

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting -- October 3, 1977

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

Present

Miguel Guerrero, Chairman
Freddie Dixon
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Bill Stoll
James G. Vier

Also Present

Richard Lillie, Director of Planning
Duncan Muir, Planner
John Meinrath, Legal Department
Bill Lowery, Urban Transportation Department
Jim Gotcher, Building Inspection

Absent

Gabriel Gutierrez
Sid Jagger

ZONING

C14-77-098 Albert Vanderlee: Interim AA, 1st to C, 1st
 12001 U.S. Highway 183
 12200 Howlett Court
 12100-12102 Bell Avenue
 12000-12004 Tweed Court
 5901-6001 & 6000-6004 McCoy Road

Mr. Guerrero explained to the commission that applicant had requested a postponement at this time in order to rework the application in order that it would be in conformance with what the City Council has recommended.

CITIZEN COMMUNICATIONWRITTEN COMMENTS IN FAVOR

Louis A. Zurcher, Jr., 12102 Conrad Road

WRITTEN COMMENTS IN OPPOSITION

Chester A. Shaw, Jr., 5907 Arabian Trail

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

Doyle Butler, 12107 Bell Avenue

Marie Moore, 12202 Conrad Road

Wanda Prosser, 12107 Tweed Court

COMMISSION ACTION

The Commission heard the request for postponement. Persons appearing in opposition requested the case be heard; they had waited and were prepared and wished to have a decision.

COMMISSION VOTE

Mr. Stoll moved the case be postponed until 5:30 p.m., November 1. Mr. Vier seconded the motion.

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

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-118 W. W. Patterson, Trustee: "LR" Local Retail, 1st H & A to
 1001-1023 Ed Bluestein Blvd. "GR" General Retail, 1st H & A
 (U.S. Highway 183, North),
 also bounded by Carver Ave.

Mr. Duncan Muir of the Planning staff presented the staff report. He stated the requested "GR is consistent with the zoning policy for land facing U.S. 183 and, therefore, the staff recommended that "GR" General Retail, "1st" H & A be granted.

C14-77-118 W. W. Patterson, Trustee (continued)

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. Mr. Stoll questioned whether or not there was a provision to protect single family lots that might be backed up to GR zoning. Mr. Muir stated that at the present there was a provision for privacy fencing; that the buffering ordinance would require 10 feet of landscaping and building set back of one foot for every two feet of height of structure. Mr. Stoll was of the opinion that "GR" would allow uses that could be detrimental to the residential area and felt that "LR" zoning would be the most appropriate against the residential area.

COMMISSION VOTE

Mr. Dixon moved to grant "GR", "1st" H & A as recommended by the staff.
Mr. Vier seconded the motion.

AYE: Messrs. Dixon, Snyder and Vier. Mrs. Schechter.

NAY: Messrs. Guerrero and Stoll. Mrs. Shipman.

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 4-3 VOTE.

C14-77-119 George M. Hausman: "O" 1st to GR, 1st
(by R. W. Harrell)

Mr. Duncan Muir of the Planning staff presented the staff report. He explained that a request for GR was processed in 1976 on the subject tract and that it was not recommended as it was considered to be inconsistent with the zoning policy of "O" Office of properties facing East 51st Street between I.H. 35 and Berkman Drive. The request was amended to "O" at the Planning Commission hearing and granted by the City Council. Conditions have not changed since the last application. The staff recommends denial of any zoning change as it would be inconsistent with the zoning policy, and incompatible with the existing residential developments adjacent to this tract. The staff recommends that any change in zoning be denied.

C14-77-119 George M. Hausman (continued)

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Petition - 7 names

Mr. and Mrs. Willie C. Parker, Sr., 205A East 51st Street

PERSONS APPEARING IN FAVOR

R. W. Harrel, representing applicant

PERSONS APPEARING IN OPPOSITION

Robert M. Woliver, 1212 east 51st Street

COMMISSION ACTION

It was explained to the Commission that applicant was severely handicapped and requested the zoning change in order to operate a saw filing business and also requested that the zoning be restricted, if necessary, to get a change of zoning at this location. There was opposition regarding the noise that would be created from the saw filing business, and also that the rezoning would have an adverse affect on the neighborhood, especially because of the kinds of businesses that could be there if the zoning is changed.

COMMISSION ACTION

Mrs. Shipman moved that the change of zoning be denied due to the fact that it is inconsistent with residential property in the area. Mr. Stoll seconded the motion.

