

CITY PLANNING COMMISSION

AUSTIN, Texas

Regular Meeting--August 1, 1977

The meeting of the Commission was called to order at 5:45 p.m. in the City Council Chambers.

Present

Miguel Guerrero, Chairman
Gabriel Gutierrez
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
James G. Vier*
Sid Jagger**

Also Present

Tom Knickerbocker, Assistant Director of Planning
Evelyn Butler, Supervisor, Current Planning
Brian Schuller, Planner
Duncan Muir, Planner
Benny Hawkins, Construction Management
Bill Lowery, Urban Transportation Department
Ouida Glass, Senior Secretary

Absent

Freddie Dixon
Bill Stoll

* Arrived at 5:55 p.m.

** Arrived at 8:25 p.m.

ZONING

C14-77-062	Mecon Properties (by Dr. Walter Meyer) 909 Romeria Drive	<u>"A" Residence, 1st H & A to</u> <u>"B" Residence, 1st H & A</u>
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Mr. Duncan Muir represented the Planning Staff, and explained this tract fronts a minor residential street with substandard street right-of-way within a low-density residential neighborhood in north Austin. It is presently developed with a single-family residence. A request for apartment zoning on the subject tract was rejected by the Planning Commission in 1969; but granted by the City Council subject to the owner dedicating 15 feet of right-of-way to increase Romeria Drive to 60 feet in front of the tract. The right-of-way was not dedicated, and the application was later dismissed by the Council in 1972. The stated purpose of this application is for townhouses. The case was postponed last month and the applicant instructed to work on a plan for buffering. The staff recommends denial of this application because: (1) it would be a clear intrusion into the interior of a low-density neighborhood; and (2) the street right-of-way width is substandard for low density residential and uses more intensive.

CITIZEN COMMUNICATIONWRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Don J. Jackson, 1010 Romeria

Velma Rae Thurman, 1012 Romeria

Allan Smith, 1003 Algeria Road

McRae W. Hill, 1001 Arcadia

Jeryl D. and Linda B. Hart

Mr. and Mrs. Chas. Porfirio, 6301 Wild Street

PERSONS APPEARING IN FAVOR

Dr. Walter Meyer, Applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Applicant stated the townhouses now face the apartment house and have been reduced from 14 to 10 units. The applicant agreed to a deed restriction limiting it to this site plan which includes two single story structures on the north; privacy fencing on the north and west, and a limitation of 10 units and subject to five feet of right-of-way.

COMMISSION VOTE:

Mr. Jagger moved the request from "A" to "B", 1st be granted subject to restriction limiting it to this site plan which includes two single story structures on the north; privacy fencing on the north and west, and a limitation of 10 units; and subject to five feet of right-of-way. Mr. Vier seconded the motion

C14-77-062 Mecon Properties (continued)

AYE: Messrs. Guerrero, Gutierrez, Jagger, Snyder and Vier. Mmes. Schechter and Shipman.
ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-074 Emile Jamail: Interim AA, 1st to A, 1st
(By John Noell)
12100 Jollyville Road

Mr. Duncan Muir, represented the Planning staff, and explained that the subject tract consisting of 13.29 acres fronts Jollyville Road. A duplex subdivision is pending and single-family subdivisions are developing on the east and south. Additional low-density housing is planned on the west. A lumber yard faces this tract across Jollyville Road on the north. The staff recommends that "A" Residence, "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

John Noell for applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The Commission heard the testimony presented. Mr. Vier expressed concern over potential traffic problems which might be created by two lots fronting Jollyville Road in the proposed subdivision. He asked the subdivider to see if the subdivision could be redesigned to eliminate this frontage.

