

## CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--February 8, 1977

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\*  
Gabriel Gutierrez  
Sid Jagger  
Jean Mather  
Dean Rindy

Absent

Bill Stoll  
Nellie White

Also Present

Richard Lillie, Director of Planning  
Jim Gotcher, Building Inspection Department  
Benny Hawkins, Construction Management  
Dona Jakubowsky, Administrative Secretary

\* Arrived at 8:50 PM

## ZONING

C14-72-178	Mr. & Mrs. K. Glander, Margaret E. Hays, Mr. & Mrs. R.A. Raesz: 1502-1512 Wheless Lane	"A" Residence, 1st H & A to "B" Residence, 2nd H & A
------------	--	---

Mr. Lillie told the members that in 1972 the Planning Commission voted to deny "B" Residence, 2nd H & A, but grant "B" Residence, 1st H & A, subject to subdivision and 10 feet of right-of-way on Wheless Lane. He said that the City Council granted the recommendation of the Planning Commission, then the request was dismissed, reinstated at the request of the owner, and extended three times for 90-day periods by the Council. The staff recommends that the pending subdivision requirements be deleted, but still require the right-of-way dedication.

## COMMISSION ACTION:

The members reviewed the information presented. Mr. D.W. Morris was present representing the applicant and told the members that the problem that exists is that there are two residential structures on the property and according to the City Ordinance, in order to obtain a short form subdivision as was required, one of the structures would have to be removed. Ms. Chance pointed out that the staff, in 1972, had recommended that the application be denied as an intrusion into a single family neighborhood. Mr. Morris responded that there are apartments adjacent to the property and commercial property directly behind it, so that would not hold true now. Mr. Gutierrez said that the subject tract is surrounded by "B", "LR" and "BB" zoning and to deny this zoning would be denying the use of this land for which it is best suited given the circumstances. He then made a motion to recommend that the request for a zoning change be extended, deleting the requirement for a subdivision and requiring a 10-foot right-of-way on Wheless Lane. Mr. Guerrero seconded the motion.

## COMMISSION VOTE:

- To RECOMMEND EXTENSION of the request of Mr. & Mrs. K. Glander, Margaret E. Hays and Mr. & Mrs. R.A. Raesz for a zoning change from "A" Residence, 1st H & A to "B" Residence, 2nd H & A on property located at 1502-1512 Wheless Lane, deleting the requirement for a subdivision and requiring 10 feet of right-of-way on Wheless Lane.

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

ABSENT: Mr. Stoll and Ms. White

THE MOTION PASSED WITH A 7-0 VOTE.

C14-72-181	Douglas Duwe:	"A" Residence, 1st H & A to
	8515-8525 N. Lamar	"C" Commercial, 6th H & A
	8517-8437 N. Lamar	(Tract 1),
		"B" Residence, 1st H & A
		(Tract 2) and
		"BB" Residence, 1st H & A
		(Tract 3)

Mr. Lillie told the members that Tract 1 had been completed and they were, therefore, considering only Tracts 2 and 3. He continued that the Planning Commission in 1972, recommended that "BB" Residence, 1st H & A be granted on Tracts 2 and 3, subject to a 6-foot privacy fence on the north and east property lines of both tracts and a subdivision providing for the dedication and improvement of Guadalupe Street through Tracts 2 and 3. He added that these tracts had been dismissed, then reinstated in 1973 and had been extended three times for 90 days at a time.

COMMISSION ACTION:

The members reviewed the information presented. Ms. Chance asked what the staff recommendation was at the time it was heard. Mr. Lillie answered that the staff recommended denial on the basis that apartment zoning was inappropriate as it would fall between the mobile home development with less than eight units per acre, and the duplex project to the south with only 9.4 units per acre. Also that the proposed zoning would generate a significant increase in traffic through these low-density areas and create incompatibility. Mr. Floyd Hill, representing the applicant, asked that the subdivision requirement be deleted. He said that the applicant was still agreeable to the six-foot privacy fence. Mr. Lillie explained that, in this case, it was not known if this was a legal tract or not or whether a subdivision would be required prior to the issuance of a building permit. If it is a legal tract, a building permit could be issued and there would never be a chance to extend Guadalupe Street, so in this situation, the staff feels that the subdivision requirement should remain to make sure that Guadalupe Street can be extended and tied together, as well as to retain the requirement for a six-foot fence on the north and east property lines. Mr. Hill said that he felt that the road was needed and wants it to be built. Mr. Rindy asked why the applicant had not subdivided. Mr. Jagger felt that it was because it would require a fiscal arrangement to build the street and that is a very expensive undertaking until the property is ready for development. Mr. Jagger wondered if the land for the road could just be dedicated by the applicant. Mr. Lillie said that that can be done by providing a street deed, then when the street is paved that property owner is assessed for the improvement, but it is much better to accomplish it through a subdivision plat in which the individual must put up the fiscal arrangements for those improvements. Mr. Hill said that the owner has every intention of building the road through the two tracts as it would provide better access. Mr. Lillie said that the Commission can proceed any way they wish with it, but he felt it is safer