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

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-120 Mildred W. Miller, et al: "A" Residence, 1st H & A to
 (by Will Garwood) "O" Office, 1st H & A
 44-48, 43½-51, 55½ & 59
 Rainey Street, also bounded
 by Bierce Street

Mr. Duncan Muir of the Planning staff presented the staff report. He explained this application consists of eleven lots owned by six parties for which "O" Office is being requested. This general area has been included in the Model Cities plan and the Lower Waller Creek Development Plan. The land use element of the Waller Creek plan designates this area along Rainey Street for residential usage pursuant to the goal of encouraging residential development in the downtown area. The residential amenities offered by the Town Lake-Waller Creek recreational corridors, in the staff's opinion, should reasonably insure that residential development will occur if "O" Office is granted. If the applicants are willing to dedicate 15 feet of right-of-way on the west side of Rainey Street and five feet of right-of-way on the east side, the staff will recommend that "O" Office, "1st" H & A be granted.

C14-77-120 Mildred W. Miller et al (continued)

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Will Garwood, representing applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

The Commission heard the testimony as presented. Applicant stated there is a funeral home, office building and then apartments adjoining to the east. The recent trend has been to more intensive uses in the area and that the people who live there and own property there are in agreement with this zoning request. Applicant also stated he is willing to make dedications of the right-of-way as requested by staff; requested the alley behind Tract 2 be vacated with the City taking half and selling half back to the applicant. Mr. Guerrero indicated he felt that the Master Plan calls for residential use in the center of the city; this area is rental property and the people cannot afford anything else; that the single-family use is needed.

COMMISSION VOTE

Mr. Stoll moved to Grant "O" Office, "1st" H & A, subject to dedicating 15 feet of right-of-way on the west side of Rainey Street and five feet of right-of-way on the east side.

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

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

<u>C14-77-121</u>	Carl S. Rundberg & Noah Phillips: (by Phil Mockford) 106-300 East Rundberg Lane, also bounded by Rock Hollow Lane	Interim "AA" Residence, 1st H & A to "O" Office, 1st H & A and "BB" Residence, 1st H & A (Tracts 1 and 2 respectively)
-------------------	--	---

Mr. Duncan Muir of the Planning staff presented the staff report. He explained that this property consists of 14.40 acres and fronts Rundberg Lane in north Austin. The request is for "O" Office on the front 200 feet facing Rundberg Lane (Tract 1) and "BB" Residence on the remainder (Tract 2). Office zoning is recommended for Tract 1 and the staff recommends that the

C14-77-121 Carl S. Rundberg and Noah Phillips (continued)

majority of Tract 2 be left low-density residential, with perhaps the south 300 feet (to line up roughly with the north edge of the church development to the west) be zoned for apartments; therefore, the staff recommendation is that "O" Office be granted on Tract 1, and that "BB" be denied on the entire area of Tract 2, but that "BB" Residence, "1st" H & A be granted on the south 300 feet.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Petition - 60 names

PERSONS APPEARING IN FAVOR

Phil Mockford, representing applicants

Carl S. Rundberg, applicant

PERSONS APPEARING IN OPPOSITION

George Kuempel, 9506 North Creek Drive

Eli Robert Huffman, 9603 North Creek Drive

Mrs. Felipe Garcia, 301 East Longspur

Mac Brown

Max Scalling

Richard McLaughlin

Lester Dominguez

COMMISSION ACTION

Applicant stated that he felt primary concerns are having density against the single-family neighborhood and the open space and open area, as well as the traffic that would be generated. The request is for a series of four-plex and six-plex units developed as one tract. They would be courtyard type units facing each other with no unit backing up to the single-family neighborhood; the driveway entrance would be off Rundberg Lane. He felt that this would upgrade the area. Mac Brown speaking in opposition stated that this would increase flooding in the area; increase traffic, noise and vandalism. He also stated that the school is already filled. Mr. Scalling stated he bought in the area thinking it would be residential and did not want to see apartments going in around him; requested that it remain single-family area. Mr. McLaughlin stated this would be inconsistent with the neighborhood. Mr. Dominguez stated there are too many apartments in the area already; the school is full and traffic is a real problem; that this would be inconsistent with the neighborhood. It was also pointed out that there was a drainage and flooding problem in the area. Mr. Vier offered a substitute motion, which failed, to postpone the case until November 1 in order that the owner and the neighborhood might try to work things out.

COMMISSION VOTE

Mrs. Shipman moved to grant "O" Office on Tract 1, to deny "BB" on Tract 2, but to grant "A" Residential for all of Tract 2. Mr. Dixon seconded the motion.

AYE: Messrs. Dixon, Guerrero, and Stoll. Mmes. Schechter and Shipman.

NAY: Messrs. Snyder and Vier.

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 5-2 VOTE.

