

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--May 2, 1977

The meeting of the Commission was called to order at 5:30 P.M. in the Council Chambers.

Present

Miguel Guerrero, Chairman
Barbara Chance
Freddie Dixon*
Gabriel Gutierrez
Sid Jagger
Jean Mather
Dean Rindy**

Also Present

Evelyn Bulter, Supervisor, Current
Planning
Betty Baker, Planning Technician
Brian Schuller, Planner

Absent

Bill Stoll

*Arrived at 6:10 PM.

**Arrived at 7:40 PM.

ZONING

C14-76-116	Robert A. Petty, et ux:	"A" Residence, 1st H & A to
	3201 Manchaca Road	"BB" Residence, 1st H & A
		<u>(as amended)</u>

Mr. Brian Schuller, representing the Planning staff, explained that this application was heard by the Planning Commission and the Commission recommended that "O" Office be granted, subject to a restrictive covenant limiting the use of the "O" Office to professional and semi-professional office uses and the density of any apartment units built be limited to that allowed under "BB" Residence zoning. He continued that the City Council heard the application on January 27 and voted to reconsider and referred it back to the Planning Commission for public hearing.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Barbara Brawner, 1131 Hollow Creek

WRITTEN COMMENTS IN OPPOSITION

Gil Nowacki, 1908 Edgeware

PERSONS APPEARING IN FAVOR

Pascual L. Piedfort (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather asked the applicant's representative, Mr. Pascual Piedfort, why the City Council referred the application back to the Commission. Mr. Piedfort responded that the applicant was not given an opportunity to present his argument, and when this was discussed with a Council member, it was decided by the Council to reconsider the application and that is why it is appearing before the Commission at this time. He added that in the meantime, the property has been sold and has changed owners, and they are requesting "BB" Residence instead of the "O" Office previously recommended by the Commission. Ms. Chance made a motion to grant the requested zoning change, as amended. Mr. Gutierrez seconded the motion. Ms. Mather felt that the requested zoning was not compatible with the surrounding "A" Residence area and that their previous recommendation was better.

COMMISSION VOTE:

To GRANT the request of Robert A. Petty, et ux for a zoning change from "A" Residence, 1st H & A to "BB" Residence, 1st H & A, as amended, on property located at 3201 Manchaca Road.

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

NAY: Ms. Mather

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 5-1 VOTE.

C14-77-020	Annco:	"BB" Residence, 1st H & A to <u>"A" Residence, 1st H & A</u>
	1700-1800 Mearns Meadow Dr.	
	1700-1800 Pine Knoll Dr.	
	10400 Block of Macmora Rd.	
	10400-10500 Robinwood Circle	

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

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. Dixon made a motion to grant the application. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of Annco for a zoning change from "BB" Residence, 1st H & A to "A" Residence, 1st H & A on property located at 1700-1800 Mearns Meadow Drive, 1700-1800 Pine Knoll Drive, 10400 Block of Macmora Road and 10400-10500 Robinwood Circle.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-021	Eula May & Henry E. Lais:	"A" Residence, 1st H & A to <u>"O" Office, 1st H & A</u> <u>(as amended)</u>
	7200 Manchaca Road	
	1915-1927 Matthews Lane	

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that "O" Office, 1st Height and Area be granted subject to dedication of five feet of right-of-way on Matthews Lane to accommodate the increased traffic which can accompany uses permitted in this zoning district.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Mr. & Mrs. Melvin Meek, 1901 Matthews
C.L. Reeves

C14-77-021 Eula May & Henry E. Lais--Contd.

PERSONS APPEARING IN FAVOR

Don Bird (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Don Bird, the applicant's representative, told the members that the applicant would agree to the dedication of five feet of right-of-way on Matthews Lane, and was amending his application to request "O" Office instead of "GR". He added that they would prefer "LR" Local Retail to the "O" Office, but since the staff was recommending "O" and this zoning category would allow the proposed use of a barbecue restaurant with a special permit, the applicant was willing to accept "O" Office. Mr. Jagger made a motion to grant "O" Office, 1st H & A as amended by the applicant, subject to five feet of right-of-way on Matthews Lane. Ms. Chance seconded the motion.

COMMISSION VOTE:

To GRANT the request of Eula May & Henry E. Lais for a zoning change from "A" Residence, 1st H & A to "O" Office, 1st H & A, as amended, on property located at 7200 Manchaca Road and 1915-1927 Matthews Lane, subject to the dedication of five feet of right-of-way on Matthews Lane.