C14-72-181 Douglas Duwe--Contd.

to require the subdivision because the present owner could sell the property at any time, which may leave no opportunity to build the road. Ms. Mather made a motion to recommend extension of the request for a zoning change, subject to a 6-foot privacy fence on the north and east property lines of both tracts and a subdivision providing for the dedication and improvement of Guadalupe Street through Tracts 2 and 3. Ms. Chance seconded the motion. Mr. Rindy asked to amend the motion to include 5 feet of "A" Residence on the northern and eastern sides of the property. Ms. Mather accepted the amendment and Ms. Chance seconded the amended motion.

## COMMISSION VOTE:

To RECOMMEND EXTENSION of the request of Douglas Duwe for a zoning change from "A" Residence, 1st H & A to "B" Residence, 1st H & A (Tract 2) and "BB" Residence, 1st H & A (Tract 3) on property located at 8515-8525 North Lamar and 8517-8437 North Lamar, subject to five feet of "A" Residence on the north and east sides of the tracts, a 6-foot privacy fence on the north and east property lines of both tracts, and a subdivision providing for the dedication and improvement of Guadalupe Street.

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

ABSENT: Mr. Stoll and Ms. White

THE MOTION PASSED BY A 7-0 VOTE.

C14-72-202 Ms. Jacquelyne Tiemann:  
4100-4232 Ed Bluestein Blvd.

Int. "A" Residence,  
1st H & A to  
"C" Commercial, 5th H & A

Mr. Lillie told the members that the Planning Commission in 1972, recommended that the request be granted subject to a subdivision combining the two tracts into one. The City Council granted the zoning with the conditions recommended by the Commission and added that the application had been extended three times.

## COMMISSION ACTION:

The members reviewed the information presented. Mr. Rob Tiemann, representing the applicant, explained that the applicant has never been financially able to put up the letter of fiscal responsibility and he wished that the Commission would delete the requirement for a subdivision. Mr. Rindy asked Mr. Lillie if the requirements for curb cuts along the frontage would be different now than they were in 1972. Mr. Lillie answered that they would be. He said he thought that the Urban Transportation Department is now requiring a minimum of 300 feet or 200 feet between driveways and the Commission has been looking toward the landscaping provision. Mr. Rindy felt that the curb cut requirement should

C14-72-202 Ms. Jacquelyne Tiemann--Contd.

be added to the provisions for zoning. Mr. Lillie explained that nothing can be built on the property until a subdivision is obtained and the new requirements for curb cuts and driveway spacing will automatically be made a part of the zoning at that time. Mr. Rindy then made a motion to recommend that the request for a zoning change be extended, deleting the requirement for subdivision. Mr. Jagger seconded the motion.

## COMMISSION VOTE:

To RECOMMEND EXTENSION of the request of Ms. Jacquelyne Tiemann for a zoning change from Int. "A" Residence, 1st H & A to "C" Commercial, 5th H & A on property located at 4100-4232 Ed Bluestein Boulevard, deleting the subdivision requirement.

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

THE MOTION PASSED BY A 7-0 VOTE.

<u>C14-72-203</u>	<u>Edward G. Siegmund, et al:</u>	<u>"A" Residence, 1st H &amp; A to</u>
	4234-4418 & rear of 4100-4232 Ed	<u>"A" Residence, 1st H &amp; A,</u>
	Bluestein Blvd. and 4101-4427	<u>"B" Residence, "LR" Local</u>
	Tannehill Lane	<u>Retail, 1st H &amp; A and</u>
		<u>"GR" General Retail, 1st H &amp; A</u>
		<u>(as amended)</u>

Mr. Lillie told the members that in 1972, the Planning Commission recommended that the request for a zoning change be granted subject to a subdivision and one-half of the varying right-of-way on Tannehill Lane to bring it to 60 feet and sufficient right-of-way to bring Tracor Lane to 60 feet. He added that the zoning was extended on four separate occasions. He said that the staff recommendation is to delete the subdivision requirement but to retain the right-of-way requirement.

## COMMISSION ACTION:

The members reviewed the information presented. Mr. Don Bird, representing the applicant, requested that the Commission delete the subdivision requirement. He said that the applicant is in agreement with the right-of-way requirement. Mr. Jagger made a motion to recommend extension of the zoning, deleting the subdivision requirement and requiring the right-of-way on Tannehill Lane and Tracor Lane. Mr. Rindy seconded the motion.

