

CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting -- December 4, 1978

The Special Called Meeting of the City Planning Commission was called to order at 5:55 p.m. in the City Council Chambers, 301 West Second Street.

Present

Miguel Guerrero, Chairman
Leo Danze
Mary Ethel Schechter
Sally Shipman
Jim Vier

Also Present

Evelyn Butler, Supervisor Current Planning
Betty Baker, Planner
John Meinrath, Legal Department
Curtis Johnson, Director of Water and Wastewater
Ouida Glass, Senior Secretary

Absent

Freddie Dixon
Sid Jagger
Bernard Snyder
Bill Stoll

ZONING

The following cases were heard on a consent motion: Staff Recommendation:

| | | |
|------------|---|---|
| C14-78-204 | Texas Public Employees Assn. (by Jess M. Irwin, Jr.) 508 and 506 East 11th Street | From "B", 3rd H & A to "C", 3rd H & A. <u>RECOMMENDED.</u> |
| C14-78-208 | Thomas H. Barnett and William A. Hibbert, Jr. (by Phil Mockford) 12568 Research Blvd. | From Interim "AA", 1st H & A to "GR", 1st H & A (except for south 120') and "O", 1st H & A on south 120'. <u>RECOMMENDED.</u> |
| C14-78-210 | S.W. Ruff Land Development Trust, Fred Juby Trustee (by Raymond C. Tubbs) 7501 North Lamar Blvd. | From "A", 1st H & A to "C", 1st H & A. To DENY "C". To GRANT "GR", 1st H & A save and except for five feet at the easternmost boundary which should remain "A" Residence; dedicate 5' right-of-way along Crestland Drive. |
| C14-78-223 | RPC Investment Company (formerly Dickson Prop.): (by Graves, Dougherty, Hearon, Moody & Garwood) 2713-2517 Montopolis Road also bounded to the southeast by Ben White Blvd. | From Interim "A", 1st H & A to "O", 3rd H & A. <u>RECOMMENDED.</u> |

COMMISSION VOTE

Mr. Danze moved to approve the requests listed above in accordance with staff recommendations. Mrs. Schechter seconded the consent motion.

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

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

C14-78-203 BRONISLAW PUSCHMAN
(By Rose Puschman)
412-500 Stassney Lane

"O" Office, 1st H & A to
"GR" General Retail, 1st H & A

Betty Baker presented the staff report.

This undeveloped tract of land fronts Stassney Lane, a major arterial in South Austin. To the west is local and general retail. Undeveloped land and single-family residences adjoin subject tract on three sides.

In 1974 this same property had a request for "GR" General Retail. At that time the staff recommended "BB" Residence to discourage strip development. The Planning Commission recommended to grant "O" Office and the City Council approved the "O" Office conditioned with a limited "BB" density as offered by the applicant and "A" Residential buffer to the north.

The staff has consistently recommended against less restrictive zoning along Stassney Lane. A change of condition has not taken place along this section of Stassney Lane. The "LR" and "GR" zoning to the south and west will permit the applicant "LR" uses by special permit. Land in this vicinity has been overzoned as witnessed by the land immediately west which remains undeveloped and has had "GR" General Retail since 1969.

The staff recommends to deny "GR" General Retail. No change in condition has taken place. An increase in zoning use would set a strong precedent for more intensive zoning to the east, along Stassney Lane, as well as result in overzoning land which has remained essentially undeveloped.

PERSONS APPEARING IN FAVOR

Rose Puschman, applicant

COMMISSION ACTION

Rose Puschman stated she was now on Social Security and would like to sell for some income. She felt it would sell if the "GR" zoning was obtained.

COMMISSION VOTE

Mrs. Shipman felt this would set a precedent and was overzoning land which has remained undeveloped, therefore, she moved to deny "GR" General Retail, 1st H & A. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-205 LaCHANCE INVESTMENTS LTD.
(by Jim LaChance)
3621-3629 Manchaca Road

"O" Office, 1st H & A to
"LR" Local Retail, 1st H & A

Betty Baker presented the staff report.