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

ABSENT: Messrs. Rindy and Stoll

OUT OF ROOM: Mr. Dixon

THE MOTION PASSED BY A 5-0 VOTE.

<u>C14-77-025</u>	Nash Phillips & Clyde Copus, Jr.: Northwest corner of I.H. 35 and U.S. 290, also bounded by Middle Fiskville Road, Clayton Lane & 6000-6008 Brooks Street	"C" Commercial, 1st H & A to "C" Commercial, 3rd H & A (as amended)
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the request to 3rd Height and Area be granted on the amended area.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Robert Davis (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

C14-77-025 Nash Phillips & Clyde Copus, Jr.--Contd.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Dixon made a motion to grant the request for a change to 3rd Height and Area, as amended. Ms. Chance seconded the motion.

COMMISSION VOTE:

To GRANT the request of Nash Phillips & Clyde Copus, Jr. for a zoning change from "C" Commercial, 1st H & A to "C" Commercial, 3rd H & A, as amended, on property located on the northwest corner of I.H. 35 and U.S. 290, also bounded by Middle Fiskville Road, Clayton Lane and 6000-6008 Brooks Street.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-028 Raymond J. Powell, Jr.:
711 West Avenue

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

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

E.D. Bohls, 1512 Guadalupe
Horace C. Barnhart, Jr., 707 Rio Grande
Robert L. Wagner, 706 Rio Grande
D.Y. Nichols, 800 Rio Grande
Morris K. Gully, Jr., 706 West Avenue
Terry Wadsworth, 716 West Avenue

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Raymond J. Powell, Jr. (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather asked the applicant if he intended to preserve the existing structure. Mr. Powell answered that he lived next door to the structure and had no intention of removing it. Mr. Dixon made a motion to grant the requested zoning change. Ms. Chance seconded the motion.

C14-77-028 Raymond J. Powell, Jr.--Contd.

COMMISSION VOTE:

To GRANT the request of Raymond J. Powell, Jr. for a zoning change from "B" Residence, 2nd H & A to "O" Office, 2nd H & A on property located at 711 West Avenue.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-034 James A. Martindale: "B" Residence, 2nd H & A to 809 West Avenue, also bounded by West 9th Street "O" Office, 2nd H & A

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Ted Siff (Old Austin Neighborhood Association)

Terry M. Wadsworth, 716 West Avenue

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Phyllis Cartwright (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather asked Ms. Phyllis Cartwright, the applicant's representative, if the existing structure would be maintained. Ms. Cartwright answered that the applicant intends to use the existing building for a law office. Ms. Chance made a motion to grant the requested zoning change. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To GRANT the request of James A. Martindale for a zoning change from "B" Residence, 2nd H & A to "O" Office, 2nd H & A on property located at 809 West Avenue, also bounded by West 9th Street.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-035	David W. Stuart: 710 Deen Avenue 8801 North Lamar Blvd.	<u>"LR" Local Retail, 1st H & A to</u> <u>"GR" General Retail, 1st H & A</u>
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Louise Polley, 8709 Bridgeport

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

David W. Stuart (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Gutierrez made a motion to grant the requested zoning change. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To GRANT the request of David W. Stuart for a zoning change from "LR" Local Retail, 1st H & A to "GR" General Retail, 1st H & A on property located at 810 Deen Avenue and 8801 North Lamar Boulevard.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-042	CLR Development, Inc.: Proposed Burton Court	<u>"GR" General Retail, 1st H & A to</u> <u>"A" Residence, 1st H & A</u> <u>(as amended)</u>
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the requested zoning change be granted, as amended.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Strasburger Enterprises, Temple, TX.

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

C14-77-042 CLR Development, Inc.--Contd.