COMMISSION VOTE:

Mr. Vier moved the request from Interim "AA" 1st to "A" Residence, 1st H & A be granted. Mrs. Shipman seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Snyder, and Vier; Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-076 James L. Bowman, D.D.S.: "A" Residence, 1st H & A to
315 West 35th Street "O" Office, 1st H & A

Mr. Duncan Muir, of the Planning staff, presented the staff report and stated that subject tract is a residential lot located in an older neighborhood north of The University of Texas campus. The street network providing access to this lot is minor residential, much of which is sub-standard right-of-way. A duplex exists on this lot. The establishment of apartment zoning on this street dates back to 1968. Since then a number of lots have been rezoned and apartments now coexist with the low-density residences. More recently, the Commission and City Council have not supported further zoning intensification because of the narrow street access and the desire to preserve the low-density neighborhood. This request for "O" Office zoning would permit offices and light retail activity as well as apartments. The staff recommends against this zoning request as it is inconsistent with present zoning policy to preserve the low-density housing in this neighborhood served by narrow streets. If rezoning is considered, expansion of the streets which serve this area should also be considered.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

John Mauldin

Richard Mauldin

Enid Prager, 301 West 35

Estelle G. Scherr, 207 W. 35

Dagmar & Terence Grieder, 2603 Maria Anna Road

Jim Matthews, 310 West 35

Robert Michael Smith, 304 West 35

Niels and Kathleen Pearson, 903 West 35th Street

Petition - 54 names

PERSONS APPEARING IN FAVOR

James L. Bowman, applicant

PERSONS APPEARING IN OPPOSITION

John H. Mauldin, 301 West 35th Street

Enid Prager, 301 West 35th Street

Estelle G. Scherr, 307 West 35 and Home Lane

Niels Pearson, 403 West 35

Jim Matthews

COMMISSION ACTION

Applicant explained that he wished to convert this property into a dental office. Persons living in the area were against rezoning due to the fact that it was primarily a residential area and this would create more traffic than the street could handle, and the change would be detrimental to the neighborhood, due to the fact that it violates neighborhood integrity.

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C14-77-076 James L. Bowman, D.D.S. (continued)

COMMISSION VOTE:

Mr. Gutierrez moved that "O" Office be denied. Mrs. Schipman seconded the motion.

AYE: Messrs. Guerrero, Gutierrez and Jagger. Mmes. Schechter and Shipman.
 NAY: Messrs. Snyder and Vier.
 ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 5-2 VOTE.

C14-77-077 George Gale Price: Interim AA, 1st to GR, 1st
11611 U.S. Highway 183

Mr. Duncan Muir, of the Planning staff, presented the staff report and explained that the subject tract faces U.S. 183 in northwest Austin. A commercial building exists on the tract, and surrounding zoning is interim "AA" Residence. A nursery exists on the north and undeveloped land exists on the east, south and west. The staff recommends that "GR" General Retail, "1st" H & A 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 Commission heard the staff report as presented.

COMMISSION VOTE:

Mr. Snyder moved that "GR" 1st H & A be granted. Mrs. Shipman seconded the motion.

AYE: Messrs. Gutierrez, Snyder and Vier. Mmes. Schechter and Shipman.
 ABSENT: Messrs. Dixon, Jagger and Stoll.
 OUT OF THE ROOM: Mr. Guerrero.

THE MOTION PASSED BY A 5-0 VOTE.

C14-77-078 Susie E. Gatliff, et al: Interim AA, 1st to C, 1st
 11585 Jollyville Road
 5350-5352 Thunder Creek Road

Mr. Duncan Muir, of the Planning staff, explained that the subject tract consists of three lots, two containing single family residences and one with a mobile home. Surrounding land uses are single-family residences or undeveloped land. All surrounding zoning is interim "AA" Residence, the zoning category which all land assumes upon annexation. The existing zoning policy along Jollyville Road is to preserve residential zoning and to encourage more intensive land uses to locate on U.S. 183. The staff recommends that "A" Residence be established, as this will permit the development of more intensive residential development such as townhouses or duplexes. The staff recommends that "C" Commercial be denied, but that "A" Residence, "1st" H & A be granted. If rezoning is considered, expansion of Thunder Creek Road beyond minor residential status should also be considered.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

John Man, 1200 American Bank Tower
 C. R. Simpson, 11602 Jollyville Road

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Susie E. Gatliff, 9126 Jollyville Road
 Ramon W. Smith, 8903 Viking Drive

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Mr. Smith explained to the Commission that the property was not suitable for residential purposes and should be utilized for more intensive purposes. He requested "GR" and "LR" on this tract. Mr. Vier questioned the applicant on the intended use, stating he was more concerned with type of use, traffic to be generated, than he was with access. Mr. Guerrero asked if the applicant would amend the application to "O" instead of "C". Applicant indicated he would be willing to do so. Mr. Gutierrez pointed out the problem of widening Thunder Creek Road; if sixty feet is required, will the applicant be willing to dedicate five feet, or one-half of the additional right-of-way to increase this street to 60 feet. The applicant agreed.