## COMMISSION VOTE:

To RECOMMEND EXTENSION of the request of Edward G. Siegmund, et al for a zoning change from "A" Residence, 1st H & A to "A" Residence, 1st H & A, "B" Residence, "LR" Local Retail, 1st H & A and "GR" General Retail,

C14-72-203 Edward G. Siegmund, et al--Contd.

1st H & A (as amended) on property located at 4234-4418 and rear of 4100-4232 Ed Bluestein Boulevard and 4101-4427 Tannehill Lane, deleting the subdivision requirement and requiring one-half of the varying right-of-way on Tannehill Lane to bring it to 60 feet and sufficient right-of-way to bring Tracor Lane to 60 feet.

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

ABSENT: Mr. Stoll and Ms. White

THE MOTION PASSED BY A 7-0 VOTE.

C14-72-206	Davis & Danze, Inc.: 1100-1104 W. 38th Street 3800 Medical Parkway	"C" Commercial, 1st H & A, "A" Residence, 1st H & A & "GR" General Retail, 1st H & A to "C" Commercial, 2nd H & A (as amended)
------------	--	--

Mr. Lillie explained to the members that a portion of the tract is presently zoned "C" Commercial and another portion is zoned "GR" General Retail and there is about a 10-foot wide strip on the west line that is zoned "A" Residence. The Planning Commission, in 1972, recommended that the request be granted subject to right-of-way from Medical Parkway to bring it to 70 feet, a 5-foot sidewalk easement on Medical Parkway, right-of-way on West 38th Street to be determined by the State Highway Department and a subdivision. The City Council granted the zoning with the conditions recommended by the Planning Commission. He continued that the property is developed with a two-story building and parking and the right-of-way has been dedicated. He said that the only thing that has not been taken care of is the five feet of sidewalk and utility easement on Medical Parkway, so the recommendation of the staff is that the subdivision requirement be deleted, but that the 5-foot sidewalk and utility easement be retained.

#### COMMISSION ACTION:

The members reviewed the information presented. Mr. Lillie told the members that the owner's representative was not present, but that he did not think that the owner was interested in the zoning since he already has the building on the property and has no plans to improve or expand the building or to extend it. Mr. Jagger thought that it should just be dismissed, but added that he would like the staff to contact the owner and inform him of what has taken place and if he has a problem with it, it could be held back from going to the City Council. Mr. Rindy seconded the motion.

C14-72-206 Davis & Danze, Inc.--Contd.

## COMMISSION VOTE:

To RECOMMEND DISMISSAL of the request of Davis & Danze, Inc. for a zoning change from "C" Commercial, 1st H & A, "A" Residence, 1st H & A and "GR" General Retail, 1st H & A to "C" Commercial, 2nd H & A (as amended) on property located at 1100-1104 West 38th Street and 3800 Medical Parkway.

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

ABSENT: Mr. Stoll and Ms. White

OUT OF ROOM: Ms. Chance

THE MOTION PASSED BY A 6-0 VOTE.

## PUBLIC HEARINGS

<u>C2a-77-001</u>	<u>Brown-Dungan Lane Industrial Area:</u> Approximately 90 acres located along Brown Lane north of the proposed extension of Rundberg Lane.	<u>From Low Density Residential to Commercial Service and Semi-Industrial (i.e. Light Industrial).</u>
-------------------	--	--

Mr. Lillie reminded the members that they had considered at their previous meeting, an industrial zoning request by several property owners who had land fronting on Dungan Lane east of Cameron Road and west of Brown Lane, and by one owner north of Dungan Lane and fronting on Brown Lane. The Planning Commission's recommendation was approval and the City Council accepted that recommendation unanimously. He explained that what is before them now is consideration of an amendment to the Comprehensive Plan for a larger area of properties that front only on Dungan Lane and on Brown Lane to change that classification from low density residential to commercial service and semi-industrial uses. He pointed out that approximately the western one-half of the subject area is inside the city limits and subject to zoning and the remainder of the area is outside of the city limits and not subject to zoning. He continued that the staff report has been sent to every owner within the boundaries of the study area as well as a notice of this public hearing. He added that there had also been a publication in the newspaper, but to date, the staff has not received any negative response to this recommended change. He explained that the proposed change would legitimize those non-residential uses that already exist and would not require that any residential uses be relocated or shut down.

## CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

C2a-77-001      Brown-Dungan Lane Industrial Area--Contd.

