

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--November 2, 1976

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

Present

Miguel Guerrero, Chairman  
Barbara Chance\*  
Freddie Dixon\*\*  
Sid Jagger  
Jean Mather  
Dean Rindy  
Nellie White

Also Present

Tom Knickerbocker, Assistant Director  
of Planning  
Evelyn Butler, Supervisor of Current Planning  
Bill Lowery, Urban Transportation  
Brian Schuller, Planner  
Duncan Muir, Planner  
Dona Jakubowsky, Administrative Secretary

Absent

Gabriel Gutierrez, Jr.  
Bill Stoll

\*Arrived at 8:05 PM, left at 11:45 PM

\*\*Arrived at 8:45 PM, left at 1:00 AM

C14-76-085      Theron S. Bradford, Trustee:  
U.S. Highway 183

Int. "AA" Residence, 1st H & A  
"GR" General Retail, 1st H & A,  
(Tract 1) and  
"C" Commercial, 1st H & A (Tract 2)  
as amended

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the request as follows:

Tract 1: A twenty-five-foot strip of "A" Residence along U.S. 183 with two 45-foot gaps through the "A" where the present driveways exist, and "GR", 1st H & A on the remainder of the tract.

Tract 2: "C" Commercial, 1st H & A

#### CITIZEN COMMUNICATION

##### WRITTEN COMMENTS IN FAVOR

Edwin London, 1403 Kent Lane

##### WRITTEN COMMENTS IN OPPOSITION

None

##### PERSONS APPEARING IN FAVOR

Theron S. Bradford (Applicant)

##### PERSONS APPEARING IN OPPOSITION

None

#### COMMISSION ACTION:

Members reviewed the information presented. The applicant presented the following letter to the staff and the Commission.

*The referenced zoning case was considered by the Zoning Committee at its regular meeting on October 5, 1976. At that time, a decision was reached by the Committee to postpone this case indefinitely. The purpose of the postponement was to allow time for the corridor's zoning ordinance to be prepared and considered. Pending contracts on this property make it absolutely necessary that the applicant get the same rezoned immediately. The applicant is, therefore, willing to amend his zoning application to allow the City to zone the front twenty-five feet of this property "A" Residential with two forty-five foot gaps where the present driveways exist, with the balance of Tract One to be zoned "GR" General Retail and with all of Tract Two to be zoned "C" Commercial, provided, however, if the corridor's zoning ordinance does not pass or if the same is passed with a less stringent requirement than twenty-five feet, then the "A" Residential zoning on the applicant's property would be rolled back to cover only the front five feet of the property (or the depth which is actually established by the ordinance if passed).*

Ms. Mather made a motion to grant the request as amended, except that if the anticipated landscaping ordinance amendment is less restrictive than the 25-foot strip of "A" Residence, then the "A" would be revised to conform to the new ordinance. Mr. Jagger seconded the motion.

C14-76-085      Theron S. Bradford, Trustee--Contd.

COMMISSION VOTE:

To GRANT the request of Theron S. Bradford for a zoning change from Int. "AA" Residence, 1st H & A to "GR" General Retail and "A" Residence, 1st H & A on (Tract 1) and "C" Commercial, 1st H & A on (Tract 2) as amended with the provision that if the anticipated landscaping ordinance amendment is less restrictive than the 25-foot strip of "A" Residence, the "A" Residence strip would be revised to conform to the new ordinance, on property located on U.S. Highway 183.

AYE:            Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT:       Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

<u>C14-76-088</u>	<u>Clark L. &amp; Dorice M. Jeffries:</u>	<u>Int. "A" Residence, 1st H &amp; A to</u>
	<u>9508 Jollyville Road (Old Burnet</u>	<u>"GR" General Retail, 1st H &amp; A</u>
	<u>Road) at Loop 360</u>	

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the requested change in zoning be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

C.T. Reeves, P.O. Box 14707

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Clark Jeffries (Applicant)

Dorice M. Jeffries (Applicant)

PERSONS APPEARING IN OPPOSITION

Don Beyer (Balcones Civic Association)

Wallace Pelleran (Balcones Civic Association)

COMMISSION ACTION:

Members reviewed the information. Mr. Don Beyer, President of the Balcones Civic Association, told the Commission members that the Association's objection was to the "GR" General Retail zoning. He showed slides of the neighborhood's plan which indicated more restrictive zoning for the area of the application. Mr. Beyer said that the neighborhood preferred "O" Office zoning, but would accept "LR" Local Retail. The Commissioners also felt that "GR" zoning was too intensive for this location. Mr. Schuller reminded them that the applicants plan an arts and crafts shop in one area and that use will require "GR" zoning according to the ordinance. Mr. Rindy suggested that the "GR" zoning be applied to just the area which will contain the arts and crafts shops. Mr. Jagger said that he would still prefer "LR" zoning in that area and made a motion that the request for "GR" be denied but that "LR" be granted. Ms. Mather seconded the motion. Mr. Jagger then added that if the applicants could specify the location of the arts and crafts shops, he would have no objection to granting "GR" just for that area with "LR" on the rest of the tract. He asked the applicants if they could specify the exact area on which the arts and crafts shops will be located before this application appears before the City Council and they indicated

C14-76-088 Clark L. & Dorice M. Jeffries--Contd.

that they could do that. Mr. Jagger amended his motion to grant "GR" General Retail for the proposed area of the buildings and "LR" Local Retail on the remainder of the tract. Ms. Mather seconded the amended motion.

