

CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting -- October 2, 1978

The Special called meeting of the Planning Commission was called to order at 6 p.m. in the City Council Chambers.

Present

Miguel Guerrero, Chairman
Leo Danze
Freddie Dixon
Sally Shipman
Bernard Snyder
Bill Stoll

Also Present

Richard Lillie, Director of Planning
Marie Gaines, Planner
Elly Malone, Planner
John Meinrath, Legal Department
Mike Weaver, Urban Transportation
Ouida Glass, Senior Secretary

Absent

Sid Jagger
Mary Ethel Schechter
Jim Vier

ZONING

The following cases were heard on a consent motion:

Staff Recommendation:

C14-78-141	Austin Independent School District and City of Austin: (by City of Austin Planning Dept.) 1900-2110 East 3rd Street 1901-2111 East 4th Street, also bounded by Chicon Street and Canadian Street	"D", 3rd H&A, "C" & "B", 2nd H&A to "A", 1st H&A RECOMMENDED
C14-78-162	Bill Clark (by John Neely) 13531 Research Boulevard	Interim "AA", 1st H&A to "GR", 1st H&A RECOMMENDED
C14-78-163	Jan Kubicek (by John Patton) 2306 Lake Austin Boulevard	"A", 1st H&A to "LR", 1st H&A RECOMMENDED
C14-78-164	Central Texas Area Foundation, Inc. (by Stuart Benson) 7801-7823 North I.H. 35 800-828 U.S. Hwy. 183	Interim "A", 1st H&A to "C", 2nd H&A RECOMMENDED
C14-78-166	Lake Travis Development Co. (by William B. Pohl) 13651 U.S. 183	Interim "AA", 1st H&A to "GR", 1st H&A RECOMMENDED
C14-78-167	James A. Blake & David B. Smith (by William B. Pohl) 13609 Research Boulevard	Interim "AA", 1st H&A to "O", 1st H&A RECOMMENDED

Zoning (cont'd.)

C14-78-171 Sigmor Corporation
(by Les Procter)
1332 West Ben White Boulevard

"GR", 1st H&A to
"C", 1st H&A
RECOMMENDED

COMMISSION VOTE

Mrs. Shipman moved to approve the requests listed above in accordance with staff recommendations. Mr. Stoll seconded the motion.

AYE: Danze, Guerrero, Shipman, Snyder, and Stoll.
 ABSENT: Dixon, Jagger, Schechter, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-125 Wayne Rutland: Interim "AA", 1st H&A to "C", 1st H&A
(by Sue Sanders)
10805 Jollyville Road

Marie Gaines of the Planning Department staff reported that applicant had requested this be postponed indefinitely.

COMMISSION VOTE

Mr. Stoll moved to postpone this request indefinitely. Mr. Danze seconded the motion.

AYE: Danze, Guerrero, Shipman, Snyder, and Stoll.
ABSENT: Dixon, Jagger, Schechter, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-147	Northwood Development Corporation: (by Phil Mockford)	Interim "AA" Residence to "A" Residence and "GR" General Retail
------------	----------------------------------------------------------	-----------------------------------------------------------------------

Marie Gaines reported that this had been heard on September 5 and that the Planning Commission had postponed the request for 30 days pending an evaluation from the Urban Transportation Department concerning the traffic flow and impacts and that applicant and the neighborhood were to meet in an attempt to work out some differences. Mike Weaver of the Urban Transportation Department explained that the proposed development in the area would adequately be handled.

PERSONS APPEAR IN FAVOR

Phil Mockford, representing applicant
Gordon Davis, for NPC

C14-78-147 Northwood Development Corporation (cont'd.)