This heavily wooded undeveloped tract of land fronts Manchaca Road, a major arterial, in south Austin. Land use is residential, with single-family units to the north and east and multiple units to the south and west. Apartments are under construction in "LR" Local Retail to the west.

This area is predominantly mixed residential in character. "LR" Local Retail uses would be inconsistent with surrounding land uses. Subject tract is heavily wooded and should have a site plan spotting significant trees. "LR" uses can be obtained through the special permit process. This alternative as opposed to a zoning change is more desirable because a change in zoning would set a precedent for further intensification to the south along Manchaca.

Staff recommends to deny "LR" Local Retail, 1st H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Peter Kreisner, representing applicant
Jim LaChance, applicant

PERSONS APPEARING IN OPPOSITION

Carl Hannah
John Boyd, 3605 Fleetwood
Mrs. Carlton Prescott, 3607 Fleetwood

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Petition - 80 signatures
Barbara Stooksberry, 3600 Winfield Cove
John T. Boyd, 3605 Fleetwood Drive
Richard F. Lannert, 3601 Manchaca Road
Mike Guarino, 1807 Rumford Drive

COMMISSION ACTION

Peter Kreisner, representing applicant, briefly reviewed with the Commission the previous request for a special permit on this tract that had been denied and stated the request now is to place a convenience store operation. He pointed out there are already apartments in the area and showed slides of the land uses, pointing out that there were some businesses being conducted from residences. He felt this busy street not suited for single-family residences.

C14-78-205 LaCHANCE INVESTMENTS LTD.--continued

He discussed the busy street, the traffic, and stated he was of the opinion that LR would not be inconsistent with the uses in the area and requested that it be granted. Speaking in opposition, Carl Hannah presented a petition containing 80 signatures, and stated they did not want this type development on the tract. He requested the residential appearance be maintained, pointing out increased traffic along Fleetwood; the lot originally was zoned for duplexes and he stated he did not want apartment development on Fleetwood. He felt a convenience store would create a traffic hazard and stated there were other convenience stores within two blocks of this location, expressed concern for pedestrian traffic in the area. John Boyd expressed opposition to commercial uses. Mrs. Carlton Prescott stated this is a residential area and was opposed to any change in zoning. She discussed the increased traffic, burglary, lights, scalping of landscape, and the possibility of an empty building if the use folds, etc. Mr. LaChance replied to an inquiry of Jim Vier that he proposed to place a convenience store on the front portion of the lot and duplexes would be placed on the back; there would be no spillover to Fleetwood, and he agreed to work with the neighborhood. He stated he had worked with the City for over a year to use this land and something needed to be done.

COMMISSION VOTE

Mrs. Shipman moved to deny "LR" Local Retail, 1st H & A. Mrs. Schechter seconded the motion. Mr. Vier stated he felt the neighborhood opposition was what would happen to the balance of the tract and felt that if the applicant could come in with a plan for the entire tract there would not be so much opposition. Mrs. Shipman felt this to be a residential area that is overzoned. Mr. Danze felt the developer to be sensitive to the area and asked if he would be willing to postpone and work with the neighborhood in an effort to get zoning on the entire tract. Mrs. Shipman asked why the proposal could not be submitted under the special permit process. After discussion of the alternatives, the applicant requested the commission to continue the hearing, to leave options open, and come back with a plan or special permit request, and to work with the neighborhood association.

Mr. Vier then offered a substitute motion to continue the hearing to January 2, to leave options open and allow applicant to come back with a plan or special permit request and to work with the neighborhood association. Mr. Danze seconded the substitute motion.

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

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

| | | |
|------------|---|---|
| C14-78-206 | ALLIED DEVELOPMENT COMPANY (Thomas W. Cummins) 7000 Ed Bluestein Boulevard 6950 Manor Road | <u>"GR" General Retail, 1st and 6th H & A to "GR" General Retail, 2nd H & A</u> |
|------------|---|---|

Betty Baker presented the staff report.