## COMMISSION VOTE:

To DENY the request of Clark L. & Dorice M. Jeffries for a zoning change from Int. "A" Residence, 1st H & A to "GR" General Retail, 1st H & A, but to GRANT "GR" General Retail for the proposed area of the buildings and "LR" Local Retail for the remainder of the tract, on property located at 9508 Jollyville Road (Old Burnet Road) at Loop 360.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT: Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

<u>C14-76-092</u>	<u>Frank T. Smith:</u> 619 West 37th Street, also bounded by King Street	<u>"A" Residence, 1st H &amp; A to</u> <u>"B" Residence, 1st H &amp; A</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the application be denied unless the applicant wishes to dedicate the additional right-of-way detailed in the report for future widening of the street to accommodate the projected increase in traffic, in which case the staff would recommend that the request be granted.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

Pearson Forest, P.O. Box 1987

## WRITTEN COMMENTS IN OPPOSITION

John Felter, 4304 King Street

## PERSONS APPEARING IN FAVOR

Frank Smith (Applicant)

## PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

Members reviewed the information presented. The applicant, Mr. Frank Smith, told the Commission that he has a duplex on the property now and intends to build two more units there. He added that he will agree to give the right-of-way as suggested by the staff. Ms. Mather asked if he meant that there would be just a total of four units on the property. Mr. Smith said that that was correct. Mr. Jagger asked Mr. Smith if he would be willing to deed restrict the application to only four units. Mr. Smith replied that he would not. He felt that since he was dedicating the right-of-way as requested he should not be asked to comply with other restrictions. Ms. Mather made a motion that the request be denied. She said that she could accept four units without the right-of-way but that she could not accept more than that. The motion died

C14-76-092      Frank T. Smith--Contd.

for lack of a second. Mr. Jagger suggested that the application be granted with a limitation of four units until the street is widened by the city, at which time the deed restriction will be lifted. The applicant said that he would agree to that suggestion. Mr. Jagger made a motion that the request be granted subject to additional right-of-way on King Street and a restrictive covenant limiting the residential units to four until King Street is widened from Maiden Lane to West 38th Street. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of Frank T. Smith for a zoning change from "A" Residence, 1st H & A to "B" Residence, 1st H & A, subject to additional right-of-way on King Street and a restrictive covenant limiting the residential units to four until King Street is widened from Maiden Lane to West 38th Street, on property located at 619 West 37th Street, also bounded by King Street.

AYE:            Messrs. Guerrero, Dixon, Jagger and Rindy; Mmes. Mather and White

ABSENT:       Messrs. Gutierrez and Stoll; Ms. Chance

<u>C14-76-094</u>	<u>Herman Degollado, et ux:</u>	<u>"A" Residence, 1st H &amp; A to</u>
	<u>6511 Santos Street, also</u>	<u>"GR" General Retail, 1st H &amp; A</u>
	<u>bounded by Vargas Road</u>	

Mr. Duncan Muir, representing the Planning staff, told the Commission members that a letter had been received from the applicant requesting a postponement until December 7, 1976. Mr. Muir added that, since the applicant had complied with the time limits for receipt of requests for postponements, no action was required from the Commission.

<u>C14-76-096</u>	<u>Chester Schultz, et al:</u>	<u>Int. "AA" Residence, 1st H &amp; A</u>
	<u>1605-1617 Dungan Lane</u>	<u>"DL" Light Industrial, 1st H &amp; A</u>

Mr. Duncan Muir, representing the Planning staff, told the Commission members that a letter had been received from the applicant requesting an indefinite postponement. Mr. Muir explained that, since the applicant had complied with the time limits for receipt of requests for postponements, no action was required from the Commission.

<u>C14-76-095</u>	<u>Bert L. Griggs:</u>	<u>"A" Residence, 1st H &amp; A to</u>
	<u>6006 Cameron Road</u>	<u>"GR" General Retail, 1st H &amp; A</u>

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the application be denied unless the applicant wishes to dedicate approximately twenty-one (21) feet of additional right-of-way for future widening of the street to accommodate increased traffic, in which case the staff will recommend that "GR" General Retail, 1st H & A be granted.

C14-76-095 Bert L. Griggs--Contd.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

Bruce K. and Enid M. Hallock, 4001 Cherrywood Road

## WRITTEN COMMENTS IN OPPOSITION

Joe P. Collan, Jr., 7500 Cloverleaf Drive

## PERSONS APPEARING IN FAVOR

Bert Griggs (Applicant)

## PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

Members reviewed the information presented. Mr. Jagger made a motion to grant the request subject to the dedication of right-of-way as suggested by the staff. Ms. Mather said that although the church next to the subject property was occupying "GR" General Retail zoning, she was still concerned about what the impact of this zoning would be on the residential area. Mr. Jagger asked the staff what zoning is required for a child care center. Mr. Muir answered that "O" Office is required. Mr. Jagger thought that "O" Office would be much better for the area and amended his motion to grant "O" Office, subject to the dedication of approximately 21 feet of right-of-way. Ms. Mather seconded the motion. The applicant felt that with the "GR" on the tract on one side which contains the church and the gasoline station on the other side of his property, he should be allowed the "GR" General Retail zoning.

