ERM staff report.

Two recommendations were forwarded for consideration by the members of the Environmental Board. They included:

- *that the City Council amend the existing Master Plan and map so that the study area is designated at a maximum density of 0.5 (minimum of two acres per lot).

- *that the City Council create a Lake Austin District and temporarily rezone the area along the lake from "Interim A" to "Interim Conservation" which would allow only agricultural and recreational uses.

The Environmental Board, at their meeting on August 19, accepted the report and adopted the two recommendations.

Mr. Rindy submitted the following proposals for consideration by the members of the Planning Commission:

- *Amend the Austin Master Plan to designate the Lake Austin watershed area as having a maximum interim development density of 0.5, or two acres per lot. This is the 92.9 square mile area which is being studied in the Lake Austin Development Plan, due for completion in 1976.

- *Create a special Lake Conservation District ("LC"). This zoning would restrict land use within such a district to agricultural or recreational, or, at most, very low density residential development. This zoning would also be interim, depending on the final zoning policy decisions made by the Planning Commission and City Council in the creation of the City's new Master Plan in 1976.

- *Rezone, from "Interim A" to "Interim LC (Lake Conservation)", the area along Lake Austin which is already within the city limits. This is the land within the 504.9 ft. elevation line which was annexed within the city years ago. It extends along both sides of Lake Austin from Tom Miller Dam to Mansfield Dam on Lake Travis.

C2o-76-001 Ordinance--Contd.

*Annex an additional corridor of land 1,000 ft. from the 504.9 elevation line on both sides of the lake for a distance of 10 to 12 miles upstream from Tom Miller Dam. This newly annexed land will be zoned "Interim LC".

*Annex narrow strips of land (500-1000 ft.) along both sides of Barton and Bull Creeks for a distance of two to three miles from the present city limits. This land would also be zoned "Interim LC".

The following information should be considered relating to both the Environmental Board's comments and Mr. Rindy's proposal:

*The current provisions of the City's Master Plan provide a maximum density of .5 units per acre for most of this watershed. A 1973 amendment to the Plan, recommended by the Commission and adopted by the City Council, extended this density to the City's five-mile E.T.J. and provided also that where there was an approved private or public utility system the density could increase to 3.2 units per acre. The two-acre minimum considered to be density per gross acre which would provide opportunity for cluster development,

*A special Lake Conservation District can be created with uses limited to such uses as agricultural or recreational. Such use limitation, however, would make all current development on about 22 per cent of the shoreline non-conforming to the ordinance. Non-conformity means that if a structure is destroyed to 75 per cent of value it cannot be rebuilt, it cannot be expanded and if closed more than 90 days it cannot be reoccupied,

*If annexation is desirable, the area annexed should be bounded by some identifiable feature such as a road or utility right-of-way which could be surveyed. Taking an arbitrary distance will require difficult and expensive surveys for zoning notification and annexation notification purposes,

*The Lake Austin Study should be completed in the spring. The drafting of necessary codes and ordinances to implement Plan recommendations will be done by the staff of the City's Legal Department from information provided by the consultant,

*The City Attorney has been requested to provide comments on the use of a moratorium on development during the period of time in which a plan is being developed.

STAFF RECOMMENDATION:

The staff has drafted language for a lake zoning district on general instructions of the Environmental Board, Planning Commission and City Council. The instructions were to: limit uses to agricultural and conservation, permit continuation of existing uses and prohibit further development on lots and tracts.

C2o-76-001 Ordinance--Contd.

The staff took this existing "SR" zoning district and amended it with features of interest to the Board, Commission and Council.

This public hearing was scheduled to give property owners an opportunity to respond to the proposed draft. Over 2,000 copies were mailed. Over 100 telephone calls have been received.

The advocacy of the staff is to assure compatability between existing plans, proposed plans and projects. If there was an immediate threat or even a perceived threat to that compatability we would be the first to raise alarm to the Commission and Council.

Our recommendation is that the ordinance not be considered at this time for the following reasons:

1. There is no immediate threat to the watershed,
2. There has been and is little or no development activity along the lake or even in the vicinity of the lake,
3. The consultant should complete his work in two months and legislation should be considered which will not require immediate reconsideration.

CITIZEN COMMUNICATION

WRITTEN COMMENT

Robert L. Smithers

AGAINST

Bill Hart

AGAINST

PERSONS APPEARING

Frederick Eby, Jr., 4230 Mt. Bonnell Rd.