Subject tract is a proposed height and area change for a 400 square foot area for a shopping center sign 60 feet in height.

Applicant agreed to a setback of 130 feet from the front property line. The policy for height and area changes for signs is a 100 foot setback. Applicants request is consistent with the policy.

Staff recommends to grant 2nd H & A.

PRESONS APPEARING IN FAVOR

Thomas Cummins, applicant
Merle Modene, University Hills Homeowners Association

COMMISSION ACTION

Mr. Cummins explained the zoning request was for the purpose of placement of one sign that would carry the names of all tenants of the shopping center. Mr. Modene expressed favor with the request.

COMMISSION VOTE

Mr. Danze moved and Mrs. Schechter seconded the motion to grant 2nd H & A.

AYE: Danze, Guerrero, Schechter, Shipman and Vier.

ABSENT: Dixon, Jagger, Snyder and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

| | | |
|------------|---|---|
| C14-78-207 | MAURICE SHAFER (by John Neely) Bounded by F.M. 620 Broadmede Ave. | <u>"IAA" Residence, 1st H & A to "GR" General Retail, 1st H & A</u> |
|------------|---|---|

| | | |
|------------|---|--|
| C14-78-219 | RAYMOND E. MITCHELL, TRUSTEE (by Chester E. Mallett) 9700-9808 F.M. 620 | <u>Interim "AA" Residence, 1st H & A to "GR" General Retail, 1st H & A</u> |
|------------|---|--|

Betty Baker presented the staff report.

Both of these subject tracts front F.M. 620 in Northwest Austin. The staff cannot make a recommendation until a locational area study is made. Both cases are the first to occur in this undeveloped outlying area. Because there are not previous zoning cases and little is known about this area regarding land use trends, there is no policy or standard on which to base a recommendation.

C14-78-207 MAURICE SHAFERC14-78-219 RAYMOND E. MITCHELL, TRUSTEE--continued

The staff recommends that a locational area study be prepared to determine land use and population trends prior to any land use recommendation taking place.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Chester Mallett, for applicant

PERSONS APPEARING IN OPPOSITION

Mike Blackwood, Forest North Improvement Association
Terry Lescher
Mr. Shafer

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Harold W. Peters, 9705 Queensland Drive, Round Rock (219)
Petition - 187 signatures

COMMISSION ACTION

Betty Baker explained that the study could be done by the staff but would take from one to three months to complete. Chester Mallett explained this is a small portion of a larger subdivision. It was purchased with the intended use of a residential subdivision with approximately 13 acres of commercial property along 620. He stated the preliminary plat had been filed with the Planning Commission and that he now has a market for this property, would request approval of the zoning in order that the subdivision can be completed as originally planned. Speaking in opposition, Mike Blackwood, representing the Forest North Improvement Association, submitted a petition containing 187 signatures in opposition to this change. He discussed the traffic problem and pointed out there is an elementary school nearby. There are residential lots abutting the tract and drainage might be a problem. He stated they like the area the way it is and do not want it changed. He felt this would destroy the urban, rural environment and they did not wish to see a "strip" city or another Burnet Road on 620. He felt an area study should be made of the growth in the area as well as best uses of the land. He pointed out that a number of persons opposing this change would be unable to attend the City Council meeting on December 28 because of the Christmas holidays. They felt an infringement of retail business into a residential neighborhood was not in the best interest of the neighborhood and requested the zoning be denied. He also indicated a willingness to help in any way to assist with the area study. Terry Lescher stated he understood when he purchased his house that apartments or duplexes would be placed on this tract.

C14-78-207 MAURICE SHAFER

C14-78-219 RAYMOND E. MITCHELL, TRUSTEE--continued

Mr. Mallette stated he had no objection to a staff study. He explained he had discussed the possibility of annexing the entire tract and had been informed the tract was too small, therefore, would request that if zoning is granted, that it apply on that portion within the City limits at this time.