PERSONS APPEARING IN OPPOSITION

Nolan Ward, representing Northwood Homeowners Association

COMMISSION ACTION

Mr. Dixon asked Mike Weaver of the Urban Transportation Department whether or not he was aware that there had been a serious accident at the intersection to F.M. 1325 this very morning and explained that the report as presented was not adequate. He explained they needed details that were not in the report; namely, the traffic count insofar as accidents are concerned at least within the last year compared with other major intersections in the City of Austin, and in comparison with the anticipated growth pattern, etc. Mr. Weaver explained the Urban Transportation Department had contacted the Highway Department in regard to looking at the installation of additional advanced warning signs on F.M. 1325. He anticipated a reply within about four to six weeks. Mr. Guerrero explained that the Commission requested a potential impact of traffic of the subject zoning cases on existing and future roadways adjacent to the subject tracts, including accidents in the surrounding area and on these particular streets. Mr. Dixon requested a more thorough and exhaustive report from the Urban Transportation Department regarding that area and its traffic, looking at the next five to ten years and what the growth pattern will look like out there, taking in any new developments compared with the situation now, at peak times and at non-peak times. He also requested information regarding what the State Highway Department can and will do in helping to alleviate that problem, and what kind of projections are anticipated from the Highway Department for the next ten years, in order to determine to what extent the city and state might be able to work together regarding the growth and development in that area. Should there not be any working together, then the Commission needs to know that also.

Mr. Mockford explained they had met with the neighborhood and had agreed to a fence along the north line of the south side of property, and stated they are committed to the plat as submitted at the last meeting, 8.6 acres with 30 lots, or something less than four lots to the acre. Gordon Davis discussed the need for a signal at 1325 felt the traffic could be controlled, and stated they were of the opinion this to be the best use for the land. He stated they do have a large investment here; cannot afford to downgrade the community, and anything they might do will be a compliment to the neighborhood. There again was discussion as to why the site plans could not be shared at this time. Mrs. Shipman expressed concern for the traffic and safety for the school children in the area.

Nolan Ward, representing the Northwood Homeowners Association, stated they felt this to be a question of dollars versus people. He stated there had been 22 major accidents in less than one mile since the first of this year. He showed slides of the area to point out their concerns for the traffic, the ingress and egress, the homes already constructed and those being constructed.

C14-78-147 Northwood Development Corporation (cont'd.)

Mr. Guerrero asked Mr. Mockford about possibly meeting with the neighborhood again. Mr. Mockford replied there will always be differences in opinion of what looks nice and what does not look nice, stating they have done everything they can do except to come up with a site plan. He again stated that the requested zoning "makes sense." Mr. Dixon asked if their designs are palatable with the adjacent surroundings and Mr. Mockford replied that people's taste differ -- this a new area. Mr. Snyder asked if applicant would be willing to withdraw Tract 1 because of shopping center impact on the traffic situation. Mr. Mockford replied that the zoning needed to be done as a package; they intended to develop the entire tract "way down the line."

COMMISSION ACTION

Mr. Dixon moved to close the hearing, to postpone action at least 60 days, or sooner if possible, pending further traffic information from the Urban Transportation Department and the Highway Department as it relates specifically to 1325 and Oak Creek Drive, a traffic count future projections for the next 10 years as development occurs, and an analysis of what the Highway Department has in mind for safety measures, pointing out that the City is growing and the Commission wants to be able to meet some of the demands for development out there. Mrs. Shipman seconded the motion.

AYE: Dixon, Guerrero, Shipman, and Snyder.

ABSTAINED: Danze.

ABSENT: Jagger, Schechter, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 4-0-1.

C14-78-150 Errol Young: "A", 1st H&A to "O", 2nd H&A
(by Donald E. Bird)
500 West 38th Street

Marie Gaines explained this request had been postponed in order to determine the exact amount right-of-way that would be needed and that 15 feet of right-of-way is necessary to align this street.

PERSONS APPEARING IN FAVOR

Don Bird, for applicant

PERSONS APPEARING IN OPPOSITION

Robert Duke, representing the Children's Home
Dorothy Richter

Marie Gaines presented the staff report.

C14-78-161 Odas Jung (cont'd.)

Subject tract is a narrow strip of land fronting Ben White Blvd., a major arterial, in far South Austin.

Applicant's request is for a height and area change for increasing the sign height; subject tract consists of vacant land, the sale of movable buildings, a fast-food restaurant and the Ford Trucks sales site.

Land use and zoning include to the north undeveloped land approved for "D" Industrial, 3rd H&A. To the west is vacant land in "D" Industrial, 1st & A. To the south is a real estate office, finance office, and warehouse in "D" Industrial, 1st H & A. To the east is a truck center in "D" Industrial 3rd H & A.