COMMISSION ACTION:

The members reviewed the information presented. Ms. Chance made a motion to grant the requested zoning change, as amended. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To GRANT the request of CLR Development, Inc. for a zoning change from "GR" General Retail, 1st H & A to "A" Residence, 1st H & A, as amended, on property located on the proposed Burton Court.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-043	Dr. Cleto Elequin, M.D.: 6701-6717 Berkman Drive	"LR" Local Retail, 1st H & A to "GR" General Retail, 1st H & A (as amended)
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that "C" Commercial be denied, but if the applicant changes the request to "GR" General Retail; the staff will recommend approval.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Don Bird (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. The applicant's representative, Mr. Don Bird, told the members that the applicant is amending his request to "GR" General Retail, in compliance with the staff recommendation. Ms. Chance made a motion to grant "GR" General Retail, as amended. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of Dr. Cleto Elequin, M.D. for a zoning change from "LR" Local Retail, 1st H & A to "GR" General Retail, 1st H & A, as amended, on property located at 6701-6717 Berkman Drive.

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

ABSENT: Messrs. Rindy and Stoll

OUT OF ROOM: Mr. Dixon

THE MOTION PASSED BY A 5-0 VOTE.

C14-77-044 Pioneer Trust & Savings Bank: "GR" General Retail, 2nd H & A to
 1548-1606 Burton Drive "C-2" Commercial, 2nd H & A
 (as amended)

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the requested zoning be denied on the entire tract, but that it be granted on the portions of the buildings which may be approved by the required special permit. He noted that if this recommendation is approved, it will require field notes to describe the areas of the buildings.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Reeves Construction, P.O. Box 14707

Burke Matthews, 3305 Westland Drive

PERSONS APPEARING IN FAVOR

Terry L. Belt (Representing Applicant)

Garrett P. Goldwater, 2009 E. Riverside Drive

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Chance asked the applicant's representative, Mr. Terry Belt, if there was any objection to the staff recommendation to grant the zoning on the buildings only. Mr. Belt answered that the applicant did not object to that. Mr. Jagger said that he felt that, even though apartment residents are not notified of zoning changes in the normal notification process, the residents of the adjacent apartments should be notified when a special permit application comes before the Commission, informing them that a bar is proposed at this location. The other members of the Commission agreed. Mr. Jagger made a motion to grant the zoning change as recommended by the staff and accepted by the applicant. Mr. Gutierrez seconded the motion.

COMMISSION VOTE:

To GRANT the request of Pioneer Trust & Savings Bank for a zoning change from "GR" General Retail, 2nd H & A to "C-2" Commercial, 2nd H & A, as amended to include only the portions of the buildings which may be approved by special permit, on property located at 1548-1606 Burton Drive.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

SPECIAL PERMITS

C14p-77-010	David Lee: 2005 Airport Boulevard	A lounge with 32 seats. (To <u>allow on-site consumption of alcoholic beverages</u>).
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Clifton N. Bellamy, 3423 Guadalupe

PERSONS APPEARING IN OPPOSITION

Grace Thomas, 2030 Encino Circle

Dorothy Anderson, 2023 Encino Circle

Thomas H. Pinkard, 206 Encino Circle

Willia Bell, 2014 Encino Circle

Otis Walker, 2026 Encino Circle

Claudia Mae Walker, 2026 Encino Circle

Booker T. Moore, 3101 E. 16th Street

Helen Ruffin, 2951 Higgins

Rev. J.H. Penn, 2940 Moss

Rowena Kelly

Myrtle Ellison

Estelle Banks, 1618 E. 10th Street

James Hodge, 2012 Encino Circle

COMMISSION ACTION:

The members reviewed the information presented. Mr. Dixon made a motion to deny the request for a special permit on the basis that the proposed use would be an intrusion into the adjacent residential neighborhood, and a hazard to the safety and welfare of the community. Ms. Mather seconded the motion.

COMMISSION VOTE:

To DENY the request of David Lee for a lounge with 32 seats (to allow on-site consumption of alcoholic beverages) located at 2005 Airport Boulevard.

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

ABSENT: Messrs. Rindy and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14p-77-017 Alltex Construction, Inc.: A 260-unit apartment complex
 Greystone Drive and Hart Lane called, "WESTCREEK APARTMENTS".