## PERSONS APPEARING IN FAVOR

V.D. Sylvester

D.W. Morris (Representing Ed Worlen)

## PERSONS APPEARING IN OPPOSITION

Betty Blaford

Gregg Worchin

D.J. Lilliard

Charlie Doyle

Bobby Wagner

Janette Freeman

## PERSONS APPEARING WITH NO OPINION

Ed Poole

## COMMISSION ACTION:

The members reviewed the information presented. The opposition expressed by the residents of the area was to the possible realignment of Rundberg Lane, heavy truck traffic on Brown Lane, the possible widening of Brown Lane, and the possibility of residential properties being rezoned. Mr. Lillie and the Commission members explained to the residents that realignment of Rundberg Lane is not being considered as a part of this proposal and may not be considered for a number of years if ever, and also that their property will not be rezoned unless they request it themselves. Mr. Lillie went on to explain that the Commission has several options regarding this request. One is to leave it the way it is and allow development to go in there when it wants to either outside the city limits or inside the city limits with a zoning change, or to consider changing only those tracts which currently have non-residential use on them and leave all the residential property alone, or to consider the whole area including both residential and non-residential properties. Ms. Mather said that this change was being proposed just to give the City a guideline for development in that area, since it is being developed with commercial and industrial uses, but if the residents are strongly opposed it is best that the Commission find out before any action is taken. Mr. Jagger wondered if the boundary established in the proposed plan should be brought back to the city limit line. Mr. Lillie suggested that if the Commission decides to do that, they include the paving company which is just outside the city limit line. Mr. Jagger made a motion to approve an amendment to the Comprehensive Plan as recommended by the staff with the exception that it include only the property located inside the city limits and the property on which the paving company exists, and that this change would not include the northern 50 feet of the paving company lot, which should remain "A" Residence. Mr. Rindy said he wished the record to indicate that the overall report of the staff seems a good recommendation, assuming that Rundberg Lane is completed and follows the rough course indicated on the map and assuming that Cameron Road is widened up to and north of Rundberg Lane. He added that although the "DL" zoning could probably exist now with the present access, he felt that it is probably wise that the Commission is not creating



C2a-77-001      Brown-Dungan Lane Industrial Area--Contd.

as large a "DL" district as originally drawn by the staff until the streets into the area are improved because of the heavy traffic that may be created by an industrial district. Ms. Mather seconded the motion.

COMMISSION VOTE:

To RECOMMEND APPROVAL of an amendment to the Comprehensive Plan to change the zoning designations from Low Density Residential to Commercial Service and Semi-Industrial (i.e. Light Industrial) in the area included in the city limits, with the exception of the paving company located outside the city limits on Brown Lane and leaving the northern 50 feet of the paving company lot as "A" Residence.

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

ABSENT:       Mr. Stoll and Ms. White

THE MOTION PASSED BY A 7-0 VOTE.

C2o-76-007      Zoning Ordinance

To consider amending Sections 45-32(f), 45-16.1(1)(2), 45-30(c)(4), 45-40(g), and 45-40(1) of the City Code.

Request by Mr. Lonnie Davis, Building Inspector. (Public hearing continued from the September 28, 1976 Planning Commission meeting).

Mr. Lillie reminded the members that in September, 1976, Mr. Lonnie Davis, Director of Building Inspector, submitted some proposals for amendments to the zoning ordinance including the definition of restaurant, definition of clubs, definition of office, and corrections to various sections of the ordinance dealing with height and area. He introduced Mr. Jim Gotcher, representing the Building Inspection Department, who explained and summarized the following amendment proposals.

*Section 45-32 NONCONFORMING USES*

EXISTING

(f) *In residence "A" and in residence "B" districts, any nonconforming use not conducted within a building shall be discontinued within four years after July 17, 1941, or within 10 years after annexation to the City of Austin of the land on which said use was being conducted at time of annexation of said land, or ten years after August 10, 1972, whichever date is later. (Ord. No. 720810-I, pt.4.)*

C2o-76-007      Zoning Ordinance--Contd.PROPOSED AMENDMENT

- (f) In "B" Residence and more restrictive use districts, any nonconforming use not conducted within a building shall be discontinued within four years after July 17, 1941, or within ten years after annexation to the City of Austin of the land on which said use was being conducted at the time of annexation of said land, or ten years after August 10, 1972, whichever date is later.

## Section 45-1 DEFINITIONS

NEW DEFINITION

BAR, COCKTAIL LOUNGE, NIGHT CLUB: A place where alcoholic beverages are sold for consumption on the premises as the primary business activity with or without food. Live entertainment may be provided and dancing permitted subject to other applicable City Ordinances.

EXISTING DEFINITION

RESTAURANT OR CAFE: A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provision may be made for serving food on the premises outside the building, and where full compliance has been made with all state and city health and sanitary laws and regulations. Such health and sanitary laws and regulations shall include screening the building, dissipation of fumes, odors and smoke, the proper care and sterilizing of kitchen and dining room wares and utensils, the refrigeration of foods kept or stored, and separate toilet facilities for men and women constructed to comply with such health and sanitary regulations. (10-2-41; Ord. No. 710610A)

AMENDED DEFINITION

RESTAURANT: A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where the primary business is the sale on premises of prepared food, with adequate kitchen facilities for the preparation of the food to be sold. The adequacy of the kitchen facilities shall be based upon the seating capacity of the restaurant and the type of menu offered. Alcoholic beverages may be sold as an incidental use provided the following regulations are met:

1. At least fifty-one (51) percent of the gross income shall be derived from the sale of prepared food.

C2o-76-007      Zoning Ordinance--Contd.

2. Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
3. Live entertainment may be permitted; however, dancing shall be prohibited except where properly zoned.
4. Whenever the building inspector feels that there is a violation or an alleged violation of the provisions of this Ordinance, he may require any person, firm, corporation, or association of persons serving alcoholic beverages as an incidental use to provide the City, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of alsoholic beverages.

NEW DEFINITION

OFFICE: A room, studio, suite or building or any part thereof in which a person transacts his business or carries on his stated occupation. For the purpose of the Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; of the sale and delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

Section 45-16.1(i)(2)

- (i) Accessory uses, which shall include the following where the primary use is residential.

EXISTING

- (2) A detached private garage or an attached private garage, in a compartment as a part of the main building, having a capacity of not more than four automobiles.

PROPOSED AMENDMENT

- (2) A detached private garage or an attached private garage, in a compartment as a part of the main building, having a capacity of not more than four automobiles or trucks of less than one ton capacity. In additcn, not more than four such vehicles shall be kept or stored at a residence as an accessory to the home or in the event the number of licensed drivers residing at the residence exceeds four, not more than one such vehicle per licensed driver shall be kept or stored on the premises. Not more than one of such vehicles shall be a commercial vehicle.

C2o-76-007      Zoning Ordinance--Contd.

A. Under typographical errors, it is requested that the following Sections be corrected:

1. Correct Section 45-30(c)(4) as follows:

(4) For each of the following uses, or for any like uses, one one and one-tenth (1.1) off-street parking spaces shall be provided for each bedroom, with one (1) additional space being required for each fraction of half-space or over.

2. Correct Section 45-40(g) to read as follows:

(g) Where a third height and area district coincides with a "C" Commercial use district, or a "C-2" Commercial use district, the building height may be increased above the ninety one hundred twenty (120) foot height by increasing the height three feet for each one foot setback from the building line (11-3-66).

3. Correct Section 45-40(1) to read as follows:

(1) Where a second height and area district coincides with a "C" commercial use district or a "C-2" Commercial use district, the building height may be increased above the forty-five sixty (60) foot height, by increasing the height three feet for each one foot setback from the building line. (7-17-41; 6-29-50; Ord. No. 661103-B, pt. 11)

Mr. Gotcher told the members that in Section 45-1 under the amended definition for restaurant, number four (4), the phrase "and the gross income derived from the sale of prepared food." should be added at the end of the paragraph after the words "alcoholic beverages".

## CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Jay Johnson (Representing the Restaurant Association)

PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather wondered if it was necessary to include the date July 17, 1941 in the proposed amendment for nonconforming uses. Mr. Gotcher answered that he did not think that it was critical to the amendment and could be omitted. Mr. Rindy agreed and felt they should omit that date. Ms. Mather was concerned about the phrase "prepared food" in the amended definition for restaurant. She felt that it was not specific enough and something should be added requiring that the food be cooked on the premises. Mr. Gutierrez felt that the phrase following

C2o-76-007      Zoning Ordinance--Contd.

that "adequate kitchen facilities for the preparation of the food" clarified the definition enough to make it effective. Mr. Gutierrez made a motion to recommend that the City Council adopt the proposed zoning ordinance amendments including the deletion of the words ". . . within four years after July 17, 1941, or . . ." from Section 45-32(f), adding the phrase ". . . and the gross income derived from the sale of prepared food." to paragraph number four (4) in Section 45-1, the amended definition of restaurant. Mr. Rindy offered an amendment to the motion to delete paragraph number three (3) from the amended definition for restaurant in Section 45-1. Mr. Gotcher said that he would not have a problem with that amendment and added that other parts of the ordinance would control the dancing, which is only permitted in "C" Commercial zoning. Ms. Mather asked if live entertainment would be permitted without the phrase being included. Mr. Gotcher answered that the phrase concerning live entertainment should remain because it gives some guideline that you can have live entertainment. Mr. Rindy agreed to amend paragraph number three (3) of Section 45-1 by deleting the phrase ". . . however, dancing shall be prohibited except where properly zoned." Mr. Gutierrez accepted that amendment. Mr. Rindy seconded the motion.