## COMMISSION VOTE:

To DENY the request of Bert L. Griggs for a zoning change from "A" Residence, 1st H & A to "GR" General Retail, 1st H & A, but to GRANT "O" Office, 1st H & A subject to approximately 21 feet of right-of-way on Cameron Road, on property located at 6006 Cameron Road.

AYE: Messrs. Guerrero, Jagger and Rindy; Ms. Mather

ABSTAIN: Ms. White

ABSENT: Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

C14-76-097 Walnut Hollow Business Park:  
F.M. 969 (M.L.K. Blvd.) and  
and Johnny Morris Blvd.

Int. "A" Residence, 1st H & A to  
"DL" Light Industrial, 1st H & A

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the requested change in zoning be granted subject to the dedication of twenty (20) feet of right-of-way on either side necessary to expand Johnny Morris Lane from fifty (50) to ninety (90) feet.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

None

C14-76-097 Walnut Hollow Business Park--Contd.

## PERSONS APPEARING IN FAVOR

Bill Montandon (Representing Applicant)

## PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

Members reviewed the information presented. Ms. White said she would like to postpone action on this application until the new Master Plan is completed. Ms. Mather agreed that she would feel more comfortable with postponing the request. Mr. Jagger reminded them that it would probably be a year before the Master Plan would be completed. Ms. White suggested to the applicant, Mr. Bill Montandon, that he lease the land for agricultural purposes. Mr. Montandon replied that he was doing that but that the taxes on the land far exceeded what he earned from it by leasing it. Mr. Montandon said that he felt that land would be perfect for a park and that the Parks Department had reviewed it for that purpose some years ago. The members agreed that this would be a very good location for a park. Mr. Knickerbocker suggested to the Commissioners that they could postpone action to investigate the possibility of using the land for a park. Mr. Rindy suggested that action be taken just on the two-acre tract on which there was contract of sale. Ms. Mather agreed with this suggestion and made a motion that "DL" Light industrial be denied, but that "GR" General Retail be granted on Lots 1 and 2 of the proposed Walnut Hollow Subdivision, subject to dedication of 20 feet of right-of-way on Johnny Morris Road and to postpone recommendation on the remainder of the tract pending consideration of the land for park use by the Parks and Recreation Department. Mr. Jagger seconded the motion.

## COMMISSION VOTE:

To DENY the request of the Walnut Hollow Business Park for a change in zoning from Int. "A" Residence, 1st H & A to "DL" Light Industrial, 1st H & A, but to GRANT "GR" General Retail on Lots 1 and 2 of the proposed Walnut Hollow Subdivision (C8s-76-193), subject to dedication of 20 feet of right-of-way on Johnny Morris Road and postpone recommendation on the remainder of the tracts located on F.M. 969 (M.L.K. Boulevard) and Johnny Morris Road.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT: Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

C14-76-098 Carl W. Burton, et ux:  
8515 Contour Drive, also  
bounded by Ohlen Road

Int. "AA" Residence, 1st H & A to  
"O" Office, 1st H & A

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be denied.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

Tom F. Luckey, 8506 Contour Drive

Mrs. Charlotte D. Friebele, 8505 Burrell Drive

C14-76-098 Carl W. Burton, et ux--Contd.

PERSONS APPEARING IN FAVOR

Carl Burton (Applicant)

James Jensen (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

Raymond Luckey (Representing Dan Luckey, 8506 Contour Drive)

COMMISSION ACTION:

Members reviewed the information presented. The members felt that, if this zoning change was granted it could set a precedent for others in the area to do the same and they felt that this would be an intrusion into the neighborhood. Ms. Mather made a motion that the request be denied. Ms. White seconded the motion.

COMMISSION VOTE:

To DENY the request of Carl W. Burton, et ux for a zoning change from Int. "AA" Residence, 1st H & A to "O" Office, 1st H & A on property located at 8515 Contour Drive, also bounded by Ohlen Road.

AYE: Messrs. Guerrero, Dixon, Jagger and Rindy; Mmes. Mather and White

ABSENT: Messrs. Gutierrez and Stoll; Ms. Chance

<u>C14-76-099</u>	<u>Harry Joseph:</u>	<u>"BB" Residence, 1st H &amp; A to</u>
	605 West 30th Street	<u>"GR" General Retail, 1st H &amp; A</u>

Mr. Duncan Muir, representing the Planning staff, told the Commission members that the Department had received a request from the applicant that the application be withdrawn.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

John B. Gowell, 4606 Greystone Drive

WRITTEN COMMENTS IN OPPOSITION

F.R. Morke, 605 West 29th Street

William Berezovytch, 2911 Rio Grande

Jack Jennings, 607 West 32nd Street (Heritage Neighborhood Association)

O.N. Bruck, 4803 Valley Oak Drive

Charles M. Morton, 914 Congress Ave.

Miss Doris H. Connerly, 606 West 29 1/4 Street

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Members reviewed the information presented. Ms. Mather made a motion that the applicant's request for withdrawal be granted. Ms. Chance seconded the motion.



C14-76-099 Harry Joseph--Contd.