AGAINST

F.E. Hayden, Rt. #1, Florence, Texas

AGAINST

Alice Niven, 1606 Rock Cliff Rd.

AGAINST

James E. Niven, 1606 Rock Cliff Rd.

AGAINST

Stawley & Dorothy Depew, 2508 Westlake Dr.

AGAINST

Mrs. Walter Gledhill, 2959 Westlake Dr.

AGAINST

Bob Bright, 812 Brown Building

AGAINST

W.R. Coleman, 1706 Westlake Dr.

AGAINST

Josie Ellen Champion, 7600 Lakewood Dr.

AGAINST

Mrs. Juanita Champion Meter, 405 Almarion

AGAINST

Harold W. Holmes, 1518 Barton Springs Rd., 11-B

AGAINST

Gelene E. Holmes, 1518 Barton Springs Rd.

AGAINST

Dudley Fowler, Rt. 7, Box 924

AGAINST

Marion Fowler, Rt. 7 Box 927

AGAINST

Mrs. Brice W. Draper, Rt. 7, Box 932

AGAINST

Howell Finch, 3505 Perry Lane

AGAINST

Don Carlson, 8413 Rockwood Lane

AGAINST

Dr. E.P. Schoch, Box 941, Rt. 7

AGAINST

Frieda Carlson, 8413 Rockwood Lane

AGAINST

Charles & Loretta Fry, 1754 Channel Rd.

AGAINST

Gail Pedracine, Rt. 8, Box 192

AGAINST

Aneta Mitchell, 1400 Rock Cliff Rd.

AGAINST

C2o-76-001 Ordinance--Contd.

J.B. Mitchell, 1400 Rock Cliff Rd.	AGAINST
Sadie F. & Arnold Schmidt, 3006 Rivercrest Dr.	AGAINST
Edward & Ted Wendlandt, 404 West 5th St.	AGAINST
Mildred Wendlandt, 808 Avondale	AGAINST
Louis H. Dowd, D.D.S., 9527 Quail Village Tr.	AGAINST
Mrs. T.J. McElhenney, 3103 Westlake Dr.	AGAINST
Mrs. Morris D. Dowd, 4517 Edgemont Dr.	AGAINST
Philip G. Saroy, 901 Armadillo Rd.	AGAINST
Jean Robb, 5815 Trailridge Dr.	AGAINST
Hugo F. Kuehne, Jr., 3705 Westlake Dr.	AGAINST
Grady Hazlewood, Rt. 10, Box 118, Bee Caves	AGAINST
Mrs. J.K. Lyles, 1210 Windsor R. #103	AGAINST
Carl F. Schupp, 2961 Westlake Dr.	AGAINST
Mrs. Fred W. Catterall, 2966 Westlake Dr.	AGAINST
Mrs. Walter Gledhill, 2959 Westlake Dr.	AGAINST
Mrs. Irma C. Schupp, 2961 Westlake Dr.	AGAINST
Mrs. Margaret McKee Lund, P.O. Box 12217, Coronado Sta., El Paso, Texas 79912	AGAINST
Douglas Danforth, 3307 Cherry Lane	AGAINST
R.G. Mueller, Jr., 1402 Wooldridge Dr.	AGAINST
Margaret Danforth, 3307 Cherry Lane	AGAINST
James K. Williamson, Rt. 8, Box 226	AGAINST
G.J. Roddy, Rt. 8, Box 231	AGAINST
Myriand Virginia Lichtenwalter, Rt. 7, Box 942-0	AGAINST
Mr. & Mrs. Tom E. Johnson, Rt. 7, Box 928	AGAINST
Sander Shapiro, 6005 Highlandale	AGAINST
Bob Buford, 2531 Exposition	AGAINST
Polly Eby, 4230 Mt. Bonnell Rd.	AGAINST
Loila McKay	AGAINST
Robert Eby	AGAINST
Ann Eby	AGAINST
Tom E. Johnson, Rt. 7, Box 928	AGAINST
Mrs. Louis L. Robertson	AGAINST
Bill Hart, Rt. 7, Box 941-B	AGAINST
Mr. & Mrs. P.B. Madison, Jr., 6706 Leprechaun Dr.	AGAINST
Mrs. Gade W. Stoditon, 5202 Creekline Dr.	AGAINST
S.R. Sheppard, Jr., 6504 Wall Haven	AGAINST
B.A. Mapes, Jr., Rt. 9, Box 7-H	AGAINST
Mrs. Cecil Reid, Rt. 9, Box 789-F	AGAINST
Roy T. Walker & Son, P.O. Box 12	AGAINST
Jack Eisenberg, 2703 Machen St.	AGAINST
Leon Reed, Rt. 9, Box 749	AGAINST
Edwin Goldwyn	AGAINST
Mrs. Joe C. Rube, 3609 Westlake Dr.	AGAINST
L.B. Griffith	AGAINST
T.R. McElhenney	AGAINST
Joe Hart	AGAINST
Larry Stuart	AGAINST