The staff has consistently recommended against height and area changes for sign raising. The ensuing result of height and area changes is sign competition and proliferation. In addition the 2nd H & A district would be inconsistent with the 1st H & A district to the south and east of subject tract.

The staff recommends to deny the 2nd, Height and area zoning request.

PERSONS APPEARING IN FAVOR

Odas Jung, applicant
Jim Teal

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Odas Jung, the applicant, discussed the need for the sign and the resulting request for a change in the zoning. Jim Teal, who manages a business on subject tract, discussed how this business had been badly hurt because of the lack of visibility of the sign since it cannot be seen. Mrs. Shipman expressed concern with height of signs, pointed out that the City Council had appointed a sign committee, and felt that the Commission should wait for a report from that committee before making recommendation.

COMMISSION VOTE

Mrs. Shipman moved to continue action until a report is received from the Sign Ordinance Committee. Mr. Danze seconded the motion.

AYE: Danze, Dixon, Guerrero, Shipman, and Snyder.
ABSENT: Jagger, Schechter, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-165 CAPITOL CITY OIL COMPANY
 (by James E. Olson)
 5313 Manor Road

"GR" General Retail,
1st H & A to
"C" Commercial,
1st H & A

Marie Gaines presented the staff report.

Subject tract is an existing gasoline station located on the southeast corner of Manor Road and Pecan Springs Road, in northeast Austin. The requested zoning is for "C" Commercial for the sale of beer and wine to go.

The surrounding zoning and land use to the north, east and west is single family residential zoned "A" Residence. The south is a convenience grocery store in "C" Commercial, and a service station, restaurant, beauty shop and undeveloped land in "GR" General Retail.

Further intensification of zoning at this intersection would set an undesirable precedent for further intensification of commercial zoning. Two previous requests for more intense zoning on the northeast and northwest corners have not succeeded.

The staff recommends to deny "C" Commercial, 1st H&A.

PERSONS APPEARING IN FAVOR

Mr. Kuykendall, attorney for applicant
James E. Olson, President of Capitol City Oil Company

PERSONS APPEARING IN OPPOSITION

Mike Garrett, Pecan Springs Integrated Association

COMMISSION ACTION

There was discussion of the requirements for licensing businesses selling beer and wine -- the differences between grocery type facilities and gasoline related businesses. Mr. Kuykendall stated applicant would be willing to provide an irrevocable power of attorney for requesting a zoning rollback in the event Capitol City Oil Company ceases to operate the stated use. Applicant suggested perhaps to zone only the portion needed and then volunteered an automatic zoning rollback. There then was discussion of coming in with a special permit request. Mike Garrett, representing the Pecan Springs Integrated Association, stated they did not want to see "C" Commercial zoning there but did express agreement with the special permit route.

COMMISSION ACTION

Mr. Dixon moved to postpone the request indefinitely. Mrs. Shipman seconded the motion. Mr. Guerrero stated the applicant would come in with a special permit request and requested the staff to help him meet the deadline.

C14-78-165 Capitol City Oil Company (cont'd.)

AYE: Danze, Dixon, Guerrero, Shipman, Snyder, and Stoll.
ABSENT: Jagger, Schechter, and Vier.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-78-169 A. E. RUTLEDGE
 (by Rudy G. Meredith-Grigsby & Co.)
 1208-1216 East Live Oak

"A" Residence,
1st H & A to
"O" Office, 2nd H & A

Marie Gaines presented the staff report.

This undeveloped 2.66 acre tract is located in South Austin on East Live Oak, a collector street. Surrounding zoning and land use include: to the north are apartments in "GR" General Retail, to the south are apartments in "B" Residence and houses in "A" Residence, to the east is a single family residence in "B" and the Quality Inn and State Farm Insurance Office in "GR" General Retail.

The height and area districts are as follows: to the north is 2nd and 6th Height and Area, to the south is first height and area, to the east is 5th height and area, to the west is first height and area.

The requested zoning is consistent with the land uses and zoning to the north and east of subject tract. Because of the residential development west of subject tract a definite boundary should be established between single family residences to the west and more intensified usage to the east. The first height and area district is consistent with the residential development to the south and west of subject tract.