C14-77-123 LML Investments: Interim "AA" Residence, 1st H&A to
 (by Phil Mockford) "GR" General Retail and
 12574 & 12617-12621 "O" Office, 1st H&A (Tract 1)
 U.S. Highway 183, also "GR" General Retail, 1st H&A
 bounded by Jollyville Road (Tract 2)

Mr. Duncan Muir of the Planning staff presented the staff report. He stated the zoning surrounding Tract 1 is interim "AA". Zoning and land uses surrounding Tract 2 include a plant nursery for which the Planning Commission recommended "GR" except for 120 feet of "O" adjacent to Jollyville Road, undeveloped interim "AA" on the north, a residence and some outside storage on a large lot in interim "AA" on the west and undeveloped land in "A" residence on the south for which a preliminary subdivision for duplexes has been approved. The requests on the south 120 feet of Tract 2 for "O" Office and "GR" General Retail on the remainder of Tract 2 and Tract 1 are consistent with the zoning policies for U.S. 183 and Jollyville Road. The staff recommends that "O" Office, "1st" H & A be granted on the south 120 feet of Tract 2, and "GR" General Retail, "1st" H & A be granted on the remainder of Tract 2 and all of Tract 1, as requested.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Phil Mockford, representing applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Applicant explained the desired development is inconsistent with the "AA" zoning and requests to expand his operation there; indicated he would be agreeable to a buffer on Jollyville Road.

COMMISSION VOTE

Mr. Vier moved to grant "O", "1st" H&A on the south 120 feet of Tract 2 and to grant "GR" 1st H & A on the remainder of Tract 2 and all of Tract 1. Mr. Dixon seconded the motion.

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

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-124	Kennie and Mildred Sneed:	"BB" Residence, 1st H & A to
	6500-6502 Manor Road	"O" Office 1st H & A (as amended)
	3304 Northeast Drive	

Mr. Duncan Muir of the Planning staff presented the staff report. He stated zoning precedents exist to justify an intensification of zoning. In order to help protect the residential development and to minimize the domino-effect, the staff recommends "O" Office. Under "O" Office uses permitted by "LR" are authorized by special permit due to the fact that adjacent retail zoning exists; therefore, the staff recommends that "LR" Local Retail be denied, but that "O" Office be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Kenny and Mildred Sneed, applicants

PERSONS APPEARING IN OPPOSITION

JO ANN BARTZ, 6713 Tulsa Cove

Morwyn S. Johnson, 3302 Woodbriar Lane.

Richard R. Marquis, 3302 Northeast Drive

Ray J. White, 302 Terrace Drive

Jim Conner, 2004 Matthews Lane

Lindley Murray, 2309 Mimosa

Lindsey B. Parvin, 2003 Mimosa

COMMISSION ACTION

Applicant explained the request is for the purpose of a sign and was willing to accept "O" zoning with Special Permit so a sign could be used on the site which is to be used for a real estate office, and amended his application to "O" only on the corner lot. Jo Ann Bartz stated this was a very sensitive area that needed to be protected, but was willing to accept the "O" zoning, but requested the Planning Commission and Planning Department to do whatever is necessary to amend existing ordinances to take massage parlors out of "O" zoning. Applicant agreed to restrict against massage parlors if Mrs. Bar would not oppose the sign. Other opposition was to maintain the residential area and to keep it an integrated area; there was concern that any change would encourage speculation in the area and would further indicate instability; traffic has increased in the area and it would make an already hazardous intersection more hazardous.

COMMISSION VOTE

Mr. Dixon moved to grant "O" on the amended area (excluding the easternmost lot) subject to a restrictive covenant prohibiting a massage parlor.

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

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

THE MOTION FAILED BY A 6-1 VOTE.

C14-77-127 Barrington Oaks Joint Venture: Interim "AA" Residence, 1st H&A to
 (by Robert L. Davis) "GR" General Retail, 1st H&A
 12005-12027 Barrington Way, also
 bounded by Jollyville Road

Mr. Duncan Muir of the Planning staff presented the staff report. He stated the subject tract generally falls between the commercial strip facing U.S. 183 and a low-density neighborhood. The staff recommends "A" Residence for the south 310 feet of subject tract in conformance with the preliminary subdivision and zoning policy for Jollyville Road, and "O" Office will be recommended across Jollyville Road opposite this recommended "A". For the remainder of the tract, Lot 16, the staff recommends "O" Office for the following reasons: (1) it was designated for commercial purposes on the preliminary subdivision and approved as a single lot in the final; (2) it faces "GR" zoning on the west and will likely face it on the north; (3) the tract faces the intersection of a neighborhood collector street with Jollyville Road; and (4) a scale down in zoning is appropriate between the commercial strip facing U.S. 183 and the low-density neighborhood on the south and west. With "O" Office, "LR" uses would be authorized subject to approval of a special permit site plan, therefore, the staff recommends that "GR" General Retail be denied, but that "O" Office, "1st" H & A be granted on Lot 16, Block A, Barrington Oaks, Section One and that "A" Residence, "1st" H & A be granted on the south 310 feet.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Veta L. and John W. Welch, 7506 Danwood
Houston Smith, 11811 Charing Cross
Randy and Norma Randall
Mrs. Howard L. Brumley, 11714 Buckingham Road
Donna M. Cannan
Margaret L. Myers, 11811 Barrington Way
Brantley G. Myers
Robert B. Wright, Jr.
Gerald M. and Eve Brooks
B. B. Baker
Anna Wright
Jackie and Ken Vaughan
Judy Archer
Lanis and Susie Neugent, 8110 Yaupon Drive
Mr. and Mrs. Les Pieratt
Mr. and Mrs. Harris Burrow, 7305 Bering Cove
Edgar W. and Betty Zwicker