C2o-76-001 Ordinance--Contd.

Mr. & Mrs. John M. Wyatt, Jr., 1746 Channel Rd.	AGAINST
Mr. & Mrs. T.L. Harris, 1744 Channel Rd.	AGAINST
Manfred B. Schuelke, 1748 Channel Road	AGAINST
Mr. & Mrs. L.W. Hudgens, Rt. 7, Box 932-F	AGAINST
E.H. Golden, 7303 Shoal Creek Blvd.	AGAINST
Norris Young, 3005 Loyola	AGAINST
Ted L. Edwards, 2904 Bridle Path	AGAINST
Mrs. Charles Cleland, 3427 Monte Vista	FOR
Corwin W. Johnson, 3425 Monte Vista	FOR
Mrs. Mildred V. Young, 3406 Monte Vista	FOR
Mrs. Carlos D. Smith, 3429 Monte Vista	FOR
Evelyn Johnson, 3425 Monte Vista	FOR
Charles Cleland, 3427 Monte Vista	FOR
Mr. & Mrs. T.R. William, 1742 Channel Rd.	AGAINST
Frances Allison	AGAINST
William Hold	AGAINST
Willard Lawrence	AGAINST
Tim Trickey	AGAINST
Sam Crowder	AGAINST
Walter Bohn	AGAINST
Lee Blocker	AGAINST
Tom Leach	AGAINST
Frank Cooksey	AGAINST
Emmett Young	AGAINST
H.T. McBrayer	AGAINST
Brad Fowler	AGAINST
Werner Perletz	AGAINST
Vivian Argyris	AGAINST

CITIZEN TESTIMONY:

The concern of the citizens appearing that was expressed more than any other was the non-conforming use provision for structures that are already built and are being used. This concern came mostly from single family home owners who saw a possibility of wanting to build an addition their homes, or were worried about rebuilding their homes should they be damaged. Those who owned vacation homes found it impossible to accept the provision that if a residence was vacant for 90 days or more, it could not be reoccupied. Those people who had bought land on the lake with plans to build on it in the future felt that they would stand to lose a great deal of money by having what would really be useless land. Many feared that once this kind of ordinance was passed the possibility of the City annexing additional land on the lake was too great. The subject of annexation brought about the discussion of the provision of facilities by the City if this should happen. Don Bird, City Attorney, explained that the City would be required to provide services similar to those provided on similar land within three years. If these services were not provided in that period of time, the land could be de-annexed.

C2o-76-001 Ordinance--Contd.

Other concerns which were expressed repeatedly were: jurisdiction of the City over the land covered in the proposed ordinance; property rights of land owners; violations of the law or the present ordinances which are occurring in and around the lake now but are not being enforced; heavy traffic; lack of facilities; and some provision made to allow the use of septic tanks.

COMMISSION ACTION:

Mr. Hetherly introduced Stephanie Storms of the Office of Environmental Resource Management, who had a report from the Environmental Board. She reported that the Board felt that the proposed ordinance as drafted was not an interim ordinance as they had intended it to be. Also, that the Board never intended for the ordinance to apply to existing uses. Ms. Storms said that the Environmental Board wished to restate their original recommendations which were to rezone from "Interim A" to "Interim Conservation", allowing agricultural and recreational uses and single family use on presently platted lots. The Board asked that in addition a "grandfather clause" be added to exempt existing development. The Board would also change the first paragraph in the proposed ordinance to read "In an "LC" Lake Conservation District, all sewerage facilities shall be connected to an approved package treatment facility without discharging into Lake Austin, or municipal sewerage system in accordance with city and county standards for same. No septic systems shall be permitted within this zone. No connection to water in Lake Austin may be made without approval of the City of Austin Water and Wastewater Department. This section should apply to new construction only."