COMMISSION VOTE

Mrs. Shipman moved to place this item as high priority and that the staff undertake an area study, that the zoning recommendation not be made until a study has been completed; that Urban Transportation Department report on driveway access on 620; and that the request be continued for 60 days. Mr. Vier seconded the motion. Mr. Guerrero offered a friendly amendment that the staff work with the neighborhood association as they requested.

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

THE MOTION PASSED BY A VOTE OF 5-0.

| | | |
|------------|----------------------------------|------------------------------|
| C14-78-209 | LENORA R and ALONDREA KILPATRICK | "A" Residence, 1st H & A to |
| | (by Ida Williams) | "LR" Local Retail, 1st H & A |
| | 4607 Ledesma Road | |

Betty Baker presented the staff report.

Subject tract fronts Ledesma Street, a residential street in east Austin. This property has a single-family unit structure. It is located in a predominantly single-family area zoned "A" Residential. Land in this area which is commercially zoned is oriented to Springdale Road. Much of the commercially zoned property is vacant or undeveloped.

"LR" Local Retail zoning at this location would set an undesirable precedent for commercial type uses. Because Ledesma is a minor residential street, additional traffic would be undesirable as well as hazardous.

The staff recommends to deny "LR" Local Retail zoning. If more intensive zoning is recommended, Ledesma Street should be expanded to a collector street with sixty feet of right-of-way.

PERSONS APPEARING IN FAVOR

Ida Williams, applicant

COMMISSION ACTION

Ida Williams explained she wished to sell this land to pay medical bills and other expenses of her deceased daughter. She stated the corner lot is zoned "LR" and she would like to sell both together. Mrs. Schechter felt this to

| | | |
|------------|--|--|
| C14-78-214 | BEN WHITE BLVD., NO 1 AND LARRY J. KUBALA, ET UX, ANDREW FRANKLIN HARRIS, ET UX, and WILLIAM J. ZETT, ET UX (by John T. Jones) 5820-6220 Ben White Blvd. 3100-3208 Montopolis Drive 6010-6210 Daffodil Drive | Interim "AA" Residence, <u>1st H & A to "C" Commercial</u> <u>1st, H & A</u> |
|------------|--|--|

Betty Baker presented the staff report. She explained this application covers 16.74 acres of land fronting Ben White Boulevard, a major arterial, Montopolis Drive, a major arterial and Daffodil Drive, a minor residential collector. A majority of subject tract is undeveloped with the exception of three single-family homes fronting on Daffodil Drive. Much of the surrounding land is undeveloped which fronts Ben White Boulevard. Apartments front Daffodil Drive. Single-family residences and the L.C.R.A. front Montopolis.

The policy to zone intensively along Ben White Boulevard is long standing. A commitment, however, has been made for residential living along Daffodil Drive as witnessed by the houses and single-family lots. To rezone this minor residential street would be inconsistent and generate traffic beyond the capacity of the street.

The staff recommends to deny "C" Commercial, 1st H & A, but recommends to grant "C" Commercial, 1st H & A along the Ben White Boulevard frontage; the remainder should be zoned "A" Residential. Betty Baker also reminded the Commission that Montopolis Drive is a major arterial and 10 feet of right-of-way will be required from the subject tract. She also informed them that the Highway Department said there would be no additional median cuts on Ben White approved for this tract.

PERSONS APPEARING IN FAVOR

John Jones, attorney for applicant
Lloyd Hamilton, partner
Maurice L. Antaya, partner
Gerald L. Reichl, partner
Eileen W. Glover, partner
Joseph B. Glover, partner
Herman Neusch, partner

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

John Jones, attorney for applicant, stated they would modify the application to try to comply with the staff recommendations and would request "C" Commercial for the entire property fronting on Daffodil, offered a deed restriction for a 50-foot setback line to Daffodil that all access be off Ben White for commercial uses, a parking lot on Daffodil without any access, a buffer or fence. They also agreed to dedicate an additional ten feet for right-of-way along Montopolis.

