

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--January 4, 1977

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

Present

Miguel Guerrero, Chairman
Gabriel Gutierrez
Sid Jagger
Jean Mather
Dean Rindy*
Bill Stoll**
Nellie White

Also Present

Evelyn Butler, Supervisor of Current Planning
Duncan Muir, Planner
Brian Schuller, Planner
Jim Gotcher, Building Inspection Department
Dona Jakubowsky, Administrative Secretary

Absent

Barbara Chance
Freddie Dixon

* Left at 11:00 PM

**Arrived at 7:40 PM

ZONING

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

Felix Ruedas, 6906 Santos
Edward D. Moreno, 6305 Santos
Daniel Benaidis
Mr. Robert A. Reyna, 6802 Cruz St.
Shirley Brown, 6403 Santos
Agapito A. Vasquez, 6605 Santos St.
Mrs. Arthur F. Longeria, 6309 Santos
Raymond Herrera, 6307 Santos
Wendell R. Manor, 6407 Santos
Mrs. Alma Nobles, 6405 Santos
Lillie B. Mackey, 6403 Santos
Mr. & Mrs. Jane Franklin, 6501 Santos
Mr. C.D. Manos, 6503 Santos
Aldene Washington, 6509 Santos

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

William F. Kemp (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Jim Gotcher, representing the Building Inspection Department, told the members that the applicant had been using the garage as a body shop in violation of the ordinance. He added that after Mr. Degallado was informed of the violation he ceased operation at that location. Mr. William F. Kemp, representing the applicant, explained to the Commissioners that Mr. Degallado was now operating in another location which he had to lease, but that it was very costly and the size was inadequate for his business. He continued that the applicant would prefer to continue operating his business at his home. Ms. Mather pointed out that a drive-in theater existed very close to this location and because the garage was almost separated from the neighborhood she considered the drive-in more of an intrusion into the neighborhood than the proposed body shop. She also pointed out that the neighbors had not objected to the request. Mr. Gutierrez agreed and said that he thought that the neighbors were probably sympathetic to the applicant's problem. He made a motion to grant the zoning change. Ms. Mather seconded the motion. Mr. Guerrero amended

C14-76-094 Herman Degollado, et ux--Contd.

the motion to add a restrictive covenant authorizing the City to roll the zoning back to "A" Residence in the event the Degollado's cease to operate the garage. Mr. Gutierrez further amended the motion to require a six-foot privacy fence on the north and west property lines, and accepted Mr. Guerrero's amendment. Mr. Stoll said that he is not in favor of the motion because he feels that the use is an intrusion into the neighborhood. Mr. Rindy agreed and added that it seemed that the other members were only thinking of the business that existed now and not what would happen if it expanded. Ms. Mather said that it could not expand too much on such a small piece of property. Mr. Jagger reminded Mr. Rindy and the other members that the application would be before them again for parking approval and the size of the business could be restricted by the amount of parking granted.

COMMISSION VOTE:

To GRANT the request of Herman Degollado, et ux for a zoning change from "A" Residence, 1st H & A to "GR" General Retail, 1st H & A, on property located at 6511 Santos Street, also bounded by Vargas Road, subject to a restrictive covenant authorizing the City to roll the zoning back to "A" Residence in the event the Degollado's cease to operate the garage, and requiring a six-foot privacy fence on the north and west property lines.

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

NAY: Messrs. Rindy and Stoll

ABSTAIN: Ms. White

ABSENT: Mr. Dixon and Ms. Chance

C14-76-096 Chester Schultz, et al:
1605-1711 & 1620-1708 Dungan Ln.
also bounded by Dessau Road

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

Mr. Duncan Muir, representing the Planning staff, gave the following introduction.

A zoning application for "DL" Light Industrial zoning has been submitted by nine owners of properties totalling approximately fourteen (14) acres in northeast Austin. All but one property fronts Dungan Lane; the other fronts Brown Lane in an area east of Cameron Road. The area which is in the Manor Independent School District was annexed by the city in mid-1976. Prior to annexation, heavy commercial uses such as warehouses, equipment yards and building contractor business, were established as five separate locations within the area under application. A field survey reveals other commercial service or manufacturing facilities have been established at four separate locations on Brown Lane in addition to the one Brown Lane property under application. The staff has also ascertained that owners of other properties on Dungan and Brown Lanes are interested in intensive commercial or industrial zoning. As a result of the zoning application, the concentration of existing, intensive commercial enterprises fronting Brown and Dungan Lanes, and the desires of other property

C14-76-096 Chester Schultz, et al--Contd.

owners on these streets, the staff submits the following report and recommendations. The study area will be those properties which abut these two streets southward to the proposed extension of Rundberg Lane.

Mr. Muir then read the report to the Commission and gave the following staff recommendation.

If the applicants are willing to dedicate one-half the additional right-of-way, ten (10) feet, to increase Dungan Lane from fifty (50) to seventy (70) feet to accommodate traffic generated by uses permitted by "DL" zoning, and to provide for the expansion of Cameron Road by dedicating up to forty-five (45) feet from the centerline, and City purchase of the remaining fifteen (15) feet to sixty (60) feet from the centerline according to current City policy, the following zoning is recommended:

Tract 1: "GR" General Retail to a depth of 200 feet from the east line of Cameron Road after right-of-way provision, and "DL" Light Industrial on the remainder, and

Tract 2: "DL" Light Industrial excluding the westernmost fifty (50) feet measured from the north line south for a distance of approximately 270 feet to be zoned "A" Residence.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Roy Thomas, 6423 Burnet Lane (Applicant)
E.C. Thomas, 6423 Burnet Lane (Applicant)

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Roy Thomas, 6423 Burnet Lane (Applicant)
Jack H. Brightwell, Jr., 9611 Cameron Road
Chester Schultz, 1703 Dungan Lane (Applicant)
V.D. Sylvester
B.T. Webb, 401 E. 53rd Street (Applicant)
Otto Lentz, 1700 Dungan Lane (Applicant)
Bill Stringer
Melvin M. Speir, 615 Lookout, San Antonio, TX (Applicant)

COMMISSION ACTION:

The members reviewed the information presented and were in agreement with the staff recommendation. Mr. Stoll made a motion to grant the request as recommended by the staff and Ms. Mather seconded the motion.