## COMMISSION VOTE:

To GRANT the request of Harry Joseph for a WITHDRAWAL of his application for a zoning change from "BB" Residence, 1st H & A to "GR" General Retail, 1st H & A on property located at 605 West 30th Street.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Chance, Mather and White  
ABSENT: Messrs. Dixon, Gutierrez and Stoll

C14-76-101	Mrs. M.H. Goldsmith:	"C" Commercial, 1st H & A to
	1318 West 5th Street, also	"C-2" Commercial, 1st H & A
	bounded by Pressler Street	

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the requested change in zoning.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

Miss Jane Smoot

Mr. & Mrs. Edwin A. Alley, Jr., 1317 W. 6th

C.C. Carbell, 1405 West 6th Street

Warren Bair, 1219 West 6th Street

PETITION containing 4 names

## PERSONS APPEARING IN FAVOR

Mrs. Charles Webb (Applicant)

Daniel C. Webb (Applicant)

## PERSONS APPEARING IN OPPOSITION

Josephin Huntley, 1105 West 10th Street

Antonia A. Martinez, 505 Oakland Avenue

Charles S. Huntley, 1105 West 10th Street

Elizabeth M. Alley, 1315 West 6th Street

Miss Jane Smoot, 1316 West 5th Street

Kay Hart, 1403 West 9th Street

Mrs. Ed Alley, 1317 West 6th Street

W.W. Patterson, 1216 American Bank Tower

## COMMISSION ACTION:

Members reviewed the information presented. The neighbors appearing in opposition expressed concern that the sale of beer would increase noise and cause disorderly behavior close to their homes. The applicants countered that the sale of beer would not change anything and that the operation would remain as it is now, with the possible exception that they would no longer stay open 24 hours a day but would close around 2:00 a.m. Mr. Guerrero agreed that there was nothing wrong in drinking beer or in playing pool but he felt that the neighbors had expressed some valid concerns. Mr. Guerrero then asked the staff if there was adequate parking provided. Mr. Muir answered that that was not known at the time and would be studied when

C14-76-101 Mrs. M.H. Goldsmith--Contd.

the special permit application is reviewed. Mr. Jagger made a motion that the request be denied as it may be a detriment to the neighborhood. Ms. Mather seconded the motion.

## COMMISSION VOTE:

To DENY the request of Mrs. M.H. Goldsmith for a zoning change from "C" Commercial, 1st H & A to "C-2" Commercial, 1st H & A on property located at 1318 West 5th Street, also bounded by Pressler Street.

AYE: Messrs. Guerrero, Dixon, Jagger and Rindy; Mmes. Chance, Mather and White

ABSENT: Messrs. Gutierrez and Stoll

C14-76-102 Wilson Foreman, et ux:  
3406-3416 Duval Road

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

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the requested zoning be denied.

## CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Wilson Foreman (Applicant)

PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

Members reviewed the information presented. Mr. Muir explained that this property had recently been annexed by the city and that the existing uses within the building could continue as non-conforming uses without zoning. He added, however, that any expansions of the business would necessitate a zoning change. Mr. Foreman, the applicant, explained that he wished to have his property zoned for the woodworking shop so that should the building be destroyed by a natural disaster, he would be able to rebuild it and under the non-conforming use definition he understood that he would not be able to do that. Mr. Muir explained to him that the ordinance provided that the building could be rebuilt if restoration did not exceed 75 percent of the assessed valuation for tax purposes. Both Mr. Muir and the Commissioners agreed that this was a very unusual occurrence and could not remember any situation where this had happened. Mr. Wilson further explained that he wished to eliminate the equipment sales and was in fact closing this part of his business, but that he hoped to establish another business here. Mr. Jagger asked the staff if the woodworking shop would require "C" Commercial or if the use would be appropriate under "GR" General Retail zoning. Mr. Muir responded that the

Cl4-76-102      Wilson Foreman, et ux--Contd.

Building Inspection Department would have to make a ruling on that question. Ms. Mather moved that "C" Commercial be granted for the area of the building only and that a corridor of "O" Office be provided for access to the tract. She added that she would prefer "GR" General Retail if the Building Inspection Department felt it was appropriate. The Commissioners asked the staff to determine whether "C" or "GR" was necessary for the existing uses and to express that in their formal motion. Ms. White seconded the motion. Mr. Dixon expressed concern for establishing a precedent for commercial zoning in that area.

COMMISSION VOTE:

To DENY the request of Wilson Foreman for a change in zoning from Int. "A" Residence, 1st H & A to "C" Commercial, 1st H & A on the entire tract, but to GRANT "C" Commercial, 1st H & A for the area of the existing building only with a 20-foot corridor of "O" Office linking the "C" Commercial area to Duval Road, on property located at 3406-3416 Duval Road.

AYE:        Mmes. Mather and White  
NAY:        Mr. Dixon  
ABSTAIN:   Messrs. Guerrero, Jagger and Rindy  
ABSENT:    Messrs. Gutierrez and Stoll

<u>Cl4-76-100</u>	<u>Joe F. Gray and F.H. Becker, Jr.:</u>	<u>Int. "A" Residence, 1st H &amp; A to</u>
	<u>8538 Research Boulevard, also</u>	<u>"GR" General Retail, 1st H &amp; A</u>
	<u>bounded by Fairfield Drive</u>	

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the requested change in zoning be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Mrs. Ada B. Turner, 700 Zermia

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Members reviewed the information presented. Mr. Jagger made a motion to grant the requested change in zoning. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of Joe F. Gray and F.H. Becker, Jr. for a change in zoning from Int. "A" Residence, 1st H & A to "GR" General Retail, 1st H & A on property located at 8538 Research Boulevard, also bounded by Fairfield Drive.