Mr. Jagger said that this means that there should be no new construction unless it is tied to an existing line and that since there are no existing lines, this recommendation means nothing. Mr. Rindy took issue with the Environmental Board's comment that the proposed ordinance was not an interim ordinance. He said that from the first the Planning Commission had never discussed anything but an interim ordinance. Hetherly felt that the Environmental Board needed to hear the people who were present so that they could better understand what the concerns were. Mrs. Mather said she thought that the majority of the proposed ordinance supported controls on the lake but that not enough thought had been given to what kinds of controls should be used. She also felt that the people from the lake area should select representatives to meet with the commissions. All members were in agreement that large scale development should not be allowed on the lake until the study by the consultants is completed. Mr. Bobbitt made a motion that the Commission recommend against the proposed ordinance and that no consideration be given to any similar ordinance until the study is completed, submitted and considered on these recommendations. Mr. Jagger asked to amend the motion to omit "no consideration be given to any similar ordinance until the study is completed, submitted and considered on these recommendations" and Mr. Bobbitt agreed to this amendment. Mr. Rindy said that he thought the Commission should go on record as favoring some sort of moratorium on intense development on land not now platted and not now in use on the lake. Mr. Bobbitt objected to the use of the word "moritorium" and Mr. Jagger suggested that the word "discourage" be used instead.

C2o-76-001 Ordinance--Contd.

COMMISSION VOTE:

To DISAPPROVE the proposed amendment to Section 45-16.1 of the Code of the City of Austin of 1967; establishing an "LC" Lake Conservation zoning district and deleting the "SR" Suburban Residential zoning district.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

The Commission then

VOTED:

To go on record as discouraging development on unplatted land or land not now in use pending completion of the study with the condition that anyone owning land in the Lake Austin area that is already platted will not be interfered with in the use of his property.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

R1709-76 To consider the 1976-1977 Housing and Community Development Act of 1974 Entitlement Grant application by the City of Austin in the amount of \$7,976,000.

Mr. Guerrero, Chairman of the Joint Subcommittee of Planning Commission and Community Development Commission, read the following memorandum addressed to the Planning Commission and signed by Mr. Guerrero.

"It is with a great deal of pleasure that the Subcommittee transmits its unanimous recommendation for the use of Title 1 Entitlement Funds under the Housing and Community Development Act of 1974. The process used to develop the statement of needs and the response to the proposals submitted have been very gratifying and we trust will continue in future programs.

The Subcommittee found that the failure of propositions 11 and 12, which were strongly supported by the residents of East Austin seriously affects the range of projects which HCD funds can support. It is for this reason that we urge the Commission and City Council to carry through with their announced commitment to provide local bond funds for utilities and street paving in the target areas.

In particular, we urge the City Council to consider providing at least \$850,000 for water and wastewater systems in CDD's 2 and 5 and at least \$100,000 of the approved street bond funds for construction of needed streets, sidewalks, and alleys in South Austin. It is our desire that these two projects be done with local funds, but in the event this is not possible

R1709-76 1976-77 Housing and Community Development Grant Application

we recommend, as a last resort only, that HCD funds be used. We have therefore included these projects as recommended.

If the Council does commit bond monies we recommend the \$850,000 and \$100,000 be used to provide an additional \$500,000 for Housing Rehabilitation, \$100,000 for additional operating funds for the Model Cities Health Clinic and \$40,000 for the Montopolis Health Clinic operation. The remaining funds should be placed in the local contingency account to support other eligible activities.

Approximately sixty proposals were reviewed in relation to the needs statements presented by the residents in 12 public meetings. In addition, our review considered the statements in the Goals program. The results are eligible activities totaling \$7,976,000 to carry the program from June 19, 1976 to September 19, 1977 if approval is granted by HUD for the extension. This is proposed to bring the HCD program into the same time frame as the City's CIP process.

For ease in reviewing the proposals, copies are included in two categories:

- Category I - Recommended HCD projects
- Category II - Projects recommended for local funding or which are ineligible for HCD funds.

These proposals are listed on separate pages attached to this report. Only one project -- expansion of urban renewal activities to St. Johns and Clarksville -- was not recommended at all. It was felt that the housing program and bond program could provide assistance which would make such activity unnecessary.