COMMISSION VOTE:

To DENY the request of Chester Schultz, et al for a zoning change from Int. "AA" Residence, 1st H & A to "DL" Light Industrial, 1st H & A on the entire tract, but to GRANT "GR" General Retail on Tract 1 to a depth of 200 feet from the east line of Cameron Road after right-of-way provision and "DL" Light Industrial on the remainder of the tract, subject to dedication of one-half the

C14-76-096 Chester Schultz, et al--Contd.

additional right-of-way, 10 feet, to increase Dungan Lane from 50 to 70 feet and dedication of additional right-of-way, 20 feet, to expand Cameron Road to 45 feet from the centerline. The City will purchase the remaining 15 feet to increase Cameron Road to 120 feet. Also, GRANT "A" Residence on the westernmost 50 feet on Tract 2, measured from the north line south for a distance of 270 feet and "DL" Light Industrial on the remainder, on property located at 1605-1711 and 1620-1708 Dungan Lane, also bounded by Dessau Road.

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

<u>C14-76-097</u>	<u>Walnut Hollow Business Park:</u>	<u>Int. "A" Residence, 1st H & A to</u>
	<u>F.M. 969 and Johnny Morris Rd.</u>	<u>"DL" Light Industrial, 1st H & A</u>
		<u>(as amended)</u>

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "DL" Light Industrial be granted, subject to the dedication of 40 feet of right-of-way necessary to expand Johnny Morris Lane from 50 to 90 feet. He explained to the members that the City Council had postponed zoning action on this case pending Planning Commission consideration of the entire request. He reminded the Commissioners that they had previously postponed a recommendation on the majority of the request pending another review by the Parks and Recreation Department for possible purchase of some or all of the subject tracts. He then read the following letter from Mr. Jack Robinson, Director of the Parks and Recreation Department.

At your request and for presentation to the Planning Commission we would like to submit the following information with regards to this subdivision and our interest in the area for park purposes:

1. *We have discussed the feasibility of this property for park purposes with the owners over the past two years. We have accordingly informed Mr. Montandon that we are not interested in acquiring this property for park purposes.*
2. *The adopted 74-79 C.I.P. identified monies for the development of a golf course at the Webberville Wastewater Treatment Plant across the street from Walnut Hollow Business Park. Should this project have been implemented, we possibly would have been interested in this area for park purposes.*
3. *In December of 1974 the Austin Golf Course Development Plan by the William Sherman Company was completed and reviewed by the City Council. This study did not recommend the development of a Golf Course at the Webberville Treatment site. It was at this time that we informed Mr. Montandon that we were most definitely not interested in his land for park purposes.*

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

4. With the adoption of the 75-80 C.I.P., monies were allocated for the development of the Webberville Wastewater Treatment plant as a District Park once the treatment plant was completed. The site will permit for the development of approximately a 150 acre park. Normal District Park sites are from 50 to 75 acres in size. Based upon the standards of distribution for park sites, the treatment plant site is sufficient and well suited for a district park.
5. In the adopted 76-81 C.I.P., \$528,000 is identified in F.Y. 78-79 for the development of the treatment plant for park purposes.
6. The staff does believe that Walnut Creek should be protected as a greenbelt area and is in keeping with the overall plans of the Austin greenbelt system. Therefore, some area of width along the creek proper should be set aside as a major preservation for greenbelt purposes and not allowed to be developed.

Should you have any further questions on this subject, please contact my office. Attached for your review is a map showing the parks in the subject area.

Mr. Muir added that because most of the subject tract falls within the 100-year flood plain, and much of it is within the 25-year flood plain, the owner has been in contact with the Engineering Department to develop a flood alleviation plan. An approved flood alleviation plan will be necessary prior to the development of the tracts.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

William C. Montandon (Applicant)

Harry Montandon (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather asked if the application would appear before the Environmental Board. Mr. Jafus Cavil, Assistant Director of the Office of Environmental Resource Management, replied that some waterway development permits do appear before the Board, but he did not know if this particular application would appear. Mr. Montandon, the applicant, told the members that he was removing Tract 2 from consideration in this application. Ms. White asked the staff to read the City Council minutes. She said she

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

thought that Mayor Pro Tem Snell had expressed concern in the past about the amount of industrial development in east Austin. Mr. Muir read the minutes and said that he thought Ms. White was correct in her interpretation of Mr. Snell's concerns for east Austin, but that he voted to approve the industrial zoning around the Craigwood Subdivision, also in east Austin. Mr. Gutierrez made a motion to approve the application as amended for Tract 1, subject to right-of-way requirements on Johnny Morris Road. Ms. Mather seconded the motion. Ms. White did not feel that this zoning was appropriate for the surrounding area. Mr. Gutierrez said that all the area of Mr. Montandon's property was a flood prone area and, therefore, not appropriate for homes.

COMMISSION VOTE:

To GRANT the request of Walnut Hollow Business Park for a zoning change from Int. "A" Residence, 1st H & A to "DL" Light Industrial, 1st H & A (as amended) subject to dedication of one-half the additional right-of-way, 20 feet, necessary to increase Johnny Morris Road from 50 to 80 feet.