C14-78-214 BEN WHITE BLVD., NO 1 AND LARRY J. KUBALA--continued

COMMISSION VOTE

Mr. Vier moved to deny "C" Commercial, to grant five feet of "A" Residence along and adjacent to Daffodil, 45 feet "O" Office and the balance "C" Commercial; that ten feet of right-of-way be dedicated for Montopolis Drive as agreed to by the applicant. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman and Vier.

ABSENT: Dixon, Jagger, Snyder and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

| | | |
|-------------------|--|------------------------------------|
| <u>C14-78-217</u> | <u>CATFISH PARLOUR, INC., AND DAVID KERBOW</u> | <u>Interim "A" Residence,</u> |
| | (by Tom Curtis) | <u>1st H&A to "GR" General</u> |
| | 12001-12003 Highland Oaks Trail | <u>Retail, 1st H&A</u> |
| | 11928-11932 Arabian Trail | |
| | 11910-11922 Highway 183 | |

Betty Baker presented the staff report.

This zoning application covers four separate lots, fronting U.S. 183 in far northwest Austin. One of the lots is developed as a restaurant.

Land uses and approved zoning which is oriented to U.S. 183 is "GR" General Retail. All other property in the vicinity of subject case is single-family residential which has been recently approved for permanent "AA" residence.

The request is consistent with zoning and uses along U.S. 183, however, in light of the fact that subject case contains through lots to Arabian Trail the zoning request requires a transition as well as buffer zone to the single-family residences to the south along Arabian Trail. The Urban Transportation Department is studying the feasibility of having Highland Oaks Trail between Arabian Trail and U.S. 183 vacated.

The staff recommends to deny "GR" General Retail, 1st H & A but to grant 5 feet of "A" residence, 1st H & A at the southernmost boundary, followed by 25 feet of "O" office, 1st H & A and the remainder to be zoned "GR" General Retail, 1st H & A. She pointed out that should the Planning Commission and City Council decide to make the above recommendation, field notes reflecting any zoning pattern will be needed.

PERSONS APPEARING IN FAVOR

Tom Curtis, representing applicant
Paul Weiss, 11901 Hamrich Court
Al Seifer, 11903 Hamrich Court
James E. Redding, 11400 Antler Lane

C14-78-217 CATFISH PARLOUR, INC., AND DAVID KERBOW--continued

COMMISSION ACTION

Mr. Curtis discussed the land uses in the immediate area, stated that the access would be sealed off to Arabian Trail, and agreed to the closing of Highland Oaks if deemed necessary. He expressed agreement with the staff recommendations. Evelyn Butler suggested applicant check with the Highway Department regarding right-of-way requirements for the future widening of U.S. 183. Al Seifer expressed no objection but stated he did not want any ingress or egress on Arabian Trail and requested a privacy fence, as did Paul Weiss.

COMMISSION VOTE

Mrs. Shipman moved to deny "GR" General Retail, 1st H & A but to grant five feet of "A" Residence, 1st H & A at the southernmost boundary, followed by 25 feet of "O" Office, 1st H & A, and the remainder to be zoned "GR" General Retail, 1st H & A. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman and Vier.

ABSENT: Dixon, Jagger, Snyder and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-78-218 JAS. A. & LETHA E. CALHOUN
309-313 East Rundberg Lane

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

Betty Baker presented the staff report.

Subject tract fronts Rundberg Lane, a major arterial in North Austin. This tract of land is a vacated junk and storage yard.

There is a mixture of single family residences and undeveloped land which is zoned "GR" General Retail that is oriented to Rundberg Lane. A small convenience store is located at North Creek Drive and Rundberg. An older single family neighborhood abuts subject tract on the south.