C14-77-127 Barrington Oaks Joint Venture (continued)

Robert E. Coleman
Thomas and Joan Reames, 11801 Barrington Way
Allen H. and Patricia Desorcie, 11803 Barrington Way
John and Elisabeth Herrington, 7801 Downing
Ann R. Brown, 11909 Barrington Way
Elaine M. Gula, 11907 Barrington Way
Michael Gula, 11907 Barrington Way
Mr. and Mrs. Gary Valdez, 11903 Barrington Way
Mr. and Mrs. Charles C. Brittain, 11815 Barrington Way
C. E. and Joanne Sundberg, 11813 Barrington Way
Phillip J. and Ruth E. Henley, 11809 Barrington Way
Gerald L. and Gaynelle Turner, 11805 Barrington Way
Mr. and Mrs. E. D. Mason, 7800 Scotland Yard
Mary M. and Douglas B. Delaney, 11711 Barrington Way
Diane French, 11904 Buckingham Road
Mr. and Mrs. Carse Williams
Wayne K. and Carolyn Kuenstler
Theresa M. Struble, 11802 Buckingham Road
Ron Cichocki
David W. Mae
Louis G. Struble, 11802 Buckingham Road
Dee Wayne and Jeanie Poehl
Frank C. Haydon, 11808 Buckingham Road
Ursela Hayden
Sandra Neal
Kathleen Cichocki
Mr. and Mrs. Joe Seale
P. Ramon Moheen Ruo
L. K. Potluri
Ledford Kelly, 11900 Buckingham Road
Joe Gallagher
Jean Gallagher, 11902 Buckingham Road
G. W. Rundell
Doris Crawford, 11809 Buckingham Road
Mr. and Mrs. Vincent T. Crawley, Jr., 11803 Buckingham Road
William R. Meredith, 11707 Buckingham
Mr. and Mrs. David Eudelt, 11813 Buckingham Road
Nancy C. Kelly, 11900 Buckingham Road
Richard S. Merrill, 11405 D-K Ranch Road
Barbara Ann Merrill, 11405 D-K Ranch Road
David C. and Marilyn Kaufman, 11909 Buckingham Road
Cynthia Daves
Wes and Ann Burford
P. F. Gonzales, 11807 Charing Cross Road
Mrs. B. W. Vaticalos, 11805 Charing Cross
Laurel Modsen
Gary and Terri Trommer
Vicki D. Groft
John P. Sutton

C14-77-127 Barrington Oaks Joint Venture (continued)

Mr. and Mrs. John Roscher
Mr. and Mrs. E. Surratt
David C. Baker, 11810 Charing Cross
Penelope Rather
Bill Casey
J. Yamamoto
Ronald D. Armstrong
Mr. and Mrs. S. D. Baskin
Beck Brown, Jr.
Mr. and Mrs. T. A. Heinemard
Norma J. Firth
Thomas F. Virr, 11902 Charing Cross Road
John O. Hatley
Raymond M. Tojes
Chris O'Gorman
Mr. and Mrs. Leonard Valverde, 11908 Charing Cross Road
Mr. and Mrs. Fial
Mr. and Mrs. Jimmie D. Berry, 11813 Knight Bridge
Mr. and Mrs. Peter DeRose
Charles Eanes
Mrs. T. L. Blankenship
Eric L. Reed, 11702 Knights Bridge
Mr. and Mrs. Ronald Keith Alexander
Charles R. Oldenburgh, 11803 Knights Bridge
Mr. and Mrs. D. A. Badough, 11806 Knights Bridge
Wayne and Cindi Davison, 11905 Knights Bridge
Kathleen I. Johnson, 11904 Knights Bridge
Nancy Zwick
Mr. and Mrs. Cesere R. Freda
Arth A. Bell, 11810 Knights Bridge
John Gary Adair, 11808 Knights Bridge
Lawrence and Donna Daniel
Donald A. Knight
Brian M. Spinks
Mrs. Don Knight
Janet Spinks
Patricia M. Baum
Mr. and Mrs. W. Paul Close
Virginia Campbell
Linda Miller
Mr. and Mrs. J. E. Schaller