COMMISSION VOTE:

Mr. Vier moved that approval as per applicant's amended application that, "O" Office, 1st H & A be granted and that if additional right-of-way is required, applicant will deed one-half of it, not to exceed 60 feet of

C14-77-078 Susie E. Gatliff, et al (continued)

total right-of-way. Mr. Gutierrez seconded the motion. Mr. Snyder asked if the applicant was being rushed into a decision. Applicant at this point requested a 30-day continuance. Mr. Vier withdrew his motion. Mr. Snyder moved continuance until September 6. Mrs. Schechter seconded the motion

AYE: Messrs. Guerrero, Gutierrez, Snyder, and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-079 John Mang: Interim "A" Residence, 1st H & A to
13629 U.S. Highway 183 "C" Commercial, 1st H & A

Mr. Duncan Muir, of the Planning Staff, presented the staff report and explained that the subject tract fronts U.S. 183 in a newly annexed area of far northwest Austin. All zoning in this area is interim "AA" Residence and a number of heavy commercial uses exists in this vicinity in addition to that on the subject tract. Although the general zoning policy for U.S. 183 is "GR", and the staff feels that the "C" Commercial district may be more appropriate in the area bounded by U.S. 183, Anderson Mill Road, and Jollyville Road. The staff recommends that "C" Commercial, "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Mr. and Mrs. Warren Biaz

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION;

The Commission heard the staff report as presented.

COMMISSION VOTE:

Mrs. Shipman moved that "C" Commercial, 1st H & A be granted. Mr. Vier seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-080 Archie H. Golden, et al: "A" Residence, 1st H & A to
2803 Sweeney Lane "O" Office, 1st H & A

Mr. Duncan Muir, of the Planning staff, presented the staff report. The subject tract is a residential lot facing a minor residential street just off Manor Road in northeast Austin. A single-family residence exists on the lot. This request, if granted, would place a business use solely on this residential street and would, in the staff's opinion, set an undesirable precedent. Other land which has already been zoned, facing Manor Road in this vicinity, has not been fully utilized. The staff recommends that "O" Office be denied.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Togie Baylor

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Archie Golden, applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Testimony was heard from the applicant to the effect that this was a family owned pest control business and had operated for 15 years; the need was for an office to take calls only.

COMMISSION VOTE

Mr. Snyder moved the request from "A" to "O", 1st H & A be granted. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-081 Meri Rannikko: Interim AA, 1st to LR, 1st
(by Robert E. Connolly, Jr.)
11573 Jollyville Road

Mr. Duncan Muir, of the Planning staff, presented the staff report and explained that the subject tract is a small tract facing Jollyville Road, just off its intersection with Thunder Creek Road in far northwest Austin. A non-conforming commercial building which is being renovated exists on the tract. Since it was built prior to annexation, minor alterations are

C14-77-081 Meri Rannikko (continued)

permitted. The stated purpose of this application is to permit a sign. The staff believes that the benefits of having non-conforming status outweigh the difficulties. If the zoning policy, i.e., maintaining residential zoning along Jollyville Road is consistently administered, the non-conforming businesses will have special status in that those businesses will be the only businesses permitted to locate along this street, therefore, the staff recommends that "LR" Local Retail be denied, but that "A" Residence, "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Susie E. Gatliff, 9126 Jollyville Road

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Mr. Vier asked whether or not there was another way the applicant could get his sign without changing the zoning. Mr. Muir stated that a sign was considered to be the proper subject of zoning rather than a variance. The Board of Adjustments did not usually consider use variances.