AYE:        Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White  
ABSENT:    Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

C14-76-103	Eugene Wukasch and Earl Wukasch: Rear of 5225 N. Lamar Boulevard, also bounded by Huisache Street	"O" Office, 1st H & A to "LR" Local Retail, 1st H & A (as amended)
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the requested change in zoning be granted.

#### CITIZEN COMMUNICATION

##### WRITTEN COMMENTS IN FAVOR

None

##### WRITTEN COMMENTS IN OPPOSITION

None

##### PERSONS APPEARING IN FAVOR

Eugene Wukasch (Applicant)

##### PERSONS APPEARING IN OPPOSITION

None

#### COMMISSION ACTION:

Members reviewed the information presented. Ms. Mather told the applicant that she and other members of the Commission were concerned about the lack of buffer along the back property. She asked Mr. Wukasch if he would agree to landscaped screening on that east property line. Mr. Wukasch said that he would agree to that. Mr. Jagger made a motion that the request for a zoning change be granted subject to a restrictive covenant requiring landscaped privacy screening along the east property line. Ms. White seconded the motion.

#### COMMISSION VOTE:

To GRANT the request of Eugene Wukasch and Earl Wukasch for a change in zoning from "O" Office, 1st H & A and "B" Residence, 1st H & A to "LR" Local Retail, 1st H & A, subject to a restrictive covenant providing landscaped privacy screening along the east property line, on property located at the rear of 5225 N. Lamar Boulevard, also bounded by Huisache Street.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT: Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

#### SPECIAL PERMITS

C14p-75-017	Mary A. Arnold: 1110 Tillery Street, also bounded by Govalle Avenue	Revision to a previously approved special permit for a day care to increase number of children from 38 to 60.
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a maximum of 50 children subject to compliance with ordinance requirements and departmental recommendations.

C14p-75-017 Mary A. Arnold--Contd.

## CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Bobby J. Arnold (Applicant)

PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

Members reviewed the information presented. Ms. Bobbie J. Arnold, the applicant, told the Commission members that she picks up most of the children who come to the center. Ms. Mather asked if that would make a difference in the driveway requirement from the Planning Department. Mr. Schuller answered that it would if picking up the children was made a part of the special permit. Ms. Arnold said that she understood that the Welfare Department would not issue a license for 60 children and she would agree to 53 or 54 children as suggested by them. Ms. Mather made a motion to approve the request for a special permit for a maximum of 54 children, providing that transportation is provided for 80% of the children and subject to ordinance requirements and departmental recommendations with the exception of the driveway recommended by the Planning Department and the sidewalk required by the Urban Transportation Department. Mr. Jagger seconded the motion.

## COMMISSION VOTE:

To APPROVE the request of Mary A. Arnold for a revision to a previously approved special permit for a day care to increase the number of children from 38 to a maximum of 54, with the provision that transportation is provided for 80% of the children and subject to ordinance requirements and departmental recommendations with the exception of the driveway recommended by the Planning Department and the sidewalk required by the Urban Transportation Department, on property located at 1110 Tillery Street, also bounded by Govalle Avenue.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT: Ms. Chance; Messrs. Dixon, Gutierrez and Stoll

C14p-76-041 The Village Shopping Center:  
2700 Anderson Lane

A family entertainment center  
(amusement enterprise - penny  
arcade), the name not yet  
determined.

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request subject to compliance with ordinance requirements and departmental recommendations.

C14p-76-041      The Village Shopping Center--Contd.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

Austin Northwest Development Co., Northwood Plaza

## WRITTEN COMMENTS IN OPPOSITION

Henry Morrow, 2703 Ashdale

B.S. Burton, Jr., 2601 Ashdale Dr.

## PERSONS APPEARING IN FAVOR

Mike Odell (Representing Applicant)

## PERSONS APPEARING IN OPPOSITION

Don Crawford, 2505 Ashdale

Ben Knight, 2701 Ashdale

## COMMISSION ACTION:

Members reviewed the information presented. Mr. Mike Odell, representing the applicant, commented on some of the departmental recommendations, specifically the one from the Planning Department which suggested that the proposed project be moved to the south end of the building. Mr. Odell explained that this was impossible as that portion of the building had been leased for other purposes. He also did not understand why the Urban Transportation Department was requiring sidewalks and curb ramps along Anderson Lane since his building is located to the rear of the lot and not on Anderson Lane. The persons appearing in opposition from the residential area to the north of the subject site, felt that this was not a proper location for an entertainment center since it is so close to the residential area. They were concerned about the noise from automobiles and patrons going to and from their automobiles which might result from an operation of this kind. Ms. White said that she had heard of a board fence which is new on the market and is proposed for use along major highways to buffer the noise of automobiles and suggested that this be considered. Ms. Mather did not think that any board fence or any kind of screening could buffer the kind of noise that usually results in parking lots and made a motion to deny the request. Ms. White seconded the motion.

## COMMISSION VOTE:

To DENY the request of The Village Shopping Center for a family entertainment center (amusement enterprise - penny arcade) to be located at 2700 Anderson Lane.

AYE: Mr. Rindy; Mmes. Mather and White

NAY: Messrs. Guerrero and Jagger

ABSENT: Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

<u>C14p-76-042</u>	<u>Michael James Paclik, D.V.M.:</u>	<u>Expansion of existing veterinary</u>
	1907 Wheless Lane, also bounded	<u>clinic.</u>
	by Briarcliff Boulevard and	
	Westminister Drive	

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit subject to compliance with ordinance requirements and departmental recommendations.