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

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Lynn Turlington (Representing Applicant)

Ron Volkman (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

Dr. & Mrs. A.J. Healey, 3704 Greystone Drive

Judith Jaramillo, 3700 Greystone Drive

Woodruff G. Leel, Jr., 7513 Stonecliff Drive

Donald W. Mishler, 3710 Greystone

Mrs. Herschel D. Peel, 3709 Greystone

Bennie Simon, 3703 Greystone

Bernard R. Simons, 3703 Greystone Drive

Mr. and Mrs. W.F. Speights, Jr., 3702 Greystone Drive

Ruth Vaternan

COMMISSION ACTION:

The members reviewed the information presented. The concerns expressed by the neighbors appearing in opposition were increased traffic, the view from Greystone Drive and Hart Lane and the intrusion into a single-family neighborhood. The Commission was also concerned about the view from Greystone and Hart. Mr. Lynn Turlington, representing the applicant, felt that the landscaping plans that were being presented with the proposed project would be very attractive from these streets and asked if the Commission could consent to allowing the developer to continue as planned, then review the finished product. Ms. Mather said she felt that it was really the buildings that people do not like to see, no matter how beautiful they are. Mr. Jagger made a motion to approve the request for a special permit subject to compliance with ordinance requirements and departmental recommendations with the exception of number two under Urban Transportation's recommendations regarding parking, and subject to the provision of a landscaping plan to the Planning Department which provides a visual screen on Greystone Drive and Hart Lane. Mr. Gutierrez seconded the motion. Mr. Rindy amended the motion to include that the lot located at the northwest corner of the property will be made available to the neighborhood for one (1) dollar within five (5) years. Mr. Gutierrez seconded the amended motion.

C14p-77-017 Alltex Construction, Inc.--Contd.

COMMISSION VOTE:

To APPROVE the request of Alltex Construction, Incorporated for a 260-unit apartment complex called, "Westcreek Apartments" located at Greystone Drive and Hart Lane, subject to compliance with ordinance requirements and departmental recommendations, with the exception of Urban Transportation's recommendation Number Two, and subject to the provision of a landscaping plan to the Planning Department which provides a visual screen on Greystone Drive and Hart Lane, and a requirement that the lot located at the north-west corner of the property will be made available to the neighborhood for one (1) dollar within five (5) years. .

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

ABSENT: Mr. Stoll

THE MOTION PASSED BY A 7-0 VOTE.

C14p-77-018 The Fox Service Company Inc.: Radio transmitting tower, 100 feet
1500 Stassney Lane in height.

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the proposed use is consistent with the existing zoning and uses and recommends approval subject to compliance with 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. Mather said that during the field trip made by some of the Commission members, it was learned that the owners of the Hot Wheels Skating Rink were concerned that the proposed tower would interfere with their radio, and she suggested that the application be approved with a requirement that the tower not interfere with the surrounding televisions and radios. The other members were in agreement with that suggestion. Ms. Mather made a motion that the request for a special permit be approve subject to complaince with ordinance requirements and departmental recommendations, and to there being no interference with the adjacent television and radio reception. Mr. Rindy amended the motion to add the requirement that the Health Department review the operation of the tower, due to the lack of knowledge at this time of the effect of electro-magnetic radio waves on the health of human beings. Ms. Mather accepted that amendment. Mr. Rindy seconded the motion.

C14p-77-018 The Fox Service Company Inc.--Contd.

COMMISSION VOTE:

To APPROVE the request of The Fox Service Company Incorporated for a radio transmitting tower, 100 feet in height, to be located at 1500 Stassney Lane, subject to compliance with ordinance requirements and departmental recommendations and future review of the operation by the City Health Department if it becomes necessary.

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

ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14p-77-019	Max and Shirley Foradori: 1143-A Perry Road	Tree lot for growing trees until they reach planting size called, <u>"BIG TREES"</u> .
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Nita Hiller (Representing Applicant)

Max Foradori (Applicant)

Shirley Foradori (Applicant)

PERSONS APPEARING IN OPPOSITION

Diane De Purio

COMMISSION ACTION:

The members reviewed the information presented. Mr. Jagger asked if any large equipment would be used on the property. Ms. Nita Hiller, representing the applicant, answered that large trucks would be used for planting the trees. Mr. Jagger said that he was concerned that there may be a lot of truck traffic coming in and out of the adjacent residential neighborhood. Mr. Max Foradori, the applicant, described the kind of truck that will be used. One of the neighborhood residents who spoke in opposition questioned the applicant about the use of pesticides. Mrs. Shirley Foradori, the applicant, explained that the trees are not sprayed with chemicals unless there is a problem with a particular tree which requires it. Mr. Rindy suggested that a requirement be added that the Health Department look into any complaints made about pesticides. Mr. Rindy made a motion to approve the special permit subject to compliance with ordinance requirements and departmental recommendations, adding the requirement that the appropriate

C14p-77-019 Max and Shirley Foradori--Contd.