COMMISSION VOTE:

Mr. Vier moved continuance of the hearing for 30 days and requested the staff advise applicant of his different alternatives and request that he be present at the next hearing. Mr. Snyder seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Snyder, and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-082 Leon Schmidt, Trustee: Interim "AA" Residence, 1st H & A to
10623 U.S. Highway 183 "C" Commercial, 1st H & A (Tr. 1)
"C-1" Commercial, 1st H & A (Tr. 2)

Mr. Duncan Muir, of the Planning staff, presented the staff report and explained that the subject property is a long narrow tract which faces U.S. 183 in northwest Austin. Tract 2 is the area of an existing building where auto repair, established prior to annexation, is being conducted. Tract 1 is the remainder of the property which is predominantly undeveloped. The requested zoning is consistent with the policy except for the request

C14-77-082 Leon Schmidt, Trustee (continued)

for "C" on the front 150 feet. The staff recommends that "C-1" Commercial be granted on Tract 2, and that "C" be denied on the entire area of Tract 1, but that "GR" General Retail, "1st" H & A be granted on the front 150 feet of Tract 1 and "C" Commercial, "1st" H & A be granted on the remainder.

CITIZENS COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The Commission heard the testimony as presented. Mr. Guerrero was of the opinion that since the applicant was not present, the case should be postponed and that something be put in writing or the applicant come in to amend the application. Mr. Gutierrez felt that the staff's recommendations should be granted subject to objections from the applicant within 30 days; if no objection is heard, then the action be final. It was pointed out that the case would proceed on to the City Council in less than 30 days, if not postponed.

COMMISSION VOTE:

Mr. Snyder moved the case be postponed to September 6. The applicant is to be present or submit something in writing. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-084 Odus S. Crumley: Interim "A" Residence. 1st H & A to
1207 Clearfield Drive "C" Commercial, 1st H & A

Mr. Duncan Muir, of the Planning staff, presented the staff report and explained that the subject tract is undeveloped and faces a residential collector street just east of its intersection with Research Boulevard in north Austin. The tract is between the commercial strip facing Research Boulevard and a "BB" multi-family zoning district acting as a buffer for the single-family neighborhood a short distance to the east. The right-of-way policy related to zoning is that of expanding the street to at least a 60-foot collector for any uses other than low-density residential. Five feet of additional right-of-way is necessary from subject

C14-77-084 Odus S. Crumley (continued)

tract to expand it to 60 feet at this point. The staff recommends that "C" Commercial be denied. If the applicant is willing to dedicate the additional five feet of right-of-way necessary to expand Clearfield Drive to 60 feet to accommodate the additional traffic which can accompany uses permitted by more intensive zoning, the staff will recommend that "B" Residence, "1st" H & A be granted.

CITIZENS COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Otis Crumley, owner

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Applicant told the Commission that a "B" zoning would render the tract useless except for a duplex or something of that nature. Financing cannot be secured for apartments. He explained to the Commission that he would like to use the property for putting on trailer hitches, minor automobile repairs, and things of that nature since it is across the street from the Cadillac dealership and an auto parts store is next door. The applicant was asked if he could use anything less than "C", and the response was negative.

COMMISSION VOTE:

Mr. Gutierrez moved the request from "I-A" to "C", 1st H & A be denied. Mrs Shipman seconded the motion.

AYE: Messrs. Guerrero, Gutierrez. Mmes. Schechter and Shipman.

ABSTAIN: Messrs. Snyder and Vier.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 4-2 VOTE.