PERSONS APPEARING IN FAVOR

Robert Davis, representing applicant

PERSONS APPEARING IN OPPOSITION

Keith Alexander, 11804 Knights Bridge
Ann and Wesley Burford, 11702 Windermere Meadows
Cynthia Daves, 11700 Windermere Meadows
Doug Delaney, 11711 Barrington Way

C14-77-127 Barrington Oaks Joint Venture (continued)

Elaina M. and Michael Gula, 11907 Barrington Way
 Richard and Ann Klingner, 11901 Buckingham Road
 Wayne K. Kuenstler, 11800 Buckingham Road
 Dorothy Sandlin, 11921 Charing Cross Road
 Jean and Jim Scholler, 11709 Buckingham Road
 Mr. and Mrs. Joe Seale, 11711 Buckingham Road
 Brian Springs, 11801 Knights Bridge
 Josephine Valverde, 11908 Charing Cross Road
 David H. and Sharon Young, 11807 Buckingham Road
 Betty and Edgar W. Zwicker, 11413 D-K Ranch Road

COMMISSION ACTION

The Commission heard testimony as presented. Mr. Davis, representing the applicant, stated he would like to continue the hearing until the next meeting in order to allow him to meet with the neighborhood in an effort to reach some agreement. He stated the traffic would flow away from the subdivision and that he knew the residents felt strongly about this being left as a greenbelt or being used as a park area. He was of the opinion that due to the fact this is across the street from a shopping center and is located at the intersection of three major streets, that some other area would better serve the needs and be safer for children. He felt that commercial development is logical here. Mr. Young, speaking in opposition, stated that the applicant had not been available prior to the time of the hearing. He also stated this was a fast growth area; heavy traffic and lots of young people with lots of children living in the area and another "O" or "GR" was not needed here. Other opposition indicated that further commercial development could only mean more deterioration of the area, heavier traffic, destruction of trees and natural greenery. Residents were of the opinion there was enough commercial development already and that the area would much better be used as a park or open space; there were no city parks available in the area and they could only use vacant lots. In rebuttal, applicant stated this was an unfortunate situation for the builder; the property had been there for two years and this was the first indication of trying to buy it for parkland. He pointed out that there was heavy traffic in the area and it seemed much more suitable for commercial use. Mr. Vier moved to continue the hearing pending a meeting between the developer and the residents to try to work out some mutual compromise. Mr. Snyder seconded the motion. Mrs. Schechter stated she felt the best use of the land would be more intensive than "A" Residential; that it could be offices; because general retail would probably be across the street.

COMMISSION ACTION

Mr. Dixon moved to grant the staff recommendations; to deny GR, but to grant "O" Office, 1st H & A and A Residence, 1st H & A. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A 4-3 VOTE.

C14-77-130 29th Street Company: BB, 1st to GR, 1st
 (by Robert C. Duke)
 900-906 West 29th Street
 2900 Pearl Street

Mr. Dunacan Muir of the Planning staff presented the staff report. He explained this property fronts West 29th Street and that the staff recommends denial of the zoning request for the following reasons: (1) it is an intrusion into a well established neighborhood served by narrow streets; (2) it is contrary to more recent zoning policy of maintaining the existing neighborhood as indicated by the actions on the three most recent zoning requests; and (3) a zoning change would carry a strong zoning precedent for all other property facing West 29th Street between Guadalupe and Lamar Streets. The staff recommends that any zoning change be denied.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Harris L. Johnson

WRITTEN COMMENTS IN OPPOSITION

Marcellus Hartman, 2905 Pearl

B. C. Homeyer, 2917 Pearl

Margaret Daninger, 2904 Pearl

Chester A. Astens, III, 2911-B Pearl

Dee McCandless, 2844-A San Gabriel

Karen J. Alebrando, 2835 Shoal Crest

Lisa Keme, 2814-B San Gabriel

Rita Klingson, 2838-A San Gabriel

Beverly Grossman, 2905 Pearl

Don J. Jones, 809-B West 29th Street

Helen Eby Craig, 2829 Shoal Crest

Nettie Lee Bensen, 2834 Shoal Crest

Ona Kay Stephenson, 2848 Shoal Crest

Scott A. Michand, 2840 Shoal Crest

Mrs. Leona J. Grimes, 2838 Pearl

Paul Willcott, 2837 Pearl

Mr. and Mrs. C. J. Almquist, 2840 San Gabriel

Paul Cinoak, 2844-A San Gabriel

Roger Dobbins, 2832-B San Gabriel

Olive H. Spilzmillier, 2830 San Gabriel

Mr. and Mrs. A. L. Robbins, 807 West 29th

Mrs. Mabel Grace Gatlin, 806 West 28th

Sam Hooser, 806 West 28½

Frank Cal Milehl, Jr., 2836 San Gabriel

Harvey D. Jones, 2836 Pearl

C14-77-130 29th Street Company (continued)