URGENT NEEDS DISCRETIONARY GRANT APPLICATION

The Housing and Community Development Act of 1974 also provides that a Discretionary Fund be established in the office of the Secretary of HUD for his use granting additional funding for eligible activities to qualified applicants for special purposes. Those purposes include -- demonstration projects of a particularly innovative nature -- projects which comprise an urgent need and which are beyond the capability of the community to address within their entitlement -- Federal Disasters and New Communities. The City of Austin has identified two projects beyond our present capability and meeting the definition of urgent needs. It is necessary that the City prepare a pre-application for consideration by the Secretary. (And there is no guarantee of any assistance as this fund is to be used at the discretion of the Secretary). To that end the Committee recommends the Council authorize and submit an application for the following two urgent needs projects.

RI/09-76

1976-77 Housing and Community Development Grant Application*Repair the Congress Avenue Bridge - \$1,000,000*

This would repair the bridge which provides a major access to employment of low and moderate income persons in south Austin.

Engineering and construction of local flood protection facilities in the Boggy Creek watershed - \$2,000,000

This would provide for engineering and construction of run-off control facilities, storm sewers and inlets in the areas which are outside the creek itself but which flood as a result of heavy rains. The Corps of Engineers project is proposed to address the creek itself while this project would solve the local flooding problems which contribute to the creek problem.

It is noticed that such projects were eligible under past programs prior to the HCD act and without such assistance the community faces the choice of using its entire entitlement on these needs to the exclusion of all others, or suffering the consequences of the continuation of flooding and closing a major access to employment for low income persons.

REMAINING CONTINGENCY FUNDS FROM 1975 GRANT

The citizen meetings identified additional projects of an immediate nature that are eligible activities. One was the need for immediate funding to provide for water and wastewater relocation so that paving of Tillery Street provide for water and wastewater relocation so that paving of Tillery Street can begin. The other was to immediately begin some corrective action in Boggy Creek before spring rains cause more flooding. This would be work of a minor nature in the creek as opposed to the aforementioned urgent needs work to be done in the neighborhood. With the funds remaining, the Committee recommends that water and wastewater relocation funds in the amount of \$280,000 be appropriated, so that Tillery Street can be constructed, and the remaining funds be programmed to begin cleaning and clearing operations in Boggy Creek."

CITIZEN COMMUNICATION

ELOISE CAMPOS (Community Development Commission)

Ms. Eloise Campos told the Commission members that she wished to clarify some points concerning the memorandum that Mr. Guerrero had just read. The first was that Boggy Creek was not specifically mentioned in the memo, but that the Committee had specified monies to be used especially for this project. She also pointed out that the needs in Category 2 were not identified only by area residents but by City departments as well. Then she wanted to make it clear that the Committee in reality

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had only 3.8 million dollars with which to work due to cutbacks and other uses. Ms. Campos then told the Commission that the Community Development Commission would like very much to have the encouragement of the Planning Commission in submitting this document to the City Council.

JORGE GUERRA

Mr. Guerra's primary concern was the flooding of Boggy Creek. He said that he was appearing before the Commission to ask them to make sure that the money that was allocated to Boggy Creek was used for that purpose as soon as possible. He referred to past years when some projects had been either delayed or not accomplished at all even though funds had been appropriated for them and he urged that Boggy Creek be considered a top priority item. Mr. Guerra referenced a letter that had been sent to the U.S. Army Corps of Engineers (who are studying the Boggy Creek area) from Mr. Dan Davidson, City Manager, asking the Corps if the City could appropriate funds for temporary remedies that are creating the overflow problem in Boggy Creek without damaging their study. He said that as far as he knew, Mr. Davidson had not received a reply to that letter.

TERRY THROCKMORTON (East 6th Street Conservation Association)

Mr. Throckmorton was in attendance to inquire if it was too late to submit a request for funding of a project through the HCD funding program. His proposal was for additional lighting along East 6th Street.

REV. WILLARD B. SUTHERLAND (Clarksville Advisory Board)

Mr. Sutherland expressed concern over the implementation of the proposed projects after they had been approved for funding. His area of interest was Clarksville, which he said had been approved for funding previously but had not received any significant help. He stressed especially the need for housing rehabilitation and street improvements.

JOHN HENNEBERGER (Volunteer in the Clarksville Community)

Mr. Henneberger also stressed the need for housing rehabilitation and street improvement in the Clarksville area and added that sidewalks are also definitely needed.