City departments reserve the right to investigate any complaints received concerning pesticides. Mr. Jagger amended the motion to add the requirement that no sign will be allowed on the property. Mr. Rindy accepted the amendment. Ms. Chance seconded the amended motion.

COMMISSION VOTE:

To APPROVE the request of Max and Shirley Foradori for a special permit for a tree lot for growing trees until they reach planting size called, "Big Trees", located at 1143-A Perry Road, subject to compliance with ordinance requirements and departmental recommendations and adding the requirement that the appropriate City departments reserve the right to investigate any complaints received concerning pesticides and that no sign be allowed on the premises.

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

ABSENT: Messrs. Dixon and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14p-77-020 Micardo, Inc.: Restaurant permitting on-premise
1727 East Riverside Drive consumption of alcoholic beverages.

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 COMMUNICATIONS

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Bill Ley (South River City Citizens)

Vanita von Geyso, 1208 Loma Drive

Sharon Love, 1202 Loma Drive

Gerard Pavlu, 1305 Loma Drive

C.J. Zern, 1201 Loma Drive

A.B. Robertson, 1206 Loma Drive

James M. Fleming, 1204 Loma Drive

Charles T. Boyce, Jr., 1203 Loma Drive

S.C. Green, 1307 Loma Drive

PETITION OF 69 NAMES

PERSONS APPEARING IN FAVOR

Gary DeShazo (Representing Applicant)

Delores A. Dissman, 6306 Mountain Climb Drive

Donald Dissman, 6306 Mountain Climb Drive

Keith Enisner, Austin National Bank Tower

Rick D. Skinner, 1701-A Forest Trail

Douglas G. Thomas, 8007 Espanola Trail

William R. Weston, 9016 El Rey Boulevard

Ben Hibbits (Representing Applicant)

C14p-77-020 Micardo, Inc.--Contd.

PERSONS APPEARING IN OPPOSITION

S.C. Green, 1301 Loma Drive
Mrs. S.W. Green, 1301 Loma Drive
William E. Heck, 1304 Loma Drive
Mrs. Jo Ann Ray, 1621 Sunnyvale
Ruel E. Snow

COMMISSION ACTION:

The members reviewed the information presented. Mr. Gary DeShazo, representing the applicant, told the members that beer is being consumed on the premises, legally, already because the restaurant's customers go next door to the drive-in grocery and buy it and bring it into the restaurant to drink with their meal. He added that the owners of this restaurant would like to be able to sell the beer to the customers so that they can benefit from the revenue. Mr. Gutierrez asked Mr. DeShazo what changes had taken place since this application was denied. Mr. DeShazo answered that nothing at all had changed, except that the restaurant had gone in at that location. Mr. Gutierrez told Mr. DeShazo that it would not be good practice for the Commissioners to change their previous action without some substantial changes having taken place. Ms. Chance said she is concerned about trying to keep the residential areas that are there and added that it is the change in zoning that is the issue, not whether or not beer is served in Schlotzky's. Mr. Jagger said that it is not really a change in zoning, but a special permit, and would not show up on a zoning map. Mr. Jagger said that he may not have understood what the neighborhood was saying, but he felt that if the driveway were closed as a condition of the special permit, it would benefit the neighborhood. Mr. Guerrero explained that that driveway gives the residents access to and from Riverside Drive and that is why they want to keep it. Mr. Dixon made a motion to deny the request for a special permit as an intrusion into the adjacent residential neighborhood and that approval of this special permit would set a precedent for allowing more commercialization in this area. Mr. Gutierrez seconded the motion.

COMMISSION VOTE:

To DENY the request of Micardo, Incorporated for a restaurant permitting on-premise consumption of alcoholic beverages, located at 1727 East Riverside Drive.

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

THE MOTION PASSED BY A 4-1-1 VOTE.

THE MOTION PASSED BY A 6-0 VOTE.

C14h-76-001	Sheeks-Robertson House 610 West Lynn	"B" Residential, 2nd H & A to "B" Residential -- "H" Historic 2nd H & A
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The Sheeks-Robertson House was built in 1876. It was remodeled and exterior bricked in 1897. The research indicates the house historically and architecturally significant. This structure meets items: a, b, c, d, i, k, l and m of the Preservation Ordinance, and was recommended for historic zoning by the Landmark Commission. The owner is in agreement with this zoning.