C14-77-085 Odus S. Crumley & Albert Heine: "A" Residence, 1st H & A to
1408-1410 Koenig Lane "LR" Local Retail, 1st H & A

Mr. Duncan Muir, of the Planning staff, gave the staff report. Subject tract consists of two lots containing two single-family residences which front Koenig Lane, a major arterial street, in north Austin. Surrounding zoning and land uses include an office in "LR" on the east, and a single-family neighborhood on the north, west and south. Undeveloped "LR" exists to the southeast. Although "LR" Local Retail Zoning exists in this vicinity, a zoning policy of "O" Office has been consistently administered in recent years for similarly situated properties along Koenig Lane between Woodrow Avenue to the east and Burnet Road on the west to provide for a transition

C14-77-085 Odus S. Crumley & Albert Heine (continued)

from residential to business activity. The staff recommends that "LR" Local Retail be denied. If the applicant is willing to dedicate one-half of the additional right-of-way, 15 feet, necessary to expand Koenig Lane from 60 to 90 feet to accommodate the additional traffic which can accompany uses permitted by more permissive zoning, the staff will recommend that "O" Office, "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Lewis E. Washington, Jr., 1503 Ullrich

PERSONS APPEARING IN FAVOR

Odus S. Crumley, applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The Commission heard testimony as presented. Mr. Crumley stated he could not use the staff recommendation and build the type building he needed and explained there is an excess of "O" Office type property available and not enough "LR" type property available. The Commission discussed the fact that Keonig Lane is converting to more and more commercial; however, there is a large residential area behind it, as well as beside this type development. Applicant agreed to put up privacy fencing on both sides, and to dedicate the required R.O.W.

COMMISSION VOTE:

Mr. Snyder moved the request from "A" to "LR" be granted subject to a restrictive covenant providing for a privacy fence on the west and north. Mrs. Shipman amended the motion and Mr. Crumley also will agree to dedicate the 15 feet for the right-of-way. Mrs. Schechter seconded the motion

AYE: Messrs. Gutierrez and Stoll. Mmes. Schechter and Shipman.

ABSTAIN: Messrs. Guerrero and Vier.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 4-2 VOTE.

<u>C14-77-086</u>	<u>Thomas T. Smith, Trustee: Interim "AA" Residence, 1st H & A to</u> (by Wm. Terry Gray 3400-3418 Spicewood Springs Road also bounded by MoPac Boulevard	<u>"O" Office, 1st H & A (Tract 1)</u> <u>"GR" General Retail, 1st H & A</u> <u>"GR" General Retail, 1st H & A</u> <u>(Tract 2)</u>
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Mr. Duncan Muir, of the Planning staff, presented the staff report. He explained that the subject property is located at the intersection of Spicewood Springs Road and Balcones Drive. Spicewood Springs Road is also

C14-77-086 Thomas T. Smith, Trustee (continued)

the extension of Anderson Lane, and this intersection is planned to be grade-separated when the planned MoPac Expressway absorbs Balcones Drive in this vicinity. Subject tracts are undeveloped. Surrounding zoning and land uses include a single-family neighborhood in "A" on the north and west, undeveloped "O" Office south of Tract 1, and an office building and undeveloped land in "GR" General Retail south of Tract 2. The requested zoning corresponds with the established zoning pattern on the south side of Spicewood Springs Road. The staff recommends that "O" Office, 1st H & A and "GR" General Retail, 1st H & A be granted on Tracts 1 and 2, respectively.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

D. D. Delz, 7903 Havenwood

PERSONS APPEARING IN FAVOR

Terry Bray, for applicant

PERSONS APPEARING IN OPPOSITION

Mike and Linda Earnest, 3517 Starline

Thomas Field

Mr. and Mrs. Martin Gottschalk, 3507 Starline Drive

Michael and Nancy Merens, 3521 Starline Drive

Wallace Pellerin, 8806 Mountain Path Circle

COMMISSION ACTION:

The Commission heard the testimony as presented. Mr. Pellerin, speaking for the Balcones Civic Association stated that this is generally in line with the neighborhood master plan but requested that office instead of retail zoning be established there. He indicated that drainage was a problem in this area. There was discussion regarding traffic, drainage, land fill, greenbelts, and other things.

COMMISSION VOTE:

Mr. Vier moved the case be continued in order for the applicant and the neighborhood association to work out some of their differences. Mrs. Schechter seconded the motion. Mr. Vier amended his motion to a continuance and that the hearing be held at 6 p.m., September 6.