COMMISSION ACTION:

Members reviewed the information presented and heard testimony from the citizens in attendance. Mr. Hetherly asked if the Finance and Research and Budget Departments had been consulted in this matter and Mr. Knickerbocker of the Planning staff answered that they had. Mr. Knickerbocker said that Mr. Bill Snyder, CIP Administrator; Mr. Jim Miller, Assistant City Manager for Community Services; Mr. Homer Reed, Deputy City Manager; and staff members from these departments as well as from Human Resources had met with the Committee. Mr. Hetherly was concerned that the Committee was recommending the use of CIP and other monies in Category 2. Mr. Guerrero explained to him that the needs identified in this category were ineligible for HCD funding, but that the need for these projects was still very great. He said that the Committee felt that even though these

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1976-77 Housing and Community Development Grant Application

needs could not be provided for under the HCD funds, the City should still keep up with their commitment not only with federal funds but with non-federal funds. Mr. Knickerbocker explained further that Category 1 lists the needs that the Committee found to be of the highest priority and of the most direct impact to the concerns expressed by the residents. Category 2 lists projects that were not selected either because the priority was lower or because they were ineligible or simply because the City had customarily funded them through other areas in the city.

Concerning the question of Boggy Creek, Mr. Knickerbocker explained that that project was included in the 1975-76 application and that work could begin immediately. He reiterated that the money from the proposed application would not be available until June 19, 1976. Mr. Guerrero told Mr. Jorge Guerra that he had a copy of the letter to the U.S. Army Corps of Engineers to which he had referred and that, indeed, there had been no reply. This letter, he said, was dated January 9, 1976.

COMMISSION VOTE:

To APPROVE the recommendations of the Joint Subcommittee of the Planning Commission and the Community Development Commission for the use of Title I Entitlement Funds under the Housing and Community Development Act of 1974.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

C14h-74-018	<u>Driskill Hotel:</u>	<u>"C" Commercial, 4th H & A to</u>
	Highland Resources, Inc.	<u>"C-H" Commercial-Historic,</u>
	117 W. 7th Street	<u>4th H & A</u>

STAFF REPORT:

The Driskill Hotel was built in 1885. Numerous additions and interior remodeling have been done through the years. The interior of this structure is very elaborate with tile fireplaces, walnut fixtures, crystal chandeliers, etc. Officially, the hotel opened December 20, 1886. It has been the site for numerous State, University of Texas and prominent social functions. Its owner, Jesse Lincoln Driskill, was born in Sparta, Tennessee and came to Texas in 1849. Its brick-ornate design is a distinctive contrast to Austin's skyline, and has been and continues to be an integral part of cultural and political fabric of the State of Texas.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Mr. John J. McKay, 204 Perry Brooks Bldg.
(Representing Applicant)

C14h-74-018 Driskill Hotel--Contd.

COMMISSION ACTION:

Members reviewed a letter from the applicants requesting a postponement and agreed to comply with that request.

COMMISSION VOTE:

To POSTPONE the request of Highland Resources, Inc. for a zoning change from "C" Commercial, 4th H & A to "C-H" Commercial-Historic, 4th H & A on the Driskill Hotel, to January 30, 1976.

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

ABSENT: Mr. Ramsey and Ms. Lewis-McGowan

OTHER BUSINESS

C14p-75-013 P & H Enterprises, Inc: A nursing home located at
1001 William Cannon Drive

Mr. Lillie explained that Mr. F.A. Alonso had requested to speak to the Commission on behalf of the neighborhood concerning problems associated with the nursing home that is being constructed in this area. Mr. Lillie told the Commission that the restrictions of the Commission in regard to the site plan were being enforced.

Mr. Alonso said that an unauthorized access road had been constructed on the property and in so doing, much natural cover and trees were removed. He also said that driveways had been constructed that had not been approved by the Commission. He asked the Commission to deny the Certificate of Occupancy until a six-foot privacy fence was constructed on the western border, the access road had been moved, and the use of the alleged illegal driveways had been stopped.

Mr. Randall Hood, owner of the property, explained that the access road was built for access to the property while William Cannon was under construction. He told the Commissioners that he intended to plant trees and was already installing a six-foot privacy fence on lot 1-B. He further stated that he would meet all requirements.

Mr. Hetherly told Mr. Alonso that the Commission approved the application subject to department requirements and recommendations and that the Commission could assure only that those requirements and recommendations were met by the applicant. He suggested that the residents of the neighborhood meet with Mr. Hood to discuss and solve any problems that may be occurring.