AYE: Messrs. Guerrero, Gutierrez, Jagger and Stoll; Ms. Mather

NAY: Ms. White

ABSENT: Messrs. Dixon and Rindy; Ms. Chance

<u>C14-76-108</u>	<u>Wayne Laymon Construction Company:</u>	<u>Int "AA" Residence, 1st H & A to</u>
	12032 Research Boulevard, also	<u>"GR" General Retail, 1st H & A</u>
	bounded by Arabian Trail	

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "GR" be denied on the entire tract. He added that if the applicant changes the request to "A" Residence on the southern half of the lot, and "GR" General Retail on the northern half with a limitation on driveway access as indicated in the report, the staff will recommend that "GR" and "A", 1st H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Norman Janssen (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

Sam Spangler

Mr. Mathal

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather said that she still felt that the proposed zoning would be an intrusion into the residential neighborhood, but she could not think what could be done along Hwy. 183. Mr. Jagger

C14-76-108 Wayne Laymon Construction Company--Contd.

said that the negative effects of commercial development should be borne by the property owners and not the residents. He then made a motion to grant "A" on the southern half of the lot and "GR" on the northern half with a limitation on driveway access. Ms. Mather seconded the motion. The members voted on the motion, but it failed. Ms. White indicated that she would prefer to have a wide natural buffer between the subject property and the residential area behind it. Mr. Gutierrez made a motion to grant "A" on the southernmost 28 feet and on the northernmost 25 feet along U.S. 183, excluding an area for two one-way, 20-foot driveways, and "GR" on the remainder of the tract, subject to a restrictive covenant providing for a six-foot privacy fence along the southern line of the "GR". Ms. White seconded the motion.

COMMISSION VOTE:

To DENY the request of Wayne Laymon Construction Company for a zoning change from Int. "AA" Residence, 1st H & A to "GR" General Retail, 1st H & A on the entire tract, but to GRANT "A" Residence on the southern half of the lot and "GR" General Retail on the northern half with a limitation on the driveway access, on property located at 12032 Research Boulevard, also bounded by Arabian Trail.

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

THE MOTION FAILED -- 2-3-1

To DENY the request of Wayne Laymon Construction Company for a zoning change from Int. "AA" Residence, 1st H & A to "GR" General Retail, 1st H & A on the entire tract, but to GRANT "A" Residence on the southernmost 28 feet and on the northernmost 25 feet along U.S. 183, excluding an area for two one-way 20-foot driveways, and "GR" General Retail on the remainder of the tract, subject to a restrictive covenant providing for a six-foot privacy fence along the southern line of the "GR" General Retail, on property located at 12032 Research Boulevard, also bounded by Arabian Trail.

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

C14-76-110	Romami Company: 515-519 Radam Lane	<u>"A" Residence, 1st H & A to</u> <u>"B" Residence, 1st H & A</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

C14-76-110 Romami Company--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

George Butler (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Members reviewed the information presented. Ms. Mather said that she would like to see a fence along the north and east property lines. The applicant's representative, Mr. George Butler, told the members that he would amend the application to include a six-foot privacy fence along the north and east property lines. Mr. Jagger asked the applicant if he would be willing to write a letter agreeing to that amendment. Mr. Butler said he would do that. Ms. Mather made a motion to grant the amended request for a zoning change, subject to a letter from the applicant agreeing to a six-foot privacy fence on the north and east property lines. Mr. Gutierrez seconded the motion.

COMMISSION VOTE:

To GRANT the request of Romami Company for a zoning change from "A" Residence, 1st H & A to "B" Residence, 1st H & A (as amended), on property located at 515-519 Radam Lane, subject to a letter from the applicant agreeing to a six-foot privacy fence on the north and east property lines.

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

ABSENT: Messrs. Dixon and Stoll; Ms. Chance

<u>C14-76-112</u>	<u>Hart Graphics & Office Center, Inc.:</u>	<u>Int. "A" Residence, 1st H & A &</u>
	8000 Shoal Creek Boulevard	<u>"O" Office, 1st H & A to</u>
		<u>"D" Industrial, 1st H & A</u>

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "D" Industrial be denied on the entire tract, but granted on the main body of the tract west of the access corridors.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

William Hart (Applicant)

PERSONS APPEARING IN OPPOSITION

None

C14-76-112 Hart Graphics & Office Center, Inc.--Contd.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the recommendation of the staff. Ms. Mather made a motion to deny the request for "D" on the entire tract, but to grant "D" on the main body of the tract west of the access corridors. Mr. Rindy seconded the motion.

COMMISSION VOTE:

To DENY the request of Hart Graphics & Office Center, Inc. for a zoning change from Int. "A" Residence, 1st H & A and "O" Office, 1st H & A to "D" Industrial, 1st H & A on the entire tract, but to GRANT "D" Industrial, 1st H & A excluding the two access corridors presently zoned "O" Office, on property located at 8000 Shoal Creek Boulevard.

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

<u>C14-76-113</u>	<u>Francis X. Bouchard:</u> 1502 Spyglass Drive, also bounded by Barton Skyway	<u>"LR" Local Retail, 1st H & A to</u> <u>"GR" General Retail, 1st H & A</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the request for a change in zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Lee Choate (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented and were in agreement with the recommendation of the staff. Ms. Mather made a motion to grant the request. Ms. White seconded the motion.

COMMISSION VOTE:

To GRANT the request of Francis X. Bouchard for a zoning change from "LR" Local Retail, 1st H & A to "GR" General Retail, 1st H & A on property located at 1502 Spyglass Drive, also bounded by Barton Skyway.