## COMMISSION VOTE:

To RECOMMEND ADOPTION of the amendments to Sections 45-32(f), 45-16.1(1)(2), 45-30(c)(4), 45-40(g), and 45-40(1) of the City Code, deleting the words ". . . within four years after July 17, 1941, or . . ." from Section 45-32(f); deleting from Section 45-1, the amended definition of restaurant, under paragraph number 3, the phrase ". . . however, dancing shall be prohibited except where properly zoned."; and adding in the same section under paragraph number 4 the phrase ". . . and the gross income derived from the sale of prepared food.".

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

ABSENT:        Mr. Stoll and Ms. White

THE MOTION PASSED BY A 7-0 VOTE.

## OTHER BUSINESS

C2o-77-001      Zoning Ordinance

To consider a request by Mr. Hal Haralson to amend Section 45-17(c)(4) to allow private and parochial schools to operate in "A" Residential areas.

Mr. Lillie told the members that Mr. Haralson was present to present his request. He added that the members had included in their packets a memorandum from Mr. Clay Strange from the City Legal Department, recommending that the Commission consider amending the provisions of the Code specifying dedication of 60 feet of street right-of-way and

C2o-77-001      Zoning Ordinance--Contd.

accreditation by the State of Texas. Mr. Haralson told the members that he represented Victory Christian Academy located in the Victory Temple on Miles Avenue just off of Manchaca Road. He explained that he is asking for an amendment to the provision of the Code which requires accreditation of private and parochial schools by the State. He then cited several problems that he feels are caused by this requirement including cost of accreditation and inequitablity in requirements for public and private schools.

**COMMISSION ACTION:**

The members reviewed the information presented and questioned Mr. Haralson about the Victory Christian Academy and its operation. Mr. Lillie explained to the members that what needs to be considered now is whether or not the Commission wants to proceed with a public hearing to consider amending the City Code. Mr. Haralson said that he had appeared before the Board of Adjustment concerning this matter and they had denied the request, but indicated that a change in the ordinance might bring other action, and he will be appearing before the Board again concerning the right-of-way requirement. He continued that, if the Commission would schedule a public hearing, he felt that the Board of Adjustment would postpone their action until after the public hearing. Ms. Chance said that after reading the memo from Mr. Strange, it seems that the ordinance as it stands is not in compliance even with State restrictions, but she felt that more information and time was needed prior to setting a public hearing. Mr. Gutierrez agreed and added that the Commission was being asked to change the ordinance to accommodate one particular case and he felt that the ordinance amendment should be considered at a later date. Mr. Dixon made a motion to deny the request to set a public hearing. Mr. Gutierrez seconded the motion. Mr. Jagger suggested that the Commission instruct the staff to do some research on the problems that have been raised and report back to the Commission with a recommendation unrelated to this particular case. Mr. Lillie said that that was acceptable and the staff would have that report ready for the Commission at its meeting on March 8. Mr. Rindy asked the staff to inform the Board of Adjustment of the action taken. Mr. Lillie said that would also be done.

**COMMISSION VOTE:**

To DENY the request of Mr. Hal Haralson to set a public hearing to consider amending Section 45-17(c)(4) to allow private and parochial schools to operate in "A" Residential areas.

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

THE MOTION PASSED BY A 7-0 VOTE.

C11-77-001 Transit and Transportation

Determination of the number of parking spaces required for Police Vehicle Service Facility as required by Section 45-30 of the Code of the City of Austin.

Mr. Lillie told the members that this item concerns the new police facility at the corner of East 8th Street and I.H. 35. He said that the staff had reviewed the site plan and recommends 13 parking spaces for the facility. He added that Mr. Benny Hawkins from the Construction Management Department was present to answer any questions they may have.

## COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather was concerned that there were not enough parking spaces required. Mr. Guerrero explained that these spaces were for the staff only and, therefore, were adequate. Ms. Mather accepted the staff recommendation. Mr. Rindy made a motion to approve the parking plan with 13 spaces. Ms. Chance seconded the motion.

## COMMISSION VOTE:

To APPROVE the parking plan for 13 parking spaces for the Police Vehicle Service Facility located at the corner of East 8th Street and I.H. 35.

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

ABSENT: Mr. Stoll and Ms. White

THE MOTION PASSED BY A 7-0 VOTE.

C14-76-115 University Christian Church, et al  
2000-2004 University Avenue, also  
bounded by West 20th Street

Mr. Lillie explained that a public hearing to consider the zoning was held on February 1 and, at that time, the Commission asked to see a site plan on this date. He said that applicants had the plan and would present it to them.

## COMMISSION ACTION:

The members reviewed the revised site plan and were in agreement with the amendments that had been made. Ms. Mather wondered what kind of trees the proposed trees would be. The applicant responded that it had not been decided, but he would comply with what the Commission wished. Ms. Mather said she would prefer live oak and the applicant agreed with that choice. Mr. Rindy made a motion to approve the revised site plan with the trees and shrubbery as indicated within the 6-foot wide median inside the curb. Ms. Chance seconded the motion. Mr. Rindy added that although he voted against the zoning change, he was pleased to approve this plan because he felt that this is what all parking lots should be like and that it would probably enhance the appearance of the area.