AYE: Messrs. Guerrero, Gutierrez, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-088 John Joseph: Interim "A" Residence, 1st H & A to
 (by Tom Curtis) "GR" General Retail, 1st H & A
 9904-10114 North I.H. 35

Mr. Duncan Muir, of the Planning staff, presented the staff report and stated that this undeveloped tract faces I.H. 35 in north Austin. Surrounding zoning and land uses include a junk yard and undeveloped land in I-AA across I.H. 35 on the east, used car sales in I-AA on the south, undeveloped multi-family and interim residential zoning on the west, and various commercial uses established prior to annexation on the north. This request for "GR" is less intensive zoning than that which conforms with the majority of the uses that have been established in this area. The staff recommends that "GR" General Retail, "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

M. H. Crockett, Jr., P. O. Box 2066

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Tom Curtis (for applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

The Commission heard testimony as presented.

COMMISSION VOTE

Mr. Jagger moved that "GR" General Retail, 1st H & A be granted.

Mr. Snyder seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-089 H. E. Butt Grocery: "GR" General Retail, 1st H & A to
 (by Tom Curtis) "GR" General Retail, 2nd H & A
 Southeast corner of
 I.H. 35 and North Bluff Drive

Mr. Duncan Muir, of the Planning staff, presented the staff report and stated that the subject tract is a small 20' x 40' tract within a larger tract where a grocery store is being constructed. The purpose of this application is to permit construction of a sign beyond the height limitation of the "1st" H & A District.

C14-77-089 H. E. Butt Grocery (continued)

Zoning was established on this tract in 1974. The "2nd" H & A district was denied on the area within 100 feet of I.H. 35 in conformance with the zoning policy of setting back taller structures, especially signs, a minimum of 100 feet from streets and adjacent tracts where intensive development may not be appropriate. The basis for this policy is that the intensive development would be encouraged on the interiors of tracts with each owner buffering down the intensive development toward the borders. Along streets, tall sign proliferation would be discouraged, and the "canyon" effect resulting from taller structures near roadways. If the sign location were shifted 50 feet to the east, it would be permitted without the need to establish additional "2nd" H & A zoning. The staff recommends that "2nd" H & A be denied.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Tom Curtis, representing applicant

Dick Rauth, with H.E.B. from Corpus Christi

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Applicant presented testimony to the effect that a grocery store is being constructed; is not a part of a shopping center at this time, but is hopeful that one will be developed at a later date, but they do not have control of it. The sign is requested to attract highway traffic as well as persons in the area. The sign cannot be seen if placed anywhere else and applicant expects one-third of the business to be from highway traffic.

COMMISSION VOTE:

Mr. Vier moved that "2nd" H & A be granted. Mr. Gutierrez seconded the motion.

AYE: Messrs. Guerrero, and Snyder. Mmes. Schechter and Shipman.

ABSTAIN: Mr. Jagger

ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 4-2-1 VOTE.

<u>C14-77-090</u> Richard L. Matz & Emile Jamail: (by S. A. Garza) 11474-11484 U.S. Highway 183 11901-11947 Oak Knoll Drive 12004-12014 & 11981-12013 Jollyville Road	Interim "AA" Residence, 1st H & A to <u>"GR" General Retail (Tract 1)</u> <u>"O" Office (Tract 2)</u> <u>"A" Residence (Tract 3)</u> <u>1st H & A</u>
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C14-77-C90 Richard L. Matz and Emile Jamail (continued)

Mr. Duncan Muir, of the Planning staff, presented the staff report and explained that subject tracts total 4.3 acres fronting Jollyville Road and/or U.S. 183. Subject tracts are undeveloped. The existing zoning policy along Jollyville Road is to preserve residential zoning and to encourage more intensive land uses to locate along U.S. 183. The requests for "GR" General Retail on Tract 1 and "A" Residence on Tract 3 are consistent with this policy. The request for nonresidential zoning on Tract 2 is contrary to the policy and with the zoning for the tract on the west, where 120 feet along Jollyville Road was left residential. The staff recommends that "GR" General Retail and "A" Residence be granted on Tracts 1 and 3, respectively, and that "O" Office be denied on Tract 2, but that "A" Residence be granted on Tract 2.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Richard Matz, applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The Commission heard the testimony as presented.