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

C14-76-114	Morey, Sterzing & Walker, Inc.: 4501-4505 Avenue G 4500-4502 Avenue H, also bounded by E. 45th Street	<u>"A" Residence, 1st H & A to</u> <u>"B" Residence, 2nd H & A</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to deny the zoning change as requested, but if the applicant changes the request to "BB" Residence, 1st H & A the staff will recommend it be granted subject to a short-form subdivision combining the lots into one and limiting vehicular access to 45th Street only.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

C.M. Williams, 4502 Avenue G
Hazel Williams, 4502 Avenue G
Dorothy Eastburn Smith, 4515 Avenue G
N.L. Smith, 4515 Avenue G
John and Anne Simms, 4504 Avenue G
Linda Pennington, 1601 Royal Crest

PERSONS APPEARING IN FAVOR

Phil Sterzing (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

Kenneth Manning, 213 W. 14th St. #1
Henry Ulrich, 504 St. John
Mrs. Bess Adams, 21 Waller
Michael Arth, 4510 Avenue G
Sandra Anderson, 4513 Avenue H
John Anderson, 4513 Avenue H
Anne Simms, 4504 Avenue G
John Lee Simms, 4504 Avenue G.
W.F. Kleen, 4517 Avenue G
Don Roth, 4525 Avenue G
Ernest Parker, 4509 Avenue G
Jean James, 4508 Avenue G
Agnes M. Edwards, 4309 Avenue G
Doroth Jean Richter, 3901 Avenue G
Linda Pennington, 4517 Avenue H
Ben Taylor, 4504 Avenue H

COMMISSION ACTION:

The members reviewed the information presented. All the members felt that "B" Residence zoning was too dense for the neighborhood. Mr. Phil Sterzing, the applicant's representative, said that the applicant would not amend his application to "BB" as recommended by the staff. Ms. Mather said that she would consider a denser development than single family and thought perhaps a planned unit development would be best for this property, but she said that this zoning was too dense for this area and she would prefer to see a plan before granting any zoning. Ms. White made a motion to deny the request. Mr. Rindy seconded the motion. Mr. Jagger suggested that this and other neighborhoods should address planning with high traffic areas in mind. He explained that there are streets with existing houses that people do not want to buy because of the high volume of traffic.

C14-76-114 Morey, Sterzing & Walker, Inc.--Contd.

COMMISSION VOTE:

To DENY the request of Morey, Sterzing & Walker, Inc. for a zoning change from "A" Residence, 1st H & A to "B" Residence, 2nd H & A on property located at 4501-4505 Avenue G, 4500-4502 Avenue H and bounded by East 45th Street.

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

ABSENT: Mr. Dixon and Ms. Chance

<u>C14-76-115</u>	<u>University Christian Church, et al:</u> 2000-2004 University Avenue, also bounded by West 20th Street	<u>"B" Residence, 2nd H & A to</u> <u>"GR" General Retail, 2nd H & A</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the request for a change in zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Roy Snodgrass (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Roy Snodgrass, representing the applicant, explained to the members that the church wished to have the property zoned to use it for contract parking. He explained further that the church was already using another lot for this purpose but had only recently learned that it was an illegal use with the present zoning. He added that the house was going to be considered for historic zoning and the result of that hearing would determine what would be done with the house. Mr. Rindy said that he wasn't sure that that lot should be "GR". Ms. Mather agreed and said that she understood that the church needed the parking, but she hated to zone the house "GR". She made a motion to grant "GR" on the northern two blocks, eliminating the block with the house. Mr. Muir told the Commission that although the Historic Landmark Review Committee would be hearing the case for historic zoning on the house on January 17, there would not be a firm decision at that time and would probably postpone the case for a minimum of two months. Ms. Mather suggested that they go ahead and zone the two northern lots and postpone the lot with the house on it. Mr. Muir reminded them that there was a sale pending on that lot. Ms. Mather said that she would have no problem with the "GR" zoning after the house received historical designation. Ms. White said that she would have a problem with it because she did not see the need for another parking lot there. Mr. Jagger suggested that "LR" Local Retail be granted instead which would require the applicant to apply for a special permit. Mr. Guerrero asked Mr. Snodgrass if he would be willing to amend his application to request "LR". Mr. Snodgrass replied that he could not wait for the zoning since he had a contract of

C14-76-115 University Christian Church, et al--Contd.

sale pending. He added that the church needed the income from the contract parking. Mr. Jim Gotcher, representing the Building Inspection Department, told the members that his department had not been aware that there was a zoning violation and would take this opportunity to inform the applicant that the use would have to cease until proper zoning was received. Ms. Mather amended her motion to grant "LR" Local Retail on the northern two lots and postpone action on the southern lot indefinitely pending the results of the historic zoning hearing to be held by the Historic Landmark Commission. Ms. White seconded the amended motion. Mr. Guerrero said that this whole area was already "C" Commercial and that the Commission had approved a restaurant just on the corner, so he disagreed with the recommendation.

COMMISSION VOTE:

To DENY the request of University Christian Church, et al for a zoning change from "B" Residence, 2nd H & A to "GR" General Retail, 2nd H & A, but to GRANT "LR" Local Retail, 2nd H & A on the northern two lots and POSTPONE action on the southern lot pending review by the Historic Landmark Commission, on property located at 2000-2004 University Avenue, also bounded by West 20th Street.

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

NAY: Messrs. Guerrero and Gutierrez

ABSENT: Messrs. Dixon and Stoll; Ms. Chance

(THIS CASE WILL BE REHEARD BY THE COMMISSION ON FEBRUARY 1, 1977 AT THE REQUEST OF THE APPLICANT.)

C14-76-116 Jimmy D. Foster, et ux:
3201 Manchaca Road

"A" 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 "O" Office be denied. He added that if the applicant changes the request to "BB" Residence, the staff will recommend approval.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Pascual Piedfort (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Pascual Piedfort, the applicant's representative, told the members that the applicant is willing to abide by any restrictive covenant the Commission may feel necessary for the requested zoning. He explained that the applicant plans to use the

C14-76-116 Jimmy D. Foster, et ux--Contd.

existing structure for an office at this time, but plans to build an apartment complex there in the future. Ms. White made a motion to grant the request for "O" Office, subject to a restrictive covenant limiting the use to professional and semi-professional office uses and the density of apartment units, which could be built, to the density limitation of "BB" Residence. Mr. Jagger seconded the motion.