PERSONS APPEARING IN FAVOR

Jack Jennings, Austin Heritage Neighborhood Association

Michael John Smith

Stuart B. Shaw, 4513 Ramsey

Kirby W. Perry, 210 West 38th, applicant

C. L. Kooch, 1202 Wild Basin Ledge

Robert Duke, 2520 Austin National Bank Tower, representing applicant

PERSONS APPEARING IN OPPOSITION

Mrs. C. J. Almquist, 2842 San Gabriel

Steven Deutchman, 2208 Pearl

Mrs. Leona J. Grimes, 2838 Pearl

Richard Hardin, 1104 West 22nd

A. T. Robbins, 807 West 29th

Judith Wilcott, 2837 Pearl

Mr. and Mrs. Darrell Williams, 3007 West Avenue

Betty Phillips, Save University Neighborhoods

COMMISSION ACTION

The Commission heard testimony as presented. Mr. Duke explained applicant would like to rebuild the Good Food Store, build restaurant, and provide off-street parking, and that it would in no way have a negative impact on the neighborhood. Betty Phillips, representing the Save University Neighborhood Association, opposed any zoning change, pointing out that it would destroy the residential character of the neighborhood, cause increased traffic and encourage commercial development in the area. There was other opposition regarding the very heavy traffic in the area and that a new senior citizens center was being built in the area which would cause even more traffic and there would be more handicapped and elderly persons in the area when the center is finished. It was pointed out that this was a single-family residential area, houses were being restored and that any change toward commercial would change property values in the area and it was seen as a threat on all levels to property owners of the neighborhood. It was explained that there are night clubs in the area as a result of some changes in zoning which already cause too much noise and too many problems. The applicant, in rebuttal, stated that the traffic problem is not going to go away; just look at what the city has already done and what is contemplated for the area.

COMMISSION VOTE:

Mrs. Shipman moved to deny the zoning since the precedent has been set in recent years to establish this as a residential area and also the housing demand adjacent to the university area. Mr. Stoll seconded the motion.

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

NAY: Messrs. Dixon, Snyder and Vier.

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 4-3 VOTE.

C14-77-131 Dr. F. M. Covert, III, et al: Interim A, 1st to C, 4th
 (by Maxwell Stout)
 4300-4306 Toney Burger Lane
 1617-1707 East St. Elmo Road

Mr. Duncan Muir of the Planning staff presented the staff report. He stated the staff recommends "GR, 1st" instead of the requested zoning. the adjacent motel is permitted in "GR", and "C" Commercial zoning was not considered appropriate for the entire site where the gas station exists on the west. The staff suggests that the "GR" district is more appropriate for the undeveloped land south of St. Elmo Road and between the expressway and Toney Burger Lane. "C" Commercial uses should locate in the areas approved for such uses in this vicinity which include the land to the north and west of I.H. 35. The staff recommends that "C" Commercial, 4th H&A be denied, but that "GR" General Retail, "1st" H & A be granted. Mr. Muir stated the request is for a sign within the 35-foot height limit for a motel and that staff has no objection for a spot of "C" within the "GR" for the entire site.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Max Stout, attorney for Travelodge

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

The Commission heard the testimony as presented. Applicant requested an off-premise advertising sign in the northeast corner of the area since the frontage road had changed and access to the motel had been altered. The request is amended to "GR, 1st" on the entire tract with a spot of "C" on which to construct a sign which would be 25 feet high. Applicant was unable at this time to give an exact location, but stated it could be done the next day.

COMMISSION VOTE

Mr. Snyder moved to table the motion to 5:30 p.m., October 4. Mr. Stoll seconded the motion.

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

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-133 Don McElwreath: Interim A, 1st to GR, 2nd
 (by Jose Mercado)
 7700-7722 Old Cameron Road
 1500-1508 U.S. Highway 183
 (East Anderson Lane), also
 bounded by Cameron Road

Mr. Duncan Muir of the Planning staff presented the staff report. He explained the subject tracts face the intersection of Old Cameron Road, Cameron Road, and U.S. 183. Street right-of-way is needed for both Old Cameron Road and Cameron Road. Old Cameron Road is being increased from 40 to 60 feet, requiring an additional 20 feet. Cameron Road is being expanded from 60 to 120 feet. The established right-of-way policy related to rezoning is to require one-half the additional right-of-way on a street to a maximum of 45 feet from the center line, with the City purchasing the remainder. In the subject case, this would mean a dedication of 15 feet with the City purchasing 15 feet. If the applicant is willing to dedicate 15 feet of right-of-way on Cameron Road and 20 feet of right-of-way on Old Cameron Road to accommodate intensified development permitted by a zoning change, the staff will recommend that "GR" General Retail be granted, and that 2nd H & A be denied, but that "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Don McElwreath, representing applicant

COMMISSION ACTION

The Commission heard testimony as presented. Applicant indicated he was willing to amend his application in accordance with staff recommendations.