COMMISSION VOTE:

Mr. Vier moved that "GR", 1st "O" Office, 1st and "A" Residence, 1st be granted on Tracts 1, 2 and 3 respectively. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Snyder, and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-091	Leonard Franklin	"BB" Residence, 1st H & A to
	(by Mark Summers)	"B" Residence, 1st H & A
	619 West 31½ Street	
	622 West 31 Street	

Mr. Duncan Muir, of the Planning staff, presented the staff report, and stated that this subject tract is a small residential lot facing a minor residential street within a low-density neighborhood in central Austin. The lot backs to another minor residential street with substandard right-of-way, and has a single-family residence existing on it. This zoning request is contrary to efforts to preserve this low-density neighborhood and the staff recommends that any change in the zoning be denied.

C14-77-091 Leonard Franklin (continued)

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Rosa Lee Schutz, 611 West 31

Evelyn Vinson, 610 West 31½

Mrs. S. W. Kitley, 615 West 31½

PERSONS APPEARING IN FAVOR

Mark Summers, representing applicant

PERSONS APPEARING IN OPPOSITION

Elizabeth F. Cunningham, 613 West 31½

Louise T. Horvath, 700 West 32nd Street

Leo Hughes, 902 West 31st Street

Jenell V. Scherbel, 3106 King Street

Mr. and Mrs. Dorsey Twidwell, Sr., 616 West 31½

Dorsey Twidwell, Jr., 616 West 31½

Sarah C. Velz, representing Steering Committee of Heritage Neighborhood Association

John Velz, 809 West 32nd Street

Mrs. W.W. Webb, 3104 King Street

COMMISSION ACTION:

This request is for a public secretary to do typing inside her residence and would not change the neighborhood. There was much discussion from persons living in the area objecting to any change of any kind on the basis that it is inconsistent with the existing neighborhood and not in compliance with zoning in the area.

COMMISSION VOTE:

Mrs. Shipman moved the zoning request be denied. Mr. Gutierrez seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-093 Kenneth S. Hawkins: Interim "AA" Residence, 1st H & A to 11232-11304 Jollyville Road "BB" 1st H & A (Amended)

Mr. Duncan Muir, of the Planning staff, delivered the staff report and explained that this tract is undeveloped and fronts Jollyville Road in far northwest Austin. The surrounding zoning is Interim "AA" Residence, the zoning district which all land assumes upon annexation. Surrounding land uses include single-family residences and undeveloped land. The

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C14-77-093 Kenneth S. Hawkins (continued)

existing zoning policy along Jollyville Road is to maintain residential zoning and encourage more intensive land uses to locate along U.S. 183: The "O" Office which extends to Jollyville Road from more intensive zoning for an automobile dealership is a corridor 40 feet in width to provide driveway access only. The staff recommends that "O" Office, "2nd" H & A be denied but that "A" Residence, "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

John Noell (Jerl Hart and Associates), 4911 Harmon

Don Byrd (representing applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Mr. Don Byrd discussed options with the Commission and amended the application to "BB" Residence, 1st H & A.

COMMISSION VOTE:

Mr. Vier moved that "BB" Residence, 1st H & A be granted. Mrs. Schechter seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-094 Mrs. Alice Emmons: "A" Residence, 5th H & A to
 (by Douglas W. Wohlfahrt) "O" Office, 5th H & A
 1004-1006 West 31st Street

Mr. Duncan Muir of the Planning staff presented the staff report and stated that the subject tract consists of two lots with single-family residences fronting a narrow residential collector street. Surrounding zoning and land uses include a service station, a radio station, a single-family residence, and offices. The requested zoning is consistent with the zoning and land uses on the south side of the street facing subject tract. The minimum street right-of-way necessary to serve uses more intensive than those permitted in

C14-77-094 Mrs. Alice Emmons (continued)

"A" is 60 feet. Expansion of West 31st Street, 30 feet from the center line, would require approximately six feet from the western lot and 11 feet from the eastern lot. The staff recommends that "O" Office be denied. If the applicant is willing to dedicate from 6 to 11 feet of additional right-of-way on West 31st Street to accommodate traffic which can accompany uses permitted by more intensive zoning, the staff will recommend approval.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Bernard J. Hillen, 209 West M.L.K. Blvd.