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

## COMMISSION VOTE:

To APPROVE the revised site plan for the parking area of the University Christian Church, located at 2000-2004 University Avenue, also bounded by West 20th Street, with the trees and shrubbery as indicated within the 6-foot wide median inside the curb.

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

ABSENT: Mr. Stoll and Ms. White

OUT OF ROOM: Mr. Dixon

THE MOTION PASSED BY A 6-0 VOTE.

R200 Comprehensive Plan

Consideration of revised Urban Design section of Chapter II as requested by the Planning Commission in September, 1976. (Redraft distributed in November, 1976.)

Mr. Lillie reminded the members that in September, 1976, they reviewed the Urban Design section of the Comprehensive Plan and indicated that they would like to have the Neighborhoods section identified separately within the Urban Design section. He said that this had been done and was now before them for approval of the Urban Design section so that work could continue on the Plan as a whole.

## COMMISSION ACTION:

The members reviewed the information presented. Mr. Lillie said that one question that needed to be answered was whether or not the Commission wanted this section to be Section I in the Plan as it had indicated earlier. The members responded that they did. Mr. Jagger made a motion approve the Urban Design section of Chapter II of the Comprehensive Plan and that it be made Section I of the eight sections of the Plan. Mr. Rindy seconded the motion.

## COMMISSION VOTE:

To APPROVE the revised Urban Design section of Chapter II of the Comprehensive Plan and to designate this section as Section I of the eight sections of the Plan.

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

ABSENT: Mr. Stoll and Ms. White

OUT OF ROOM: Messrs. Dixon and Gutierrez

THE MOTION PASSED BY A 5-0 VOTE.



C1-76                      Minutes

## COMMISSION ACTION:

Mr. Rindy made a motion that the minutes of November 9 & 23, 1976 and December 7, 1976 be approved as submitted. Ms. Chance seconded the motion.

## COMMISSION VOTE:

To APPROVE the November 9, 1976, November 23, 1976 and December 7, 1976 Planning Commission minutes as submitted.

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

ABSENT:    Mr. Stoll and Ms. White

OUT OF ROOM:    Mr. Dixon

THE MOTION PASSED BY A 6-0 VOTE.

## 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 is appearing before the Commission for the first time 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:

C8-75-15                      Mountain Top Acres  
F.M. 620 & A.L. Stuart Road

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

ABSENT:    Messrs. Dixon and Stoll; Ms. White

The following final subdivisions are appearing before the Commission for the first time and all departmental requirements have not been complied with. The staff recommends disapproval of these plats. The Commission then

VOTED:        To DISAPPROVE the following final subdivision pending compliance with departmental requirements, fiscal arrangements, a letter of approval from Water District #14 for water service, and plat corrections:

C8-76-49                      Forest Park  
Highway 290

Final Subdivision Plats--Contd.

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To DISAPPROVE the following final subdivision pending compliance with departmental requirements, provision for sidewalks, fiscal arrangements, street name changes, a water development permit, and tax certificates, City and County.

C8-77-02 Rutland Drive Business Park, S.5  
Rutland Drive

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

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

VOTED: To APPROVE the following final subdivision plats:

C8-73-94 The Crossing, Phase One (Amended)  
Crossing Place and Riverside Drive

C8-76-56 Northwest Hills, Section 12  
Mesa Drive and Walnut Clay Drive

C8-76-73 Forest North Estates IV-A  
Broadmeade Avenue

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The staff reported that a request for withdrawal has been received for the following final subdivision plat and recommends that this request be granted. The Commission then

VOTED: To GRANT WITHDRAWAL of the following final subdivision:

C8-71-98 East Rim, Section One  
W. Lake Drive and Sparks Drive

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

Final Subdivision Plats--Contd.

Ms. Evelyn Butler, representing the Planning staff, told the members that the following final subdivision is an older subdivision which is already recorded. She explained that a sidewalk was required on Austin Park Lane, but that area was not annexed into the city. She continued that the street grade cannot be established by the City Engineering Department and since the developer wants to proceed with his development, the staff recommends that the requirement for a sidewalk along Austin Park Lane be deleted. The Commission then

VOTED: To DELETE the requirement for sidewalk construction on Austin Park Lane, but to hold the letter of credit for sidewalks for three years on the following final subdivision:

C8-75-01                      Gracywoods, Section One  
Austin Park Lane and Braker Lane

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The staff reported that the following planned unit development has complied with all departmental requirements and recommended that it be approved. The Commission then

VOTED: To APPROVE the following planned unit development:

G814-76-03                      Cinnamon Hollow, Section Two  
Stassney Lane

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

The following short form subdivision plats are appearing before the Commission for the first time and all departmental requirements have been complied with. The staff recommends approval of these plats. The Commission then

VOTED: To APPROVE the following short form subdivision:

C8s-77-15                      Lots 2 & 3, Blk. D, Arroyo Doble, Section 2  
Hermose Drive and Arroyo Doble Drive

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

Short Form Subdivisions--Contd.