COMMISSION VOTE

Mr. Vier moved to grant "GR", "1st", as amended by applicant subject to the dedication of 15 feet of right-of-way on Cameron Road and 20 feet of right-of way on Old Cameron Road. Mr. Snyder seconded the motion.

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

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-138 Mockingbird Hill, Ltd., et al: Interim AA, 1st to DL, 1st
(by Morris Olguin) and "A", "1st", as amended
Rear of 10511-10621 North Lamar Boulevard

Mr. Duncan Muir of the Planning staff presented the staff report. He explained that this property is the eastern portion of three long tracts which face North Lamar Boulevard and are undeveloped except for a rural type residence on the middle tract west of subject tract. The staff recommends that nonresidential zoning be denied on subject tract. Even if a buffer strip were established adjacent to the neighborhood, the prospect of heavy commercial or industrial activity intruding eastward into the subdivision would, in the staff's opinion, have a negative affect on the continued development of the neighborhood. The staff recommends the extension of Motheral Drive along the western edge of subject tract and "A" residence zoning for the tract. The staff, therefore, recommends that "DL" Light Industrial be denied but that "A" Residence be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Morris Olguin for applicant

Chris Harsdorff, 5127 Fort Clark

PERSONS APPEARING IN OPPOSITION

Kathleen Hall, 2107 Thames Circle

COMMISSION ACTION

The Commission heard testimony as presented. Applicant amended his application to provide 25 feet of buffer of "A" on the North, East and South and "DL" on the remainder of the tract. Mrs. Hall stated that this was definitely a residential area on three sides and was very active at this time. There are new houses being built every day and this would definitely be an intrusion into a residential area. There was discussion regarding traffic coming out on Lamar, the closing of Motheral Drive. Mr. Guerrero felt that commercial zoning would bring in uses that would not be complimentary to the neighborhood.

COMMISSION VOTE

Mr. Dixon moved to deny "DL" and "A" as amended, because it would be an intrusion into the neighborhood. Mrs. Shipman seconded the motion.

AYE: Messrs. Dixon, Snyder, Stoll and Vier. Mmes. Schechter and Shipman.

NAY: Mr. Guerrero

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 6-1 VOTE.

C14-77-139 Mrs. Frien E. (Susie) Gatliff, et al: Interim AA, 1st to
 (by Louis W. Lee)
 9017-9101 Jollyville Road, also
 bounded by U.S. Highway 183

Mr. Duncan Muir of the Planning staff presented the staff report. He explained this property is between U.S. 183 and Jollyville Road just west of the intersection of Balcones drive (the proposed MoPac Expressway) and U.S. 183. Significant alterations to the existing intersection are planned and additional right-of-way for U.S. 183 is scheduled to be purchased. The subject tract is undeveloped with a few mobile homes and older residences remaining. The staff recommends that "C" Commercial be denied, but that "GR" General Retail, "1st" H & A be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Susie Gatliff, 9126 Jollyville Road

WRITTEN COMMENTS IN OPPOSITION

H. M. Hensler, 8822 Silverarrow Circle.

Meek and Associates, 718 Alpine Drive, Kerrville, Texas

PERSONS APPEARING IN FAVOR

Louis Lee, representing landowners involved

Chris Harsdorff, 5127 Fort Clark

PERSONS APPEARING IN OPPOSITION

Wallace Pellerin, Balcones Civic Association

COMMISSION ACTION

The Commission heard testimony as presented. Applicant indicated he had no objection to staff recommendations and agreed to amend his application. Mr. Pellerin stated the Balcones Civic Association was opposed to the "C" Commercial zoning, but would agree with "GR".

COMMISSION VOTE

Mr. Snyder moved to grant "GR" General Retail, 1st H & A as amended by applicant. Mr. Dixon seconded the motion.

AYE: Messrs. Dixon, Snyder, Stoll and Vier. Mmes. Schechter and Shipman.

OUT OF THE ROOM: Mr. Guerrero

ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 6-0 VOTE.