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. Chance made a motion to recommend historic zoning. Reverend Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Sheeks-Robertson House at 610 West Lynn.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger

Mmes. Chance, Mather

NAY: None

ABSENT: Messrs. Rindy, Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14h-76-018	Land Office Building 108 East 11th Street	Undesignated to "H" Historic
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Texas is the only state with a General Land Office Building which reminds us of our being a republic. The building was completed in 1857. This structure is historically and architecturally significant. It meets items: a, b, c, d, e, f, i, j, k, l and m of the Ordinance. The recommendation of the Landmark Commission was that it be zoned historic, and the State of Texas has no objections.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

C14h-76-018 Land Office Building -- Cont'd

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Chance made a motion to recommend historic zoning. Mr. Dixon seconded the motion

COMMISSION VOTE:

To RECOMMEND historic zoning for the Land Office Building at 108 East 11th Street.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger
Mmes. Chance, Mather

NAY: None

ABSENT: Messrs. Rindy, Stoll

THE MOTION PASSED BY A 6-0 VOTE.

<u>C14h-76-019</u>	<u>Carrington-Covert House</u>	<u>"O" Office 3rd H & A to</u>
	<u>1511 Colorado Street</u>	<u>"O" Office - "H" Historic,</u>
		<u>3rd H & A</u>

The Carrington-Covert House was built around 1855 and is recognized for its superb stonework. The Carrington-Covert House meets items: a, b, c, d, i, k, l and m of the Preservation Ordinance and is recommended for historic zoning by the Landmark Commission. The State of Texas has no objections.

CITIZEN COMMUNICATIONS

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. Chance made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Carrington-Covert House at 1511 Colorado Street.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger
Mmes. Chance, Mather

NAY: None

ABSENT: Messrs. Rindy, Stoll

C14h-76-019 Carrington-Covert House -- Cont'd

THIS MOTION PASSED BY A 6-0 VOTE.

C14h-76-020 Gethsemane Lutheran Church "B" Residential, 3rd H & A to
West 16th and Congress Avenue "B" Residential - "H" Historic
3rd H & A

The Gethsemane Lutheran Church was completed in 1883, and the bricks were used from the capitol building which burned in 1881. Its Authentic style is gothic revival. This building meets items: a, b, c, d, e, f, g, i, k, l and m of the Preservation Ordinance. It is recommended for historic zoning by the Landmark Commission, and the State of Texas has no objections.

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. Chance made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Gethsemane Lutheran Church at West 16th Street and Congress Avenue.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger
Mmes. Chance, Mather

NAY: None

ABSENT: Messrs. Rindy, Stoll

THIS MOTION PASSED BY A 6-0 VOTE.

C14h-76-024 Old Bakery "C" Commercial, 4th H & A to
1006 Congress Avenue "C" Commercial - "H" Historic,
4th H & A

The Old Bakery at 1006 Congress Avenue was built by Charles Lundberg in 1876. This structure meets items: a, b, c, e, f, i, j, k, l and m of the Preservation Ordinance. It is recommended for historic zoning by the Landmark Commission, and the State of Texas has no objections.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

C14h-76-024 Old Bakery -- Cont'd

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Chance made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Old Bakery at 1006 Congress Avenue.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger
 Mmes. Chance, Mather

NAY: None

ABSENT: Messrs. Rindy, Stoll

THE MOTION PASSED BY A 6-0 VOTE.

<u>C14h-76-021</u>	<u>Madison Log Cabin</u>	<u>"A" Residential, 1st H & A to</u>
	<u>Rosewood Park</u>	<u>"A" Residential - "H" Historic</u>
		<u>1st H & A</u>

The Madison Log Cabin was built around 1863 by Henry G. Madison. Eight of his children were born in this small house. The cabin was originally located at the northwest corner of East 11th Street and East Avenue. It is now located in Rosewood Park. The Madison Log Cabin meets items a, b, c, f, g, i, k, l and m of the Preservation Ordinance, and is recommended for historic zoning by the Landmark Commission. Betty Baker informed the Commission that Mr. Jack Robinson, Director of Parks and Recreation Department, requested that only the structure be zoned historic and not the land. This is not possible. The land on which the cabin sits and fifteen feet from the four sides, or 1,396 square feet are included in the Landmark Commission's recommendation.