The staff recommends to grant "O" Office, 1st Height and Area, save and except the 15 feet on the westernmost boundary which should remain "A" Residence 1st H & A.

CITIZEN COMMUNICATION
PERSONS APPEARING IN FAVOR

Les Proctor, representing applicant
Arthur Schreiber, 1207 East Live Oak

PERSONS APPEARING IN OPPOSITION

Jean Mather, South River City Citizens
Sam Martin, 1401 Travis Heights Boulevard
Barbara Scilly

WRITTEN COMMENTS IN FAVOR

None

C14-78-169 A. E. Rutledge (cont'd.)

WRITTEN COMMENTS IN OPPOSITION

Mrs. Alma Heep, 2007 Travis Heights
Petition - 195 signatures

COMMISSION ACTION

Les Proctor discussed this tract and the uses in the immediate area, and stated this tract was not desirable for residential development. He expressed agreement with the staff recommendation and pointed out that this rezoning would result in an improvement to the neighborhood. Sam Martin, representing South City River citizens, requested denial of the zoning change. He stated that Travis Heights is no longer a declining neighborhood and requested the property be used for residential purposes and not allow any more commercial uses. He explained that people are moving in, buying houses, fixing them up, and that the association would be asking for zoning rollbacks. The people are very concerned and want the area to remain residential. He also expressed concern for the noise, traffic and parking. Mr. Snyder asked and Mr. Martin replied that an alternate would be to have townhouses, condominiums, or apartments and felt they would be more profitable and would give all the advantages of an innercity neighborhood. Barbara Scilly presented a petition containing 195 signatures and stated this area is very residential in nature in spite of the GR zoning and expressed opposition to any change. In rebuttal, Mr. Proctor stated they had held the property for 40 years and now wish to develop it and would not be interested whatsoever in residential zoning.

COMMISSION VOTE

Mrs. Shipman moved to deny "O" Office, 2nd H & A. Mr. Dixon seconded the motion.

AYE: Dixon, Guerrero, Shipman, Snyder, and Stoll.

ABSTAIN: Danze.

ABSENT: Jagger, Schechter, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0-1.

C14-78-170 H. C. BYLER "A" Residence, 1st H & A
(by Dan Womack & W.W. Richardson) to "BB" Residence, 1st H & A
5505 Jeff Davis Street

Marie Gaines presented the staff report.

Subject tract is a residentially developed lot fronting a minor residential street within a low-density neighborhood in north Austin. Surrounding land uses and zoning include single-family residences in "A" to the north, west and south.

Subject tract presently contains 3 dwellings units, a duplex in front and a separate dwelling unit to the rear, in violation of the existing "A" zoning. In 1975, the applicant requested a variance to maintain 3 units in two separate structures so that he could install three separate utility meters. The Board of Adjustment denied the variance on the basis that no unnecessary hardship existed. In 1976 applicant applied for "BB" zoning. The Planning staff recommended denial of the case. The applicant at the 1976 Planning Commission meeting later requested a postponement. Litigation is pending which was initiated at the request of the Building Inspections Department for violation of the existing zoning.

The requested zoning will permit 9 efficiencies or 8 one-bedroom apartment units. Excluding the apartment zoning at the intersection of Jeff Davis Street and Houston, no apartment zoning exists on Jeff Davis north of Houston Street. The condition in land use and zoning has not changed since the last time this case was presented to the Planning Commission.

The staff recommends to deny "BB" Residence, 1st H & A.

PERSONS APPEARING IN FAVOR:

Bob Richardson, representing applicant
H. C. Byler, applicant

PERSONS APPEARING IN OPPOSITION

none

COMMISSION ACTION

There was discussion of the uses of property in the immediate area and the pending litigation as a result of violation of the zoning regulations. Applicant discussed what had been done to improve the property which, he felt, had improved the neighborhood, and stated this request was in order to change the zoning requirements to comply with city ordinances and recommendations. Mr. Guerrero asked and applicant agreed to a restrictive covenant restricting no more units to be added should the "BB" zoning be granted. Applicant indicated he was trying to comply and at the same time maintain this as separate dwellings.