Ella Daggett Stumpt, 1014 West 31

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Douglas Wohlfahrt, for applicant

PERSONS APPEARING IN OPPOSITION

Jim Hundley, 1111 West 31

Jean Dugger, 1017 West 31

Roger Joseph, 1107 West 31

COMMISSION ACTION

The Commission heard testimony to the effect that this is a residential neighborhood and they are opposed to turning residential property into office property. It was pointed out that the street is narrow and very dangerous now. Applicant stated he wished to use one house for his practice, (family doctor) and the other would be a residence for his mother-in-law. Mr. Guerrero asked if he would be willing to amend the request to 1st instead of 5th H & A, and the applicant so agreed.

COMMISSION VOTE:

Mr. Gutierrez moved staff recommendations be approved; the application amended to "O" Office, 1st H & A. Mr. Vier seconded the motion. Mr. Jagger asked if it would not be possible to zone the front part and leave the back portion as it now is. Mr. Jagger moved that "O" Office, 1st H & A be granted on the front 60 feet of the western lot after R.O.W. dedication and on the entire eastern lot subject to dedication of one-half the additional street R.O.W. to increase West 31st Street to 60 feet. Mrs. Shipman seconded the substitute motion.

AYE: Messrs. Guerrero, Jagger and Vier. Mmes. Schechter and Shipman.

ABSTAIN: Messrs. Gutierrez and Snyder.

ABSENT: Messrs. Dixon and Stoll.

THE MOTION PASSED BY A 5-0-2 VOTE.

SPECIAL PERMIT

Cl4p-74-028 City of Austin: Consider Landscape Plan for North Regional Library
 (by David Earl Holt, Director)
 800 West Rundberg Lane

Mr. Brian Schuller, represented the Planning staff, and explained that this special permit was reviewed and approved by the Planning Commission on August 6, 1974. In September of 1976 the purchase of additional property to the west of the original tract was proposed and the site plan was presented to the Planning Commission for approval of the additional area as well as proposed landscaping. Since the purpose of the additional land was not finalized, the Planning Commission postponed indefinitely action on the additional land as well as the landscape plan. At this time the purchase of additional land is not contemplated and the original approved special permit will be constructed, therefore, approval of the proposed landscape plan is requested. The staff has reviewed the landscape plan presented and recommends approval.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Benny Hawkins

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Mr. Benny Hawkins of the Construction Management staff asked if presentation of landscape plans will be a continuing request of the Planning Commission, when special permits are requested. Mr. Gutierrez stated he was of the opinion this question was out of line at this time; this was not the issue. If there is some question of policy, that should be addressed from the department involved to the commission. Mr. Snyder felt that the City should abide by the same requirements as the developers.

COMMISSION VOTE:

Mrs. Shipman moved the landscape plan as presented be approved in compliance with ordinance requirements and departmental recommendations. Ms. Schechter seconded the motion.

AYE: Messrs. Guerrero, Gutierrez, Snyder and Vier. Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

SUBDIVISIONS

R105-76

SUBDIVISION MEMORANDUM

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

SHORT FORM SUBDIVISIONS

The following short form subdivisions have appeared before the Commission before 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-77-83 Zilker Heights Resub.
Bee Caves Road

C8s-77-111 Westlake Highlands 2-A
Paisano Road

C8s-77-143 1st Resub. LaCosta, Ph. 1, Sec. 2
I.H. 35 and La Posada Drive


C8s-77-147 West Ridge Estates
Southward Cove

C8s-77-160 Timber Ridge @ Greenbriar, 2nd
Timber Ridge Drive/Amendment

AYE: Messrs. Guerrero, Gutierrez, Snyder; Mmes. Schechter and Shipman

ABSENT: Messrs. Dixon, Jagger, Stoll and Vier

The meeting adjourned at 10:15 PM.


Richard R. Little
Director of Planning