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. Chance made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

C14h-76-021 Madison Log Cabin -- Cont'd

COMMISSION VOTE:

To RECOMMEND historic zoning for the Madison Log Cabin in Rosewood Park.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger
 Mmes. Chance, Mather
 NAY: None
 ABSENT: Messrs. Rindy, Stoll

THIS MOTION PASSED BY A 6-0 VOTE.

<u>C14h-76-002</u>	<u>Smith-Marcuse-Lowry House</u>	<u>"B" Residential, 1st H & A to</u>
	<u>3913 Avenue C</u>	<u>"B" Residential - "H" Historic</u>
		<u>1st H & A</u>

The Commission viewed slides of the house before it was restored and after it was restored. The owner, Mr. George Boutwell, has restored the home. Betty Baker stated that the house is named the Smith-Marcuse-Lowry House for its builder and two owners who occupied the home for long periods of time. The home was built in 1894 and reflects for the Hyde Park neighborhood a structure in wood comparable to the more expensive structures in stone. This house meets items a, c, f, i, l and m of the Preservation Ordinance, and is recommended by the Landmark Commission for historic zoning. The owner is in favor of the zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Murray Wykes

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Chance made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Smith-Marcuse-Lowry House at 3913 Avenue C.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger
 Mmes. Chance, Mather
 NAY: None
 ABSENT: Messrs. Rindy, Stoll

THIS MOTION PASSED BY A 6-0 VOTE.

C14h-77-008	Old Depot Hotel	"C-2", Commercial, 4th H & A
	504 East 5th Street	to "C-2" Commercial - "H"
		Historic, 4th H & A

This structure was utilized as a hotel for many years and is named the Old Depot Hotel, because of its proximity to the old depot. It was built in 1875 and meets items a, b, c, f, h, i, k, l and m of the Preservation Ordinance. The owners approve of the zoning and it is recommended by the Landmark Commission.

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. Chance made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Old Depot Hotel at 504 East 5th Street.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger
Mmes. Chance, Mather
NAY: None
ABSENT: Messrs. Rindy, Stoll

THIS MOTION PASSED BY A 6-0 VOTE.

C14h-74-026	Trask House	"C-2" Commercial, 4th H & A to
	105 Neches Street	"C-2" Commercial - "H" Historic
		4th H & A

Betty Baker told the Commission that this home was built in the 1850's. The most prominent owner and occupant was Frances Judith Somes (Trask) Thompson. She married William Thompson in 1851, but only used the name in legal transactions. In fact, local sources of information fail to mention her ever having married. Frances Trask was probably the first female school teacher in Austin and possibly one of the first in Texas. Frances Trask was in Texas as early as 1834 operating a girls boarding school at Cole's Settlement. She owned this property from 1855 until 1871. Its style is Greek Revival and it was restored in 1970. It meets items a, b, c, f, h, i, k, l and m of the Preservation Ordinance. It is recommended by the Landmark Commission for historic zoning. The owners have made no contact with the staff, and their position on this is not known.

C14h-74-026 Trask House -- Cont'd

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 Mrs. Mather made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Trask House at 105 Neches Street.

AYE: Messrs. Guerrero, Mr. Dixon, Gutierrez, Jagger

Mmes. Chance, Mather

NAY: None

ABSENT: Messrs. Rindy, Stoll

THIS MOTION PASSED BY A 6-0 VOTE.

C14h-76-023 Residence of B.J. Smith
700 West 6th Street

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

Betty Baker told the Commission that the Residence of B.J. Smith was built in 1875. B.J. Smith was a Presbyterian minister, but devoted himself to the field of education primarily. Within his lifetime B.J. Smith was described as a great educator. He operated the Austin Female Collegiate Institute at the Northwest corner of Pecan and Guadalupe. It was the only school continuously in operation during the Civil War. This structure remained in his family for 80 years. Forest Pearson, speaking for himself and John Harrison, objects to this zoning. Mr. Pearson feels this zoning would create an economic hardship. The Landmark Commission feels this structure should be zoned historic as it meets items a, c, h, i, k, l and m of the Preservation Ordinance.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Austin National Bank for

Paul O. Simms, Trust

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

C14h-76-023 Residence of B.J. Smith -- Cont'd

COMMISSION ACTION:

Ms. Chance asked about the economic hardship. Betty Baker informed her that he did not submit any proof of economic hardship other than stating it would cause economic hardship. Jean Mather made a motion to recommend historic zoning. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To RECOMMEND historic zoning for the Residence of B.J. Smith at 700 East 6th Street.