No action was taken.

C10-76-001 Streets and Traffic

Consideration of an overhead walkway spanning West 34th Street from the Austin Diagnostic Renal Outpatient Center Building to the Austin Diagnostic Clinic Building.

Mr. Lillie told the Commission that this case came before the City Council on January 8, and the Council was requesting the Commission to review and comment on it.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Ralph Daugherty of the Austin Diagnostic Clinic told the Commission that the Clinic had had to expand its outpatient clinic and could only expand across the street. He explained that many of the patients of this clinic are chronically ill and are abnormally slow with respect to the normal reflexes such as eyesight, hearing and ambulation. He said that because of this some type of walkway is needed. Mr. Daugherty said that originally an underground tunnel was to be constructed but it was found that this was impossible due to a main water line servicing the north one-third of Austin and running underneath West 34th Street. It was then that it was decided that an overhead walkway would be the best solution. The Commission then consulted Mr. Bill Bulloch, Assistant Director of Urban Transportation, who told them that his department saw no problem with the walkway.

COMMISSION VOTE:

To APPROVE the construction of an overhead walkway spanning West 34th Street from the Austin Diagnostic Renal Outpatient Center Building to the Austin Diagnostic Clinic Building subject to compliance with department requirements and recommendations.

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

C2-73-9 Planning Commission

Consideration of amending the rules and regulations of the Planning Commission.

Mr. Knickerbocker, Assistant Director of the Planning Department, explained that this involves the process for approval and recordation of subdivision short forms. He told the Commissioners that no action was to be taken at this time, but asked that the members review the process for action in the future.

NO ACTION TAKEN.

C11-76-001 Traffic and Transportation

Request for review and comment from the Planning Commission on the proposed Urban Transportation Commission.

Mr. Lillie told the members that no action was required. He said that the City Council had requested review and comment from the Planning Commission.

NO ACTION TAKEN.

SUBDIVISIONS

R105-75 SUBDIVISION MEMORANDUM

Short Form and Final Subdivisions as listed on the Subdivision Memorandum. Action to be taken at meeting.

Mr. Hetherly read the following memorandum addressed to him from Mr. Dan Davidson, City Manager.

"On December 22, 1975, I asked that the Planning Commission defer further subdivision approvals until its January meeting. The purpose of that request was to provide the City Council and staff with time to prepare and adopt alternate plans in view of defeat of the Water and Wastewater Bonds in the December 6 election.

Since our alternate plans are not yet complete, I must ask for a continued delay on subdivision approvals, but with certain modifications. Some subdivisions or resubdivisions do not create additional demands on the water and wastewater system. Such subdivisions should be approved. To aid the Planning Commission in making these determinations, the Water and Wastewater Department will certify to the Planning Commission those subdivisions which will create no additional demands for water or wastewater services.

A staff report is being prepared which will analyze the City's capacity to provide water and wastewater services in all areas. As soon as this report is complete, and the City Council has had the opportunity to establish certain priorities, more definitive recommendations will be forwarded to the Planning Commission."

Mr. Lillie read the recommendations of the Water and Wastewater Department of those subdivisions which were or were not to be released.

The Commission took the following actions on the basis of these recommendations.

FINAL SUBDIVISIONS--FILED AND CONSIDERED

The Commission then

VOTED: To DISAPPROVE the following final subdivisions pending determination of the City's ability to serve with water and wastewater.

C8-75-47 Horseshoe Bend, Sec. 3, Phase I
Matterhorn Drive & Rockingham Drive

Final Subdivisions--Contd.

C8-75-22 Oakside Valley
Walsh Tarlton Lane

C8-75-35 Longhorn Business Park No. 2
F.M. 1325 and Kramer Lane

C8-75-41 Lost Creek, Sec. II
Lost Creek Boulevard & Whitemarsh

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

The Commission then

VOTED: To APPROVE the following final subdivisions.

C8-75-48 Field of Honor Veterans Garden Memorial Hills Cemetary
Interstate 35 and Desseau Road

C8-72-129 Lamplight Village, Sec. II
Lamplight Village Avenue & Glass Glow

C8-74-52 Lake Creek Village @ Anderson Mill
Deerbrook Trail & Bluebonnet Trace

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

The Commission then

VOTED: To DISAPPROVE the following Short Form Subdivisions pending
determination of the City's ability to serve with water and
wastewater.