C14p-76-042 Michael James Paclik, D.V.M.--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Andres G. Alicea, 6203 Hickman Ave.

WRITTEN COMMENTS IN OPPOSITION

Charles Christian, 212 W. Rhapsody, San Antonio, Texas

Eleanor Crow Hutching, 6207 Linda Lane

PERSONS APPEARING IN FAVOR

Micahel Paclik (Applicant)

PERSONS APPEARING IN OPPOSITION

Fred Edwards (Windsor Park Cleaners)

COMMISSION ACTION:

Members reviewed the information presented. Mr. Fred Edwards, owner of the Windsor Park Cleaners adjacent to the veterinary clinic, requested that the entrance to the veterinary clinic be moved to the north side of the building. He explained that the clinic's customers often leave their dogs unattended outside of the building and that they frighten his customers and turn away his business. Mr. Paclik, the applicant, told the Commissioners that the north side of his building was not paved, was used as a dumping area for trash, and that there was no access from the parking lot to that side of the building. Mr. Jagger suggested that he install a sidewalk from the parking lot to the north side of the building so that the entrance could be moved there. Mr. Paclik agreed to that suggestion. Mr. Jagger then made a motion that the request for a special permit be granted subject to moving the entrance to the north side of the building and installing a sidewalk from the parking lot to the entrance and to ordinance requirements and departmental recommendations. Ms. Mather seconded the motion.

COMMISSION VOTE:

To APPROVE the request of Michael James Paclik, D.V.M. for a special permit to expand the existing veterinary clinic, subject to moving the entrance to the north side of the building and installing a sidewalk from the parking lot to the entrance and to ordinance requirements and department recommendations, on property located at 1907 Wheless Lane, also bounded by Briarcliff Boulevard and Westminster Drive.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT: Ms. Chance; Messrs. Dixon, Gutierrez and Stoll

C14p-76-043 Shoal Creek Investors:  
3501 Mills Avenue at  
West 35th Street

Shoal Creek Hospital Addition

Mr. Brian Schuller, representing the Planning staff, delivered the staff report, adding that the applicant indicated no additional beds are proposed, and staff recommendation that the request for a special permit be approved subject to compliance with ordinance requirements and departmental recommendations and subject to approval by the City Council of any changes in the existing Shoal Creek Development Plan and agreements between the City of Austin and Austin Doctors Building Corporation brought about by this proposed revision.

Cl4p-76-043 Shoal Creek Investors--Contd.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

Frank R. Rundell, P.O. Box 455

## WRITTEN COMMENTS IN OPPOSITION

None

## PERSONS APPEARING IN FAVOR

Dave Minter (Representing Applicant)

David White (Representing Applicant)

William Dyer (Representing Applicant)

## PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

Members reviewed the information presented. Mr. Schuller told the Commission members that the Urban Transportation Department was deleting their requirement that all parking be met on the site. Ms. Mather asked the applicant's representative, Mr. David White, if personnel would be added to the staff. He answered that about 12 to 15 people would be added to the staff in the operating room. He reminded the members, however, that these people would be working in shifts and would not be parking at the hospital at the same time. Ms. Mather expressed concern for the amount of impervious coverage that would result with the change. Ms. White added that she and other members felt great concern over the increase in run-off that may result. She suggested to the applicants that the additional parking be built as another floor to the hospital. Mr. Dave Minter, representing the applicant, explained that this was not feasible because funds were not available for such an extensive project and also because hospital planning is unique in that its function does not allow for flexibility. Mr. Jagger wondered if the roof of the hospital could be designed for water retention. The applicant's representatives responded that this possibility could be explored. Ms. Mather made a motion to deny the request. There was no second to her motion. Mr. Jagger made a substitute motion that the request be postponed to the Planning Commission meeting on November 9, 1976 to allow the applicant time to explore the possibility of redesigning the roof for water retention and to plan landscaping along Mills Avenue in front of the building. He explained to the applicant's representatives that the Commission was desirous of having no more run-off than is there now. Ms. Mather seconded the motion.

## COMMISSION VOTE:

To POSTPONE TO NOVEMBER 9, 1976 the request of Shoal Creek Investors for a special permit to allow an addition to the Shoal Creek Hospital located at 3501 Mills Avenue at West 35th Street.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT: Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

<u>Cl4p-76-044</u>	<u>The Cross Creek Properties, Ltd.:</u>	<u>A 250-unit apartment complex</u>
	Quail Boulevard and Mearns	<u>called "Country Place Apartments".</u>
	Meadow Boulevard	

Mr. Brian Schuller, representing the Planning staff, delivered the staff



C14p-76-044     The Cross Creek Properties, Ltd.--Contd.

report and the staff recommendation to postpone the request for a special permit indefinitely pending determination of the location of Quail Boulevard. He explained that an approved preliminary subdivision on the property to the north indicates Quail Boulevard is to continue south from its existing location through the subject tract.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

J.C. Evans, et al, 5201 Ridge Oak

## WRITTEN COMMENTS IN OPPOSITION

None

## PERSONS APPEARING IN FAVOR

None

## PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

Members reviewed the information presented. Mr. Jagger made a motion to postpone the request for 30 days. Ms. Mather seconded the motion.