COMMISSION VOTE:

To GRANT the request of Jimmy D. Foster, et ux for a zoning change from "A" Residence, 1st H & A to "O" Office, 1st H & A, subject to a restrictive covenant limiting the use of the "O" Office to the professional and semi-professional office uses and the density of apartment units, which could be built, to the density limitation of "BB" Residence.

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

C14-76-117 Ivan H. Roberts:
9550 Brown Lane

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

Mr. Duncan Muir, representing the Planning staff, gave the following introduction.

A zoning application for "DL" Light Industrial zoning has been submitted by nine owners of properties totalling approximately fourteen (14) acres in northeast Austin. All but one property fronts Dungan Lane; the other fronts Brown Lane in an area east of Cameron Road. The area which is in the Manor Independent School District was annexed by the city in mid-1976. Prior to annexation, heavy commercial uses such as warehouses, equipment yards and building contractor business, were established as five separate locations within the area under application. A field survey reveals other commercial service or manufacturing facilities have been established at four separate locations on Brown Lane in addition to the one Brown Lane property under application. The staff has also ascertained that owners of other properties on Dungan and Brown Lanes are interested in intensive commercial or industrial zoning. As a result of the zoning application, the concentration of existing, intensive commercial enterprises fronting Brown and Dungan Lanes, and the desires of other property owners on these streets, the staff submits the following report and recommendations. The study area will be those properties which abut these two streets southward to the proposed extension of Rundberg Lane.

Mr. Muir then read the report to the Commission and gave the following staff recommendation.

If the applicant is willing to dedicate one-half the additional right-of-way, fifteen (15) feet, to increase Brown Lane from fifty (50) to eighty (80) feet to accommodate traffic generated by uses permitted by "DL" Light Industrial zoning, the staff will recommend that "DL" Light Industrial be granted excluding the westernmost fifty (50) feet to be zoned "A" Residence.

C14-76-117 Ivan H. Roberts--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Roy Thomas, 6423 Burnet Lane

Jack H. Brightwell, Jr., 9611 Cameron Road

Chester Schultz, 1703 Dungan Lane

V.D. Sylvester

B.T. Webb, 401 E. 53rd St.

Otto Lentz, 1700 Dungan Lane

Bill Stringer (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

PERSONS APPEARING WITH NO OPINION

Melvin M. Speir, 615 Lookout, San Antonio, TX

COMMISSION ACTION:

The members reviewed the information presented and were in agreement with the staff recommendation. Ms. Mather made a motion to grant the request as recommended by the staff.

COMMISSION VOTE:

To DENY the request of Ivan H. Roberts for a zoning change from Int. "A" Residence, 1st H & A to "DL" Light Industrial, 1st H & A on the entire tract, but GRANT "A" Residence on the westernmost 50 feet and "DL" Light Industrial on the remainder, subject to dedication of one-half the additional right-of-way, 15 feet, to increase Brown Lane from 50 to 80 feet, on property located at 9550 Brown Lane.

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

<p><u>C14-76-118</u> <u>Lynn Storm:</u></p> <p>3801-3811 South Lamar Blvd.</p> <p>2317-2325 Panther Trail</p> <p>3800-3808 Victory Lane</p>	<p>Int. "A" Residence, 1st H & A to "GR" General Retail, 1st H & A</p>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the zoning change if the applicant is willing to dedicate one-half the additional street right-of-way necessary to increase Panther Trail from 50 to 60 feet to accommodate the traffic generated by uses permitted by the requested zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

C14-76-118 Lynn Storm--Contd.

PERSONS APPEARING IN FAVOR

Carl Burnett (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented and felt that access on Victory Lane should be limited. Mr. Muir told them that a preliminary subdivision had been approved near the subject site and that Victory Lane would be cut through to Ben White Boulevard. Mr. Bill Lowery, representing the Urban Transportation Department, said that he would recommend access be on Panther Lane and not on Victory Lane. Mr. Gutierrez made a motion to grant the additional right-of-way, five feet, necessary to increase Panther Trail from 50 to 60 feet. Mr. Jagger seconded the motion.

COMMISSION VOTE:

To GRANT the request of Lynn Storm for a zoning change from Int. "A" Residence, 1st H & A to "GR" General Retail, 1st H & A, subject to dedication of one-half the additional right-of-way, five feet, necessary to increase Panther Trail from 50 to 60 feet, on property located at 3801-3811 South Lamar Boulevard, 2317-2325 Panther Trail and 3800-3808 Victory Lane.

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

ABSENT: Messrs. Dixon and Rindy; Ms. Chance

<u>C14-76-119</u>	<u>Statewide Stations, Inc.:</u>	<u>"GR" General Retail, 1st H & A to</u>
	1400 West Ben White Boulevard,	<u>"C-1" Commercial, 1st H & A</u>

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

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Bill Corbett (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented and were in agreement with the recommendation of the staff. Ms. Mather made a motion to grant the zoning change and Mr. Jagger seconded the motion.

COMMISSION VOTE:

To GRANT the request of Statewide Stations, Inc. for a zoning change from "GR" General Retail, 1st H & A to "C-1" Commercial, 1st H & A on property

C14-76-119 Statewide Stations, Inc.--Contd.

located at 1400 West Ben White Boulevard, also bounded by Fort View Road.

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

ABSENT: Mr. Dixon and Ms. Chance

<u>C14-76-120</u>	<u>City of Austin:</u>	<u>"B" Residence, 1st H & A to</u>
	1505 Windsor Road and bounded by	<u>"A" Residence, 1st H & A</u>
	Enfield Road and Harrell Lane	

Mr. Duncan Muir, representing the Planning staff delivered the staff^b report and the staff recommendation to grant the zoning change. He reminded the Commissioners that they had recommended the zoning roll-back as a result of a review of an application for historic designation on the subject property.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented and were in agreement with the staff recommendation. Ms. White made a motion to grant the zoning change and Mr. Jagger seconded it.