A majority of the "GR" General Retail zoning has remained undeveloped since zoning took place in 1970 and 1971. This portion of Rundberg Lane remains a highly traveled street but has not been utilized or developed as a commercial strip. The zoning request is inconsistent with the uses in an area which has shown no change in condition for eight years to warrant an intense use district. The staff has consistently recommended against less restrictive use districts to discourage strip development and sign proliferation on throughfares which have shown no developmental pressures. She also informed the Planning Commission that Urban Transportation indicated no additional median cuts would be approved on Rundberg Lane.

C14-78-218 JAS. A. & LETHA E. CALHOUN--continued

The staff recommends to deny "C" Commercial, 1st H & A, but recommends to grant "O" Office, 1st H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Jimmy Calhoun, owner of lots

PERSONS APPEARING IN OPPOSITION

Tom Cook, Georgian Acres Neighborhood Association
Linda M. Pelt, 305 East Home Place
Homer B. Johnson, 9010 Georgian Drive
Martin Ray Battles, 304 Hackberry Lane
Robert M. Young, 309 Hackberry Lane
Marilyn Simpson, 2307 Mimosa Drive, Austin Neighborhood Council
Myrtle Wofford, 9103 Georgian Drive
Mr. and Mrs. John Battles, 303 East Home Place
Phyllis Battles, 304 Hackberry
Carlos Gutierrez, 9005 East Drive
Zulema Gutierrez, 9005 East Drive
Mildred Cook, 305 Fawnridge
Mrs. Margie Kleinert, 9209 North Drive
John B. Paulissen, 8919 Georgian Drive
Mr. and Mrs. Alexander Matay, 8817 Laverty Place

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Mr. and Mrs. Noah M. Phillips
Roger Rich, 310 East Rundberg Lane
George Gillar, Route 2, Box 547

COMMISSION ACTION

Jimmy Calhoun, applicant, stated he would be willing to amend his application to agree with the staff report. Speaking in opposition, Tom Cook, Georgian Acres Neighborhood Association, stated the people of the association would be willing, with reluctance, to compromise with the "O" zoning. He pointed out they do not know what will go in there and requested that if apartments or store-type business, that the density be no more than 20 units to the acre with a 25-foot buffer between the property on Hackberry Street. There was concern expressed for children walking to nearby school, the hazards of a business, and vehicles parked on streets. Homer Johnson stated he would concur with the recommendation of the neighborhood association, would ask for a buffer, but did not want to see another junk yard in the area. Martin Battles emphasized they did not want to see a junk yard there, requested "A" Residential zoning, and that this request be denied. Speaking in behalf of the Austin Neighborhood Council, Marilyn Simpson discussed this being an older neighborhood it deserves

C14-78-218 JAS. A. & LETHA E. CALHOUN--continued

more special attention and that trends should not be held against these older neighborhoods. She recommended this nonresidential zoning should not be encouraged and allowed to continue into the residential neighborhood and pointed out that this does tend to happen. Speaking in rebuttal, Mr. Calhoun stated the use depends on the sale of the property; he did not agree to a 25-foot buffer for property facing Hackberry. Mrs. Schechter stated the applicant could place two duplexes on the tract. Applicant replied he did not want to do that and felt that other property in the area would be coming in for commercial zoning requests. Mrs. Shipman felt this to be spot zoning, will set a precedent, and there would be no additional curb cuts allowed.

COMMISSION VOTE

Mrs. Shipman moved to deny "C" Commercial, 1st H & A and that the area be maintained "A" Residential. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman.

ABSENT: Dixon, Jagger, Snyder and Stoll.

ABSTAINED: Vier.

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

C14-78-220 ROBERTA P. CRENSHAW INTERIM "A" Residence, 1st H & A
(by Graves, Dougherty, Hearon, to "DL" Light Industrial, 1st H & A
Moody & Garwood)
2713-2517 Montopolis Rd. also
bounded to the southeast by Ben
White Boulevard

Betty Baker presented the staff report.

This 39.973 acre tract of land fronts Ben White Boulevard and Montopolis Drive (Grove Boulevard), both major arterial streets in southeast Austin.