C14-78-170 H. C. Byler (cont'd.)

COMMISSION VOTE

Mrs. Shipman moved to grant "BB" Residence, 1st H & A, subject to a restrictive covenant that no more units can be added. She requested further that the restrictive covenant be noted on the zoning map so this cannot be used for precedent-setting case for future zoning requests in the area, and for the information of future planning commission members. Mr. Stoll seconded the motion.

AYE: Danze, Dixon, Guerrero, Shipman, Stoll.

ABSENT: Jagger, Schechter, Snyder, Vier

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-172 WALTER WENDLANDT
 (David S. Minter)
 1701-1711 West 6th Street (exclude 1709)
 1704-1710 West 5th Street

"B" Residence,
2nd H & A to
"LR" Local Retail,
2nd H & A

Marie Gaines presented the staff report:

Subject tract consists of nine residential lots, four of which front W. 6th Street, a one-way major arterial street, and three of which front W. 5th Street also a one-way major arterial in central West Austin. Lots 11, 15, 16, 19 and 20 have single family residences. Lots 13, 14, 21 and 22 are vacant. The purpose for the "LR" Local Retail request is for a garden office building, restaurant and specialty shops. The area of the nine lots totals 58,632 square feet.

Surrounding zoning and land use are as follows: to the north across West 6th Street is the University of Texas Married Student housing complex in undesignated and single family residences in "A" Residence. To the south is "D" Industrial, uses include a chain saw shop and auto repair. To the west single family residences are located in "B" Residence, and an office in "GR" General Retail. To the east is vacant land, a restaurant, pipe company and novelty shop in "C" Commercial, also single family residences are in "O" Office and "B" Residence. Farther east is a recently renovated structure in "O" Office and apartments in "B" Residence. The height and area districts are as follows: to the north is 1st Height and Area, to the south is 3rd Height and area, and to the east and west is second height and area.

The "O" Office district is the maximum that has been recommended on property fronting W. 6th Street. Any other less restrictive district would be too intensive for what at present is a combination of single family residences, apartments and office type uses. More intense districts would set at undesirable precedent for further commercial intensification along W. 6th Street.

C14-78-172 Walter Wendlandt (cont'd.)

Property which is zoned "O" Office adjoining "A" Residence will be required to provide a privacy fence. Land which is zoned "O" Office and abutting "LR" Local Retail or less restrictive district can have an "LR" use through the special permit process. All uses proposed by the applicant with the exception of the restaurant have the appropriate requested zoning. A restaurant serving alcoholic beverages requires "GR" General Retail.

The staff recommends to deny "LR" Local Retail, 2nd H & A, but grant "LR" Local Retail on Lots 19-22, "O" Office, 2nd H & A on lots 13-16. Lot 11 should remain "B" Residence 2nd H & A. Dedication of five feet of right-of-way along lots 13-16 fronting West 6th is requested to help accommodate the increased traffic generated by the use permitted by this zoning request.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR: David Minter, architect

PERSONS APPEARING IN OPPOSITION: Richard Patrick, 1707 Frances Avenue

WRITTEN COMMENTS IN FAVOR: Jay F. Smith, P.O. Box 1868

WRITTEN COMMENTS IN OPPOSITION: none

COMMISSION ACTION

David Minter discussed the proposed plans and the need for the change in zoning. He stated he had no objection to eliminating Lot 11 as suggested by staff, but did request "LR" on Sixth Street. He stated he would be more than happy to restrict the signs and height as well. Mrs. Shipman expressed concern for the 2nd H & A. Mr. Snyder asked if he would be willing to submit a site plan and Mr. Minter explained that there was a great deal of time and money involved without knowing what the zoning would be, and stated again that he could work within the limitations as placed by the staff. Mrs. Shipman expressed concern that Lot 11 would be surrounded, and Mr. Minter explained that they had been unable to reach an agreement with the owners. Richard Patrick was opposed to "LR" zoning on Sixth Street, expressed concern for height in a residential district. He explained the streets are very narrow and cannot accommodate very much traffic and expressed concern for the possibility of a restaurant with a bar.