## COMMISSION VOTE:

To POSTPONE the request of The Cross Creek Properties, Ltd. for a 250-unit apartment complex called "Country Place Apartments", located at Quail Boulevard and Mearns Meadow Boulevard, pending determination of the location of Quail Boulevard.

AYE:            Messrs. Guerrero Jagger and Rindy; Mmes. Mather and White

ABSENT:       Ms. Chance; Messrs. Dixon, Gutierrez and Stoll

## PLANNED UNIT DEVELOPMENTS

<u>C814-76-009</u>	<u>Howard E. Brunson:</u>	<u>"B" Residence, 1st H &amp; A to a</u>
	1608 West 6th Street, also	<u>30-unit planned unit development</u>
	bounded by West Lynn Street	<u>called, "Springhill".</u>

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request subject to compliance with ordinance requirements and departmental recommendations.

## CITIZEN COMMUNICATION

## WRITTEN COMMENTS IN FAVOR

Hardy Hollers, 1910 American Bank Tower

Maxie O. Williams, 1511 West 6th

Mark E. Spaeth, 1510 West 6th

Mrs. Lina Penny Shropshire, 1611 West 6th

Harry E. Montandon, Hwy, 620 at Hwy. 2222

## WRITTEN COMMENTS IN OPPOSITION

Dr. Iav F. Hancock, 616 Highland Avenue

C814-76-009      Howard E. Brunson--Contd.

PERSONS APPEARING IN FAVOR

Howard Brunson (Applicant)

Chris Ackreman (Representing Applicant)

C.B. Dildy, 611 West Lynn

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Members reviewed the information presented. Mr. Rindy asked Mr. Schuller if there were plans for buffering along the streets. Mr. Schuller replied that no buffering was proposed and that the proposed right-of-way would allow approximately five feet for that purpose. Mr. Guerrero expressed concern for the traffic in the area and Ms. White shared that concern. She added that there was a hill on West Lynn St. which may cause safety problems because of site distance. She felt that because of this problem, the driveways should be on West 6th Street only. Mr. Guerrero asked the applicant, Mr. Howard Brunson, if two driveways were necessary. Mr. Brunson answered that they were necessary for traffic flow. He added that the site had been studied extensively and many driveway alternatives considered, but that this plan proved to be the best. Mr. Jagger felt that the West Lynn drive could be used for exiting only. Mr. Brunson told him that this was considered but they felt that they needed an entrance and exit off of both streets. Mr. Bill Lowery, representing the Urban Transportation Department, told the members that he had looked at the area and had determined that there was enough site distance on West Lynn and that the driveway was safe. Mr. Rindy made a motion to approve the request subject to compliance with departmental recommendations and ordinance requirements and requiring landscape buffering along West 6th Street and West Lynn, to be approved by the Parks and Recreation Department. Ms. Mather seconded the motion.

COMMISSION VOTE:

To APPROVE the request of Howard E. Brunson for a change in zoning from "B" Residence to a 30-unit planned unit development called "Springhill", subject to ordinance requirements and departmental recommendations and requiring a landscape buffer along West 6th Street and West Lynn Street, on property located at 1608 West 6th Street, also bounded by West Lynn Street.

AYE:            Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT:       Messrs. Dixon, Gutierrez and Stoll; Ms. Chance

<u>C814-76-011</u>	<u>Harvey H. Lane and John Van Winkle:</u>	<u>Int. "AA", 1st H &amp; A to a</u>
	<u>Westlake Drive</u>	<u>51-unit planned unit development</u>
		<u>called, "Los Altos Condominiums".</u>

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit subject to compliance with ordinance requirements and departmental recommendations.

C814-76-011 Harvey H. Lane and John Van Winkle--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

John T. Beyers, 2457 Westlake Drive  
Abe Charez, 1107 Westlake Drive

WRITTEN COMMENTS IN OPPOSITION

Dr. & Mrs. J.B. Williams, 1029 Westlake Drive  
Dr. & Mrs. James C. Hughes, 800 Canyon Creek  
Mr. & Mrs. Jerry Morgan, 10093 The High Road  
Charles W. Kactner, 1835 Westlake Drive  
Mr. E. Lively, 1804 Lake Shore Drive  
Roy W. Hallburton, 2206 Trail of the Madrones

PERSONS APPEARING IN FAVOR

Bert Hooper (Representing Applicant)  
John Van Winkle (Applicant)  
Ken Cunningham (Representing Applicant)  
Stephanie Storms (Representing Applicant)  
Lee Baker  
Eddie Woolley, 907 Terrace Mountain Drive  
Garland Stokes  
Tom Lowe  
Jim Jenson

PERSONS APPEARING IN OPPOSITION

John Scanlan  
Dr. Guy Thompson  
Dick Tims  
Frank Schlicher  
Mrs. Dorothy DePew, 2508 Westlake Drive  
Peggy Fergusson (Representing Now or Never)  
Kay Bond  
John Dollard  
Marilyn White  
R.L. Collins  
Tom McElhenny, 1627 Westlake Drive

COMMISSION ACTION:

Members reviewed the information presented. It was explained to the members that a number of units were already being built on the property. These were started prior to the annexation of the land and before the project was under city control. Mr. Rindy felt that the project did not comply with the regulations of the ordinance concerning Planned Unit Developments in the area of flood control and water protection. He made a motion on this basis to deny the request and Mr. Dixon seconded the motion. Ms. Mather said she agreed with Mr. Rindy, but that since some units were already under construction, she felt that it would be better to postpone action to a later date, giving the applicant time to comply with these regulations. Mr. Jagger made a substitute motion to postpone action to the November 9, 1976 Planning Commission meeting. Mr. Guerrero seconded the motion.