A majority of the surrounding land is undeveloped with spot residential development, construction company and tractor sales. Much of the land is zoned Interim "AA". All recently approved zoning has been for "D" or "DL" Light Industrial and conditioned with approved Planned Development Areas. The zoning request is consistent with other recently approved industrial zoning in the area.

The staff recommends to grant "DL" Light Industrial, 1st H & A subject to an approved Planned Development Area (P.D.A.). Since Montopolis Road is a major arterial, the staff would request one-half of the additional right-of-way needed to bring the street up to 90 feet.

PERSONS APPEARING IN FAVOR

Clarke Heidrick, attorney for applicant

C14-78-220 ROBERTA P. CRENSHAW--continued

COMMISSION ACTION

Mr. Heidrick stated he had no problems with the staff recommendations but would ask that the "DL" zoning be approved subject to a restrictive covenant prohibiting utilization of a more intensive use than "C" Commercial without the P.D.A. He agreed to the right-of-way, pointing out that this is a legal lot and the right-of-way could be taken care of during the subdivision process.

COMMISSION VOTE

Mrs. Shipman moved to grant "DL" Light Industrial, 1st H & A, subject to a restrictive covenant as agreed to by applicant that the use not be more than "C" Commercial until a P.D.A. is filed. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman and Vier.

ABSENT: Dixon, Jagger, Snyder and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

| | | |
|------------|--|--|
| C14-78-222 | LANDLOCK, LTD. (by Graves, Dougherty, Hearon, Moody, & Garwood) 8517 Balcones | "DL" Light Industrial, 1st H & A to "DL" Light Industrial <u>2nd H & A</u> |
|------------|--|--|

Betty Baker presented the staff report.

This undeveloped tract of land fronts Balcones Drive, along MoPac Boulevard in far northwest Austin. A railroad tract abuts the tract on the east.

Surrounding zoning and land uses include an office park in "DL" Light Industrial to the south, as restaurant and parking in "GR" General Retail and Interim "A" to the north. Land use across the MoPac Boulevard is apartments and offices. Industrial type uses and apartments abut the subject tract on the east.

No precedent for 2nd H & A exists along the distance of MoPac and Balcones Drive. A long standing policy of no signs along the MoPac has been established by the County Commissioner's Court and City Council. While increased sign height is not necessarily the intent of this request, the precedent of 2nd H & A would considerably weaken the no sign and height limitation policy. The staff would consider recommending 2nd H & A for the proposed building only, and only if the building were setback an appropriate distance from Balcones Drive.

Until a determination of building location is sought by the applicant the staff recommends to deny 2nd H & A for subject tract. Should the Planning Commission desire to zone only the proposed building, new field notes will need to be submitted to the Planning Commission.

C14-78-222 LANDLOCK, LTD.--continued

PERSONS APPEARING IN FAVOR

Dick Matts, owner of the property
Ken Maxler, architect for project
Bill Martin, President of Balcones Civic Association
Scott LaGrone, Vice President of Radian Corporation

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

Dick Matts explained this is to expand the Radian Corporation and the change is needed to place a large building in the back, offered a restrictive covenant with respect to the sign and also to restrict bill boards. They do need the distance from MoPac. There was discussion regarding the setback of the buildings and how this could be worked with. Ken Maxler, architect for the project, expressed concern for the planning process, stating they needed some assurance that they can plan for the 2nd H & A. He agreed to one-third of the tract for 50-foot setback; one-third 70 feet; one-third 90 feet. Bill Martin, president of the Balcones Civic Association, expressed favor with the application as presented. He stated this is quality development, an assest to the neighborhood. He did request that the height and area be limited to the three specific buildings as shown, a restrictive covenant to limit all signs to be constructed on the site to those permitted in 1st H & A; and that the minimum setback for any structure on the site be not less than 75 feet from the street. He expressed concern that a 50-foot setback would set a precedent for structures along MoPac, but would agree to the proposal if a precedent were not established.