COMMISSION VOTE

Mrs. Shipman moved to deny "LR" Local Retail, 2nd H & A, but to grant "LR" Local Retail on Lots 19-22, "O" Office, 2nd H & A on Lots 13-16, Lot 11 to remain "B" Residence, 2nd H & A, and that five feet be dedicated for right-of-way. Mr. Dixon seconded the motion. Mrs. Shipman requested the right-of-way requirement be withdrawn if there is already right-of-way there. Further, that the need for right-of-way be determined by the Urban Transportation Department and be reported to the City Council at the time of action.

C14-78-172 Walter Wendlandt (cont'd.)

AYE: Danze, Dixon, Guerrero, Shipman, Snyder.
ABSENT: Jagger, Schechter, Stoll, Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-173 CLINTON W. BENJAMIN
(by James Hinton Sledd Jr.)
716 Norwalk Lane

"A" Residence, 1st H & A
to "C" Commercial, 1st
H & A

Marie Gaines presented the staff report.

Subject tract is located on Norwalk Lane a minor residential street, in central West Austin. The nursery is a legal non-confirming use. Applicant wishes to sell nursery products for commercial sales. The zoning ordinance requires "C" Commercial zoning for a commercial nursery.

To the north, west and east land is zoned "A" and developed with single family residences, to the south are single family residences in "A" and a shopping center in "C" Commercial also with C-2 zoning.

While in general there is a policy to recommend appropriate zoning for legal non-comforming uses the zoning district requested would set an undesirable precedent and also would generate more commercial traffic than could feasibly be handled by the existing residential streets.

The staff recommends to deny "C" Commercial, 1st H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR: James Hinton Sled, Jr., applicant

PERSONS APPEARING IN OPPOSITION: Scott Holden, representing neighborhood
David Moya

WRITTEN COMMENTS IN FAVOR: None

WRITTEN COMMENTS IN OPPOSITION: Petition
F. T. Marjorie and Red Adams, 706 Wayside Drive
Ethel M. Houck, 802 Wayside Drive
Don B. and Linda Boitnott, 711 Norwalk Lane
Scott A. Holden, 715 Norwalk Lane

COMMISSION ACTION

James Sledd explained that this nursery has been there for over 30 years and did not see how it could set a precedent that had not already been set. He offered a restrictive covenant that the property revert to residential zoning in the event this operation should cease. He discussed the fact that the nursery is a seasonal business and did not feel that the traffic would

C14-78-173 Clinton W. Benjamin (cont'd.)

be a problem. Area residents expressed concern for the traffic that would be created and stated that this would not preserve the neighborhood integrity. They requested the zoning remain residential.

COMMISSION VOTE

Mrs. Shipman moved to deny "C", 1st H & A, since it would be an intrusion into a residential neighborhood. Mr. Dixon seconded the motion.

AYE: Danze, Dixon, Guerrero, Shipman, Snyder
ABSENT: Jagger, Schechter, Stoll, Vier

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-175 W.P. WATTS
 (by Eugene Wukasch)
 106 West 38th Street
 108 West 38th Street

"A" & "B" Residence 1st H & A
to "O" Office, 1st H & A (as amended)

Marie Gaines presented the staff report.

Subject tract contains two existing duplexes located on West 38th Street. To the north are apartments in "B" Residence. To the south is a building for the State School for the Blind in "A", apartments and one single-family residence in "B" Residence. To the east are apartments in "B" Residence and a dentist office in "O" Office. To the east are apartments in "B" Residence.

The requested zoning is consistent with the existing zoning and surrounding uses. The widening of West 38th Street will require fifteen feet of right-of-way to accommodate intensified usage.

The staff recommends to grant "O" office, 1st H & A as amended and dedication of fifteen feet of right-of-way. Applicant agrees with the dedication of fifteen feet for right-of-way.

COMMISSION VOTE

Mr. Danze moved to grant "O" Office, 1st H & A, as amended, subject to the dedication of fifteen feet of right-of-way. Mr. Stoll seconded the motion.

AYE: Danze, Dixon, Guerrero, Shipman, Stoll
ABSENT: Jagger, Schechter, Snyder, Vier

THE MOTION PASSED BY A VOTE OF 5-0.