The Commission then

VOTED: To APPROVE the following short form subdivision and grant variances to exclude the balance of the tract and to delete fiscal requirements for sewer, subject to a building setback line to coincide with the 100-year flood plain:

C8s-77-20      The Larry Doggett Subdivision  
Spicewood Springs Road

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The following short form subdivision plats are appearing before the Commission for the first time and all departmental requirements have not been complied with. The staff recommends disapproval of these plats. The Commission then

VOTED: To DISAPPROVE the following short form subdivision, pending compliance with departmental requirements:

C8s-77-13      1st Resub. Lots 16 & 17, Blk. 6, Trailwood  
Village I of Travis Co. at Travis Country  
Trail Crest Circle and Knob Oak Lane

C8s-77-18      Resub. of Lot 3, Atkinsons' Acres  
Gene Allan Road

C8s-77-22      Anita Arms Addition  
Anita Drive and Blue Bonnet Lane

C8s-77-23      Frontier Valley, Section 3  
E. Riverside Drive and Frontier Valley

C8s-77-26      Resub. Lot 39, Blk. B. J.W. Smith's Western Oaks I-C  
Circle Oak Cove

C8s-77-27      Resub. of 11-B of the First Resub. Colorado Hills  
Estates, Section 5  
Royal Crest Drive and Riverside Drive

C8s-77-28      H.S.T. Subdivision  
State Highway #71

C8s-77-29      Woodcroft  
Longview Road

Short Form Subdivisions--Contd.

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements and a building setback in the conservation area:

C8s-77-24      Cooper's Cove  
Manana Street

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To DISAPPROVE the following short form subdivisions pending compliance with departmental requirements and provision for sidewalks:

C8s-77-16      Resub. Lots 17 & 18, Gray & Becker Ind. Subd.  
Gray Blvd. and Beck Circle

C8s-77-19      Resub. of Lot A of Sloan & Limon Addition  
Airport Blvd. and Manor Road

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To DISAPPROVE the following short form subdivisions pending compliance with departmental requirements and granting a variance to exclude the balance of the tract:

C8s-77-14      Wunneburger Estates I  
Old San Antonio Road

C8s-77-<sup>26</sup>25      Resub. Lot 39, Blk. E, J.W. Smith's Western Oaks I-c  
Circle Oak Cove

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

Short Form Subdivisions--Contd.

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending variances to exclude the balance of the tract and to delete fiscal requirements for water and wastewater and a building setback on lot B:

C8s-77-12          Atkinson - North  
Smoky Ridge

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements, provision for sidewalks, and fiscal arrangements:

C8s-77-11          Resub. of Lots 1 & 2, Blk. B, Quail Creek,  
Ph. 2, Section 5  
Rundberg Lane and Grove Meadow Lane

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements, fiscal arrangements, and dedication of right-of-way:

C8s-77-17          Resub. Lot 1, Omega Subdivision  
North Lamar Blvd. and Deen Ave.

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To POSTPONE the following short form subdivision pending a letter of variance:

C8s-77-21          2nd Resub. of Lots 27 & 26, Blk. 4 of Broadacres  
Jeff Davis Avenue

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

Short Form Subdivisions--Contd.

The following short form subdivisions have appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of these plats. The Commission then

VOTED: To APPROVE the following short form subdivisions:

C8s-75-147      Flournoy's East, Section II.  
So. Congress and Wasson Road

C8s-77-06      Onion Creek, Resub. #3  
Pinehurst Drive South

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

VOTED: To APPROVE the following short form subdivision and grant a variance on scale:

C8s-76-197      Spiegel Addition  
Manor-Webberville Road

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

The Commission then

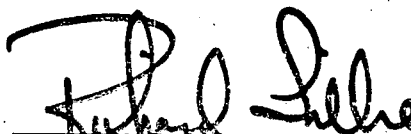
VOTED: To APPROVE the following short form subdivision and grant a variance to delete fiscal requirements for water and wastewater:

C8s-76-233      Gary Logsdon Subdivision  
Toro Canyon Road

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

ABSENT: Messrs. Dixon and Stoll; Ms. White

THE MEETING ADJOURNED AT 12:30 AM.

  
\_\_\_\_\_  
Richard R. Lillie  
Executive Secretary