C14-75-068	Shirley Slaughter: (by Malcolm Robinson) 1608 West 34th Street, also bounded by Glenview Avenue and Jefferson Street	<u>"A" Residence, 1st H & A to</u> <u>"GR" General Retail, 1st H & A</u>
------------	--	---

Mr. Duncan Muir of the Planning staff presented the staff report. He stated that as a result of a study some years ago the Planning Commission and City Council set a policy of permitting a transition from "A" to "O" Office for the residential lots within the area bounded by Jefferson Street, West 24th Street, and West 35th Street. This property is a residential lot which backs to Jefferson Street. The use of the residence includes a wedding catering service, the operation of which is in violation of "A" Residence. Subject zoning case was first reviewed in July of 1975. It was then generally agreed that the use of the property was inoffensive to the neighborhood, but that a zoning change was. Under the existing ordinance, unless she could obtain "GR" zoning, she would be forced to cease the business or to move. A restrictive covenant was offered as a compromise, but was considered inappropriate. Other options considered ranged from amending the home occupation provision in "A" to permitting wedding catering services of this nature in the recommended "O" Office. Consideration was given to amendment of the home occupation provision for low density residential areas and it was generally conceded that the matter was more difficult than at first anticipated, and that piece-meal amendments to our present ordinance were ill-advised. This pending zoning case is brought forth for consideration again because the long standing violation must be resolved. The staff recommends that "GR" General Retail be denied, but that "O" Office be granted, subject to dedication of five feet of additional right-of-way on Glenview Avenue to contribute to 60 feet of right-of-way.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Mr. and Mrs. Harold T. Moore, 3310 Bryker Drive
Petition - 47 signatures

Jane Conner, 3305 Glenview
Dr. Carl Pickhardt, 3311 Bryker Drive
Bruce Todd, 3306 Glenview
Bronson Dorsey, 3309 Bryker Drive

PERSONS APPEARING IN FAVOR

Malcolm Robinson, representing applicant
Bennie C. and Mary Lou Downing, 2811 Scenic Drive

PERSONS APPEARING IN OPPOSITION

Dr. Carl Pickhardt, 3311 Bryker Drive
Bruce Todd, 3306 Glenview
Bronson Dorsey, 3309 Bryker Drive

C14-75-068 Shirley Slaughter (continued)

COMMISSION ACTION

The Commission heard the testimony as presented. Applicant agreed to a restrictive covenant, change of zoning, or whatever would be needed to continue the business at this location. Mr. Downing stated he felt the business was an improvement to the area and endorsed it. Mrs. Downing felt this was better than high rise office buildings or other types of businesses that could be brought into the area. Opposition felt that it was an intrusion into a residential neighborhood; would have a negative affect; lower property values; also pointed out the future options for occupancy under "GR" or "O" zoning. They felt there was nothing wrong with the catering service, but would object to other things that could come in if the zoning should be changed. There is already investment property on adjacent corners resulting in increased traffic. Spot zoning is in conflict with the Master Plan and not the answer to the problem. Mr. Dorsey pointed out that he would prefer some acceptable means to solve the problem and suggested a special permit, deed restriction, anything -- not spot zoning. Mr. Todd stated he had no objection to the current business but did point out that the area is in the midst of a high business area and a school one block away, causing traffic problems. Dr. Pickhardt was concerned about commercial erosion of the neighborhood and the traffic problems that would be created in the area. Applicant again requested the "GR" zoning with a restrictive covenant; pointing out that the location is not far from an already established business area and that traffic would not be involved here; agreed to give five feet of right-of-way. Mr. Snyder felt that the staff had been requested previously that some sort of ordinance be brought before the City Council to make provisions for this and it appears that nothing along this line has been done, therefore, he urged the staff to come up with an ordinance whereby this can be addressed; the neighborhood is not in objection to this business, merely to the fact that it must be rezoned in order to allow her to work in her home. He requested that she be allowed to continue to operate without prejudice until such time as something was done. Mr. Stoll seconded the motion. Mr. Gotcher explained they are under a considerable amount of pressure to pursue zoning complaints and that if a complaint is filed, they would be compelled to file charges.

COMMISSION VOTE

Mrs. Shipman offered a friendly amendment to the motion and recommended to the Council specifically that the staff be directed to prepare an amendment to the home occupation provision in low density residential areas through the zoning ordinance and that these amendments be limited to performance standards relevant to tasks customarily conducted in a residential dwelling, and that it be called home industry; that the case be continued for nine months.

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

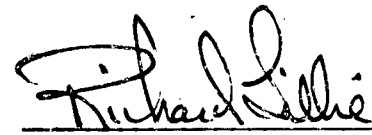
ABSENT: Messrs. Gutierrez and Jagger.

THE MOTION PASSED BY A 7-0 VOTE.

Planning Commission--Austin, Texas

October 3, 1977 22

The meeting adjourned at 11:35 PM.



Richard R. Lillie
Executive Secretary