"A" Residence, 1st H & A to
"O" Office, 1st H & A

AYE: Danze, Dixon, Guerrero, Shipman, Stoll.
ABSENT: Jagger, Schechter, Snyder, Vier.
THE MOTION PASSED BY A VOTE OF 5-0.

R814-78-007 Request for Variance on the Size of a P.U.D.
Proposed a total of 1.87 acres, of which 1.27 is to be for residential uses and the rest for commercial development.
(by Jim LaChance)

Elly Malone presented the staff report.

The applicant has submitted a request for a variance to allow a P.U.D. on a 1.87 acre tract of land, of which 1.27 acres are to be used for residential purposes and the rest of the property fronting Manchaca Road is to be used commercially.

In granting or denying the variance the following factors need to be considered:

1. The minimum required site size on a P.U.D. is five acres. The planning Commission can grant variances to allow for P.U.D. developments on sites smaller than the above stated five acres. In granting such a variance, however, one needs to realize the precedent it will be setting for the future if it does not comply with the factors listed in the second paragraph.
2. The P.U.D. ordinance was established to permit creative utilization of land, to allow for the enhancement of land through preservation of natural features, to encourage open space and greenbelts as well as increased recreational areas and amenities. A P.U.D. should be equal to conventional townhouse or single-family development and preferably should provide a more desirable quality of life through ingenuity and creative design than can be achieved through other standard ordinance requirements. A site of five acres was established as the minimum required to achieve these goals.

These factors need to be considered when granting or denying a variance. The common areas submitted on the site plan are primarily driveways and not usable green areas. As currently presented, the project appears to fall short of the P.U.D. intent and resembles a non-standard townhouse project.

3. The portion of the tract fronting Manchaca Road is to be developed commercially and was included in the P.U.D. application, although this part of the P.U.D. application is not an integral part of the project. This commercial area will not primarily serve the residential portion, and most of its trade will come from beyond this residential area.

Since this commercial area comprises more than five percent of the total project acreage allowable within a residential P.U.D., a zoning change to "LR" will be necessary.
4. Fleetwood Drive, a minor collector street ending in a cul-de-sac, is to provide access for the 13 proposed dwelling units. Twenty-six additional cars with an estimated 156 car trips/day will have a strong impact on the neighborhood. (estimate: six trips per car per day.)

R814-78-007 Request for Variance on the size of a P.U.D. (cont'd.)

Based on the above criteria the staff cannot recommend granting the request for variance, since it feels that the intent of the P.U.D. ordinance is not being met.

PERSONS APPEARING IN FAVOR: Peter Kriesner, attorney for applicant
Jim LaChance, applicant

PERSONS APPEARING IN OPPOSITION: none

COMMISSION ACTION

Peter Kriesner, attorney for applicant, discussed the proposed plans for the property and pointed out that in an effort to save the trees and greenery applicant proposes to lower the density, to build a small, nice complex of townhomes which would have a lot less destructive impact on the community than to develop the property as it is presently zoned. He stated he did not understand why he could not develop the property for a less intensive use and why a variance must be required for a P.U.D. Mr. Lillie presented some of the background history involving this property, and pointed out that two of the lots were a part of an old tract which had been left "A" Residential in order to be developed as single-family or duplex. He explained that when the zoning had been applied for, the neighborhood representatives were adamant to keep the density and also to keep the traffic on Fleetwood to a minimum. He reminded the Commission that should the variance be granted, he recommended that access should be on Manchaca Road and not on Fleetwood. There was discussion of the requirements for a P.U.D. and Mr. Lillie explained that this was a policy statement that been adopted by the Planning Commission when the P.U.D. ordinance was adopted.


COMMISSION VOTE:

Mrs. Shipman moved the variance for the P.U.D. be denied. Mr. Dixon seconded the motion. Mr. Danze pointed out that this is a heavily wooded site and that the Commission had granted variances in the past.

AYE: Dixon, Guerrero, Shipman, Stoll
NAY: Danze
ABSENT: Jagger, Schechter, Snyder, Vier.

THE MOTION PASSED BY A VOTE OF 4-1.

The meeting adjourned at 9:30 p.m.


Richard R. Lillie, Executive Secretary