COMMISSION VOTE:

To GRANT the request of the City of Austin for a zoning change from "B" Residence, 1st H & A to "A" Residence, 1st H & A on property located at 1505 Windsor Road and bounded by Enfield Road and Harrell Lane.

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

ABSENT: Messrs. Dixon and Rindy; Ms. Chance

C14h-74-001	The Tips House: 135 West Oltorf Street, also bounded by South Congress Ave.	<u>"C" Commercial, 2nd H & A to</u> <u>"C-H" Commercial-Historic,</u> <u>2nd H & A</u>
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Ms. Evelyn Butler, representing the Planning staff, told the members that the Tips House was built in 1876 and was moved to its present location in June, 1975. She added that the owners of the structure, Franklin Savings Association, have no objection to the property being zoned historic and that there have been no communications received from the adjacent property owners objecting to the designation. She continued that the Historic Landmark Commission had voted to recommend that the structure be zoned historic.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Rindy made a motion to grant the request for historic zoning on the Tips House. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request for a zoning change from "C" Commercial, 2nd H & A to "C-H" Commercial-Historic, 2nd H & A, on property located at 135 West Oltorf Street, also bounded by South Congress Avenue, known as the Tips House.

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

SPECIAL PERMITS

C14p-76-047	Larry Peel: 2621-2635 Bee Caves Road	<u>A 134-unit garden apartment</u> <u>complex called, "The Bee Cave".</u>
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Mr. Brian Schuller, representing the Planning staff, reminded the members that this application was heard by the Commission in December of 1976, at which time a motion to approve failed by a 3-3 vote. Then on December 21, 1976, the Planning Commission approved a request by the applicant to resubmit a site plan on the subject tract which would answer questions and objections by the Commission. He continued that this submission would reduce the number of units from 144 to 134 units for a density of 23.7 units per acre. He called the members' attention to a memorandum from the Environmental Resource Management office, which commented on negative impacts of the development caused by run-off and the route of ingress-egress through the draw.

C14p-76-047 Larry Peel--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Larry Peel (Applicant)

Bill Smyrl (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

Joe Riddell

COMMISSION ACTION:

The members reviewed the information presented. Mr. Stoll asked the applicant, Mr. Larry Peel, if he would have any problem with the recommendation from the Environmental Resource Management office that acoustical insulation be provided. Mr. Peel answered that he had no problem with that and would agree to it. Ms. White pointed out that the MoPac Environmental study recommends that buildings be 250 feet from the edge of the main lane and this plan does not allow that. Mr. Peel agreed that it did not and said that he was about 10 feet short of that. Ms. White felt that it was more than 10 feet. Ms. White then mentioned that there was quite a bit of noise coming from the traffic on Bee Caves Road. Mr. Peel answered that he plans to use the acoustical sound insulation and double glass on the buildings fronting Bee Caves. Ms. White suggested that a requirement be applied to the application that specifies 50 decibels or less. Mr. Peel responded that some lenders require 55 but that he could live with 51 decibels, which is the decibel rating of a double-studded wall. Ms. White was still concerned about the proposed access and wondered if something else could be worked out. Mr. Peel outlined the present zoning on the land and felt that this access was the best that could be worked out with the zoning that existed on the property. Mr. Gutierrez asked Mr. Peel if he would be willing to meet the four specifications set out by the Environmental Resource Management office. Mr. Peel replied that he would. Mr. Gutierrez stated that he felt that under the standards that exist, Mr. Peel has met all the standards that need to be met and, therefore, the application should be approved. Mr. Stoll made a motion to approve the request for a special permit subject to ordinance requirements and departmental recommendations and the four items listed on the January 4, 1977 memorandum from the Environmental Resource Management Department. He added that he thought Mr. Peel had worked to answer the questions and concerns of the Commission. Ms. White asked Mr. Stoll if he would add to his motion a requirement of 250 feet from the edge of MoPac. Mr. Peel said that he would be willing to do that, but he felt that the plan worked better as it is now, because if he moved the buildings back it would squeeze the buildings together to the inside, taking up some of the green area provided there. Ms. White felt that squeezing the buildings together would help the noise problem. Mr. Peel asked that instead of doing that, the Commission require a decibel rating and he would be glad to meet it. Ms. Mather thought that the suggestion for using concrete pavement should be added to the motion to help the quality of the run-off. Mr. Stoll wondered what the extra cost of that would be. Mr. Peel responded that he thought it would be substantial and added that for Austin's climate, asphalt is sufficient. Mr. Guerrero reminded the Commission members that the motion was going to die for lack of

C14p-76-047 Larry Peel--Contd.

a second. Mr. Gutierrez seconded the motion. Mr. Guerrero stated the motion as approval subject to ordinance requirements and departmental recommendations, the four recommendations listed by the Environmental Resource Management Department and a noise level of 51 decibels. Ms. White stated that she did not feel that any requirements the Commission may make of the applicant would be too stringent, because the subject area is not an average apartment development area. Mr. Gutierrez felt that until definite recommendations could be made from the City staff, including cost projections, the Commission should not impose some of the requirements on the applicants.

COMMISSION VOTE:

To APPROVE the request of Larry Peel for a 134-unit garden apartment complex called, "The Bee Cave", subject to ordinance requirements and departmental recommendations, the four recommendations specified by the Environmental Resource Management Department in their memorandum of January 4, 1977, and to a noise level of 51 decibels inside the apartments, on property located at 2621-2635 Bee Caves Road.