C8s-75-162 Lawrence E. Warren Addition
Spicewood Springs Road

C8s-75-173 The Thomison Subdivision, No. 2
Gregg Lane

C8s-75-186 B.L. Mince Industrial Park, Sec. 2
Silver Dollar Drive

Short Form Subdivisions--Contd.

<u>C8s-75-187</u>	<u>Resub. Lt. A, NHP Lamar Addition</u> Lamar Boulevard and Thurmond Drive
<u>C8s-75-204</u>	<u>Thoroughbred Estates, Phase I</u> F.M. 812
<u>C8s-75-209</u>	<u>Codrington Addition</u> West View Road & Beckett Road
<u>C8s-75-212</u>	<u>Meadowcreek, Sec. 3, Phase I-A</u> Shadywood Drive
<u>C8s-75-215</u>	<u>Resub. Tract "D" Cherry Creek Commercial</u> West Gate Boulevard & Stassney Lane
<u>C8s-75-216</u>	<u>Rogers' Hill</u> F.M. 969/F.M. 3177
<u>C8s-75-217</u>	<u>Greystone Center</u> Greystone Drive & Mo-Pac Boulevard
<u>C8s-75-218</u>	<u>First Resub. of J.D.T. Addition</u> Sprinkle Cut-off Road
<u>C8s-76-01</u>	<u>Resub. Lt. 6, Barton Valley</u> Crystal Circle Drive
<u>C8s-76-02</u>	<u>Resub. of Lot 5, Blk. J, Georgian Drive</u> Georgian Drive
<u>C8s-76-03</u>	<u>Springdale Commercial Subdivision</u> Springdale Road
<u>C8s-75-220</u>	<u>Tom Hotchinson Addition</u> Steck Avenue & Shoal Creek Boulevard
<u>C8s-76-04</u>	<u>Sonesta West, Sec. 2</u> U.S. Highway 183 and Oceanaire Boulevard
<u>C8s-76-05</u>	<u>Resub. Tract 2, Freund Industrial</u> Ben White Boulevard & St. Elmo

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

Short Form Subdivisions--Contd.

The Commission then

VOTED: To APPROVE the following short form subdivisions.

C8s-75-141 Resub. Lt. 14, Amended Old Town, Sec. 1, Ph. 2
Coronado Hills Drive

C8s-75-160 Mecey Subdivision
Valley View Road

C8s-75-180 Town and Country Village, Sec. 2
U.S. Highway 183 & Spicewood Springs Rd.

C8s-75-197 Resub. Lt. 8, Blk. N, Northwest Hills
Knollwood Drive and Sumac Drive

C8s-75-205 Resub. Austin Mall, Lt. 6-B
Highland Mall Boulevard

C8s-75-206 M. Smith Subdivision
Desseau Road

C8s-75-207 Resub. Lt. 47, Lakeside Addition
Charles Avenue and Bunny Run

C8s-75-210 Resub. Lt. 6, 7, & 8, Woodward Ind. Dist.
Woodward Drive

C8s-75-211 Bradfield Bend
Lake Travis and Eck Lane

C8s-75-213 Second Resub., Amended Old Town, Sec. 1, Ph. 2
Coronado Hills Drive

C8s-75-214 Resub. Lts. 18 & 19, Blk. H, Bannockburn
Lock Lommond Street

C8s-74-227 Jesse Castro Subdivision
Thaxton Road

C8s-75-219 Resub. Lts. 6, 7, & 8 Westlake Highlands
Ridge Crest Drive

C8s-75-221 Rutland - Lemmon Ltd. Addition, Sec. 2
Rutland Drive & Lamar Boulevard

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

PRELIMINARY SUBDIVISIONS--FILED AND CONSIDERED

The Commission then

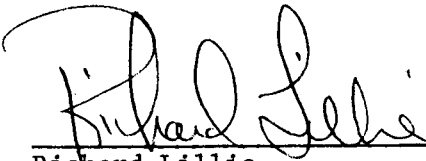
VOTED: To APPROVE the following preliminary subdivision on the PDA site and abutting street only subject to departmental requirements as on file with the City of Austin Planning Department.

C8-75-45 Bannockburn 2
William Cannon Drive & Brodie Lane

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

ABSENT: Ms. Lewis-McGowan and Mr. Ramsey

The meeting adjourned at 1:47 AM.



Richard Lillie
Executive Secretary