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

THIS MOTION FAILED TO CARRY BY A 3-3 VOTE.

C14h-77-009	Horton-Duval House	Interim "A" Residential
	North Bluff Dr. & Old Lockhart Hwy.	1st H & A to Interim "A" Residential - "H" Historic 1st H & A

Betty Baker informed the Commission that Albert C. Horton acquired this property in 1842. The structure was built around 1850. Horton was involved in the Mexican War for three months. His military career was short and severely criticized as he failed to join Fannin's troupes, and they were all killed at the Goliad Massacre. He was elected Vice-President of the Republic of Texas in 1838. Horton was elected Lieutenant Governor and was acting Governor for 18 months. Thomas Duval purchased this property in 1846. Thomas Duval was Secretary of State, Judge for the Second Judicial District and appointed Judge for the United States Court for the Western District of Texas. The Horton-Duval House meets items a, b, c, h, i, k and m of the Preservation Ordinance. Mrs. Baker told the Commission that the Landmark Commission received a letter from Mr. and Mrs. Karcher, owners, stating that they were strongly opposed to this zoning. The Landmark Commission recommended that this structure be zoned historic.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Mr. William O. Karcher, owner

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The Commission reviewed the information presented. Mrs. Mather made a motion to recommend historic zoning. Reverend Dixon seconded the motion.

C14h-77-009 Horton-Duval House -- Cont'd

COMMISSION VOTE:

To RECOMMEND historic zoning for the Horton-Duval House at North Bluff Drive and Old Lockhart Highway.

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

THIS MOTION PASSED BY A 4-1 VOTE.

<u>C14h-77-001</u>	<u>Kuehne-Moore House</u>	<u>"B" Residential, 1st H & A to</u>
	904 West 23rd Street	"B" Residential - "H" Historic, 1st H & A

Betty Baker gave a staff report which follows:

Robert Lee Moore enrolled in the University of Texas in 1898. He graduated in 1902. He received his PhD. from Chicago in 1909. His first teaching assignment was at the University of Tennessee. On August 19, 1910 he married Margaret McClellan Key, they had no children. In 1920 he moved to Texas to accept an associate professorship. He became a leader in Math developments and teaching techniques, and published his point-set theory. In 1929 he was chosen to be a University Research Lecturer by the Graduate Council of the University of Texas. In 1930 four of the faculty members studied for their PhD's under Moore. In 1931 Moore was chosen as the first native American mathematician to tour on the American Mathematical Society visiting lecturer. He was also selected for membership of the National Academy of Sciences. He served as president of the American Mathematical Society from 1937-1939. Dr. Moore taught at the University of Texas for 49 consecutive years. He lived at this location for over 50 years. The staff feels that since Dr. Moore died in 1974, his contributions and education reflect currently rather than historically. The Landmark Commission concluded that this structure has no architectural significance. The Landmark Commission voted not to recommend this structure for historic zoning. Betty Baker read a letter from members of adjoining property requesting that this case be taken off the agenda. This cannot be done as these people were not the applicants.

Anna Drayer, member of the Historic Landmark Commission gave a brief minority report as it was the recommendation of the Landmark Commission.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Lula Barrett

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Anna Drayer

Lucille Wyburn

C14h-77-001 Kuehne-Moore House -- Cont'd

PERSONS APPEARING IN OPPOSITION

Ralph Daugherty, Owner Represnetative

COMMISSION ACTION:

The Commission reviewed the information presented. Mr. Dixon made a motion to recommend historic zoning. Mrs. Mather seconded the motion.

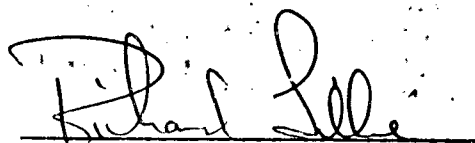
COMMISSION VOTE:

To RECOMMEND historic zoning for the Kuehne-Moore House at 904 West 23rd Street.

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

THIS MOTION FAILED TO CARRY BY A 3-3 VOTE.

The meeting was adjourned at 10:50 P.M.


Richard R. Lillie
Executive Secretary