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

C14p-76-049 A.D. Stenger: Five (5) townhouse units.
2200-2202 Trailside Drive

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

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

PETITION of 16 names

PERSONS APPEARING IN FAVOR

A.D. Stenger (Applicant)

Jean Hall

PERSONS APPEARING IN OPPOSITION

Sandra Nichols, 1500 Cliffside Drive

John A. Perrone, 2402 Briargrove Drive

COMMISSION ACTION:

The members reviewed the information presented. Ms. White was concerned about the amount of traffic now existing on Robert E. Lee and felt that the proposed townhouse units would add too much to the problem. She said that she would prefer that duplexes be built instead of townhouses. She then made a motion to deny the request for a special permit. The motion died for lack of a second. Mr. Jagger thought that townhouses would be more desirable than duplexes and

Cl4p-76-049 A.D. Stenger--Contd.

that the Commission should encourage home ownership. Ms. Mather agreed with him. Mr. Jagger explained that the Commission would have no control over duplexes but would have some control over townhouses. Ms. Mather was concerned about the existing trees. Mr. Stenger, the applicant, showed the Commission a site plan indicating which trees would be saved and assured Ms. Mather that he was going to save as many trees as possible. Mr. Jagger made a motion to approve the application for a special permit for five (5) townhouse units, subject to ordinance requirements and departmental recommendations. Mr. Guerrero seconded the motion. Ms. White offered an amendment to the motion to require that the driveway be marked as a one-way drive. Mr. Jagger accepted that amendment.

COMMISSION VOTE:

To APPROVE the request of A.D. Stenger for five (5) townhouse units to be located at 2200-2202 Trailside Drive subject to making the proposed driveway one-way and to ordinance requirements and departmental recommendations.

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

<u>Cl4p-76-050</u>	<u>The Village Shopping Center:</u>	<u>A Melodrama Theater for</u>
	<u>2700 West Anderson Lane</u>	<u>theatrical presentations</u>
		<u>seating 200.</u>

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to deny the request as the "C-2" zoning required for this use is too intense in close proximity to the "A" Residential zoning immediately to the north. He added that the Building Inspection Department has indicated that the center does not have excess parking for the "GR" General Retail uses on the site and, therefore, this "C-2" use at a ratio of one parking space for each two seats will require an additional 76 parking spaces to be acted on by the Board of Adjustment. Mr. Schuller explained that the staff does not have strong objections to the specific use proposed if it is oriented to the south, but the "C-2" zoning will also permit taverns, bars, or nightclubs or any other "C" Commercial use which would have a greater negative impact on the single family residences immediately to the north.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Laird Palmer (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

Nancy Chick, 7401 Waterline Road

Dick L. Chick, III, 6004 Mountainclimb Dr.

John Athey, 9902 Mearns Meadow

C.B. Chick, 6401 Waterline Road

Cl4p-76-050 The Village Shopping Center--Contd.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Rindy asked how far the building was from the residential lots. Mr. Schuller replied that it was approximately 50 to 60 feet between the building and the residential uses to the north. Mr. Rindy then asked if Mr. Schuller believed that the negative impact would result from the traffic late at night. Mr. Schuller responded that the "C-2" zoning would allow bars, taverns and any other "C" Commercial use which could be a similar use as the one denied by the Commission the previous month, which was an entertainment center. Mr. Jagger asked if this was a zoning application or a special permit application. Mr. Schuller told him that this was a special permit application and that the zoning application was not complete at the last deadline. He added that if this application is acted on favorably the zoning application will follow next month. Mr. Laird Palmer, representing the applicant, asked that the Commission understand that there is no zoning category that fits this particular operation and that the "C-2" zoning is the only zoning category that will allow the operation to serve beer and wine. Mr. Laird continued that the theater will operate only Friday and Saturday nights from 7:30 PM - 11:30 PM and on Sunday from 6:00 PM - 9:30 PM. He added that the beer and wine would be served only during intermission. The Commission members expressed concern that the patrons of the theater would drive around the building to the north and close to the residential area and park there. Mr. Laird said that the applicant intends to install signs identifying the theater and its location, thus directing the patrons to park in the area in front of the theater. He also pointed out that there will be no entrance on the north side of the building and if people did park in that area they would have to walk around the building to get to the theater. There was opposition expressed by a representative of the motion picture theater located across from the proposed melodrama theater. The opposition was to the problem of parking and the representative, Mr. John Athey, said that if the parking could be worked out, the motion picture theater would not have any objection to the proposal. Mr. Guerrero asked if the Commission could tie the hours of operation, parking signs, etc. to the special permit. Mr. Schuller answered that for this specific use, the Commission could stipulate the hours of operation and those sorts of things. Ms. Mather felt that this use would not be a detriment to the neighborhood and made a motion to approve the special permit subject to the hours stipulated by the representative of the applicant and to directing the parking to the eastern lot. Mr. Stoll seconded the motion. Mr. Schuller reminded the members that if this is the action that they are going to take, the zoning hearing will probably be held in the next month and in relation to that as a result of this action they will probably be committing themselves to a restrictive covenant against commercial uses because a special permit would not prohibit other commercial uses. Mr. Jagger asked Mr. Laird if the applicant would be willing to voluntarily submit to a restrictive covenant on his zoning application. Mr. Laird replied that they would not only agree to that but would also be willing to file with the zoning application a copy of the lease in which the tenant is bound. Mr. Stoll wished to also ask that the applicant work with the motion picture theater owners in working out the traffic situation. Ms. White suggested that perhaps they should both work with the manager of the shopping center.

C14p-76-050 The Village Shopping Center--Contd.

COMMISSION VOTE:

To APPROVE the request of The Village Shopping Center for a special permit for a melodrama theater for theatrical presentation seating 200, to be located at 2700 West Anderson Lane, subject to the hours of operation of 7:30 PM - 11:30 PM on Friday and Saturday nights and 6:00 PM - 9:30 PM on Sunday night and remaining closed on all other nights, and to directing the parking to the eastern lot and departmental recommendations and ordinance requirements.

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

ABSENT: Ms. Chance and Mr. Dixon

C14p-76-051 Down on Sixth:
501 East 6th Street

Discotheque and restaurant with
250 seats called, "Down on Sixth".