C814-76-011 Harvey H. Lane and John Van Winkle--Contd.

## COMMISSION VOTE:

To POSTPONE ACTION TO NOVEMBER 9, 1976 on the request of Harvey H. Lane and John Van Winkle for a zoning change from Int. "AA", 1st H & A to a 51-unit planned unit development called, "Los Altos Condominiums", located on Westlake Drive.

AYE: Messrs. Guerrero and Jagger; Mmes. Chance, Mather and White  
NAY: Messrs. Dixon and Rindy  
ABSENT: Messrs. Gutierrez and Stoll

## OTHER BUSINESS

C12-76-012 Public Services

Request for utility service to the southeast area of Travis County bounded by Coulver and Thaxton Roads.

Ms. Evelyn Butler, representing the Planning staff, explained that this tract had been under one ownership but had been separated without being legally subdivided. She explained further that the estate is being probated and that the present owners cannot subdivide the land until the estate is settled. Section 41-5 of the Subdivision Ordinance provides that,

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

Ms. Butler added that the staff recommends that a variance be granted permitting the issuance of utilities without requiring a subdivision to the petitioners, and that the applicants commit to satisfy the subdivision requirements upon the resolution of the legal situation, and that the letter which was submitted by the petitioners' attorney, Mr. Hector Fabela, be made a part of the written record.

## COMMISSION ACTION:

Members reviewed the information presented. Mr. Hector Fabela, the applicants' representative, told the Commissioners that a state of emergency existed in the area, in that the families are without utilities. He explained that the petitioners purchased the land from the late Salome Saldana, who never dedicated any of the necessary utility easements and that the current owners cannot do so without clear title which will not be received until the estate is probated. He added that these families have agreed to provide the City with the proper easements and would also agree to whatever terms or conditions which would be imposed by the City. Mr. Rindy asked how long the families had lived on the property. Mr. Fabela replied that the original tract was sold to them in 1974. Mr. Jagger asked the staff if something could be done through the title companies to prevent this kind of situation from occurring in the future. Ms. Butler responded that this was attempted some years ago with no result as there seemed to be no interest. She added, however, that the Planning Department was in the process of preparing a brochure to have available to all who are considering

C12-76-012      Public Services--Contd.

a real estate purchase. Mr. Jagger made a motion to adopt the staff recommendation to grant a variance permitting the issuance of utilities without requiring a subdivision. Ms. Mather seconded the motion.

## COMMISSION VOTE:

To GRANT the request for utility service to the southeast area of Travis County bounded by Coulver and Thaxton Roads, by granting a variance permitting the issuance of utilities without requiring a subdivision to the petitioners, and subject to the applicants' committing to satisfy the subdivision requirements upon the resolution of the legal situation, and the letter which was submitted by the petitioners' attorney, Mr. Hector Fabela, being made a part of the written record, as provided in Section 41-5 of the Subdivision Ordinance.

AYE:            Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White  
ABSENT:        Ms. Chance; Messrs. Dixon, Gutierrez and Stoll

## SUBDIVISIONS

C8-7<sup>6</sup>5-47      Horseshoe Bend, Section III, Phase I  
                 Matterhorn Drive and Rockingham Drive

Mr. Tom Knickerbocker, representing the Planning staff, told the Commission members that this request was for approval of the final plat and that the staff recommended approval.

## COMMISSION ACTION:

Members reviewed the information presented. Mr. Jagger made a motion that the final plat be approved. Ms. Mather seconded the motion.

## COMMISSION VOTE:

To APPROVE the final plat for Horseshoe Bend, Section III, Phase I.

AYE:            Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White  
ABSENT:        Ms. Chance; Messrs. Dixon, Gutierrez and Stoll

C8-76-36      Rutland Village, Section 1  
                 Rutland Drive

Mr. Tom Knickerbocker, representing the Planning staff, explained to the Commission members that, at their regular meeting on July 27, 1976, this Commission approved the preliminary plat for this subdivision, subject to rolling back the zoning from "BB" to "A". The owner is now asking that the condition be removed and that the plat be allowed to be recorded, since the application for zoning rollback has been filed and will be considered by the Commission and Council in December. He said that the staff had no objection to granting the request and added that if the plat is recorded now, it will be several months before the land is ready for building activity.

C8-76-36 Rutland Village, Section 1--Contd.

COMMISSION ACTION:

Members reviewed the information presented. Mr. Jagger made a motion that the request be granted and Ms. Mather seconded the motion.

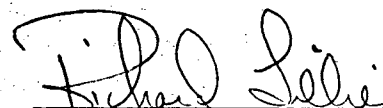
COMMISSION VOTE:

To GRANT the request of Rutland Village, Section 1 to delete the requirement for a zoning rollback from "BB" to "A" as a condition of preliminary plat approval.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Mather and White

ABSENT: Ms. Chance; Messrs. Dixon, Gutierrez and Stoll

The meeting adjourned at 3:45 AM



Richard R. Lillie  
Director of Planning