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 ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. White asked how many seats were allowable at the present time. Mr. Schuller replied that, with the non-conforming parking, they could have 128 seats. He said that they are asking for 200 which would require Board of Adjustment action on 36 parking spaces. Mr. Stoll made a motion to approve the request for a special permit subject to ordinance requirements and departmental recommendations. Ms. Mather seconded the motion.

COMMISSION VOTE:

To APPROVE the request of Down on Sixth for a discotheque and restaurant with 250 seats called, "Down on Sixth", located at 501 East 6th Street, subject to ordinance requirements and departmental recommendations.

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

ABSENT: Ms. Chance; Messrs. Dixon and Rindy

PLANNED UNIT DEVELOPMENTS

C814-76-012	Omega Investment Company: 2330 Bergstrom Highway	A 640-unit residential planned unit development called, <u>"River Hills"</u> .
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Mr. Guerrero Announced that there had been a request from the applicant for an indefinite postponement of the application and asked if anyone was present to speak for or against the application. No one was present to speak.

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather made a motion to postpone the application indefinitely. Mr. Rindy seconded the motion.

COMMISSION VOTE:

To POSTPONE INDEFINITELY the request of Omega Investment Company for a 640-unit residential planned unit development called "River Hills", located at 2330 Bergstrom Highway.

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

PUBLIC HEARINGS

R200	<u>Planning Theory</u> Consideration of a policy for zoning in the Brown/Dungan Lane Commercial/ Industrial Area as recommended by the staff.
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Mr. Duncan Muir, representing the Planning staff, delivered the following introduction.

A zoning application for "DL" Light Industrial zoning has been submitted by nine owners of properties totalling approximately 14 acres in northeast Austin. All but one property fronts Dungan Lane; the other fronts Brown Lane in an area east of Cameron Road. The area which is in the Manor Independent School District was annexed by the City in mid-1976. Prior to annexation, heavy commercial uses such as warehouses, equipment yards and building contractor business, were established at five separate locations within the area under application. A field survey reveals other commercial service or manufacturing facilities have been established at four separate locations on Brown Lane in addition to the one Brown Lane property under application. The staff has also ascertained that owners of other properties on Dungan and Brown Lanes are interested in intensive commercial or industrial zoning. As a result of the zoning application, the concentration of existing, intensive commercial enterprises fronting Brown and Dungan Lanes, and the desires of other property owners on these streets, the staff submits the following report and recommendations. The study area will be those properties which abut these two streets southward to the proposed extension of Rundberg Lane.

R200 Planning Theory--Contd.

Mr. Muir then read and explained the report and offered the following recommendations.

1. The extension of Rundberg Lane should veer southward after leaving Cameron Road and intersect Brown Lane south of Aldridge Drive.
2. "DL" be established on properties abutting Dungan Lane and Brown Lane north of its proposed intersection with Rundberg Lane with the following exceptions:
 - a. "O" Office be established between Aldridge Drive and Rundberg Lane, and on the tract at the northwest corner of Brown Lane and Rundberg Lane.
 - b. the property at the intersection of Dungan Lane and Cameron Road be more restrictive: "GR" General Retail on the south corner, "O" Office on the north corner;
 - c. a 50-foot corridor be left along the west, north and east boundaries of the industrial district where adjacent land to remain residential.
3. The establishment of "DL" zoning on individual properties should be contingent upon the owners dedicating street right-of-way necessary to increase Brown Lane and Dungan Lane to 80 and 70 feet respectively, and providing for the proper termination of Brown Lane and Aldridge Drive; and
4. Between the industrial district and Rundberg Lane, "GR" General Retail be established at the Rundberg Lane-Cameron Road intersection and "O" Office on the east as indicated on the Recommended Zoning Map. On the south side of the Rundberg-Cameron intersection, a small quantity of "GR" and "O" is recommended and residential zoning maintained further east as shown on the map.

COMMISSION ACTION:

The members reviewed the information presented. Ms. White wondered if this would be a Master Plan amendment and require a public hearing. Mr. Muir explained that all that was required of them at the present time was adoption of a policy and that each application for zoning would be considered individually at a public hearing where property owners within 300 feet of each case would be notified. The members felt that all the property owners in the area should be aware of this policy if it is adopted. Mr. Muir said that the staff would send the area study report to them. Ms. Mather made a motion to adopt the policy for zoning the area as recommended by the staff. Mr. Jagger seconded the motion.

COMMISSION VOTE:

To ADOPT A STATEMENT OF POLICY for zoning in the Brown-Dungan Lane Commercial Industrial Area as recommended by the Planning staff.

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

SUBDIVISIONS

R105-76SUBDIVISION MEMORANDUM

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

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED

The following final subdivision has appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of this plat. The Commission then

VOTED: To APPROVE the following final subdivision:

C8-76-60 South Lakeshore Addition
Pleasant Valley & South Lakeshore Blvd.

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

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following short form subdivisions:

C8s-76-139 Bundick Oaks
Ladera Vista Drive

C8s-76-177 Towery Oak Addition
Towery Lane

C8s-76-180 Resub. Lots 12, 13 & 14, Block G, Valley View Acres Revised
Chinoak and Pinto Path

C8s-76-206 The Woods of Anderson Mill, Section 2
Woodland Village Dr. & U.S. 183

C8s-76-207 South Austin Fire Station
Nuckols Crossing Road

C8s-76-208 C. Ben Hibbetts Realty #2
Ed Bluestein Blvd. & Rogiene Road

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

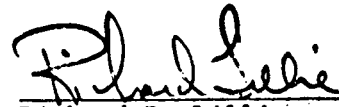
Ms. Evelyn Butler, representing the Planning staff, asked that the Commission pull short form #C8s-76-231 because there may be additional right-of-way required along the adjacent road and the County had been dealing with an adjacent property owner and wanted to restudy the subdivision and perhaps make an adjustment. The Commission agreed to take no action on this subdivision short form.

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The meeting adjourned at 2:55 AM.



Richard R. Lillie
Executive Secretary