COMMISSION VOTE

Mr. Vier moved to grant 2nd H & A for the buildings only with the further restriction for one-third of the tract to have a 50-foot building setback; one-third 70 foot building setback; and one-third 90-foot building setback from the property line along MoPac and a restrictive covenant limiting all signs to 1st H & A. Mrs. Shipman seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, and Vier.

ABSENT: Dixon, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

| | | |
|------------|--|--|
| C14-78-225 | MR. WALTER ANGERMAN (by Edgar James) 1804 Mariposa | <u>"A" Residence & Interim "A"</u> <u>Residence, 1st H&A to "BB"</u> <u>Residence, 1st H&A</u> |
|------------|--|--|

Betty Baker presented the staff report.

This undeveloped tract of land is located on Parker Lane, a collector street and Mariposa Drive, a proposed residential collector.

Land use and zoning is predominantly single family in nature, with some duplex development, and a church along Parker Lane. Apartments in "BB" and "B" adjoin only one side of subject tract. The densities proposed are not consistent with the densities to the north, south and west. More permissive zoning along Parker Lane would be inconsistent and set an undersirable precedent for apartment zoning on undeveloped land to the south.

The staff recommends to deny "BB" Residence, but recommends to grant "A" Residence on that portion which is presently Interim "A".

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Edgar James, representing owner

PERSONS APPEARING IN OPPOSITION

Cecil Lock, 702 Jessie Street
Rev. C. Earle Lewis, 2103 Parker Lane
Jerome Hill, 1803 Sylvan
Stephen W. Shields, 1723 Fawn Drive
J. William Hearn and wife, 1721 Deerfield Drive
John Harris, 1722 Fawn Drive
Marie Howard, 1908 Cedar Ridge
H.B. Howard, 1908 Cedar Ridge Drive
Peggy W. Shields, 1719 Fawn Drive
D.C. Shields, 1723 Fawn Drive
John T. Shields, 1719 Fawn Drive
P.L. Miller, 3309 Catalina Drive
Norman Hunt, 6908 Onion Crossing Drive
Pearl W. Miller, 3309 Catalina
Macaria Avila Hunt, 6908 Onion Crossing Drive

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Petition - 85 signatures
Clyde E. Hill, 1713 Mariposa
Merle A. and Margaret P. Lang, 1909-B Parker Lane
Mrs. Frank A. Pearson, 1714 Mariposa Drive
Mr. and Mrs. C.F. Niebuhr, 1717 Fawn Drive

C14-78-225 MR. WALTER ANGERMAN--continued

Jon N. Coffee, 2000 Breezehollow Circle
Dr. and Mrs. M.O. Lancaster, 1710 Mariposa Drive
William A. Saunders, 1711 Mariposa Drive
Mr. and Mrs. Otto Steiner, 1709 Mariposa Drive
W.P. Moore, Mariposa Drive and Parker Lane

COMMISSION ACTION

Mr. James explained the plans were to place condominiums on this site. He agreed to a restrictive covenant to reduce the density to ten units per acre. He explained he intended to vacate the extension of Mariposa and replat into one five-acre tract with private drives and that the front portion would be screened off. The condominiums would have garages and the units would be in clusters. Reverend C. Earle Lewis presented a petition containing 85 signatures expressing opposition. He expressed concern that Mariposa Drive would go through the tract, explaining that this would create a dangerous situation -- a traffic hazard. He could see no reason to change the zoning, pointing out that apartments can be built there now. He requested a restrictive covenant, if granted, that would provide a buffer and a privacy fence that would be permanently maintained. He felt condominiums or duplexes would be an asset, but apartments are not the answer. He stated the residents do not want any more clustered housing, do not want to see "BB" permissiveness given. They would have no problem with the concept if the buffer is provided for the entire area owned by the church. Jerry Hill, South River City Citizens, South Area, requested if this were tied to a special permit with a site plan, Mariposa could not be cut through and the density held to 50 units. Mrs. Shipman felt that any zoning change would be spot zoning in this area. Steven Shields stated this should be "A" zoning, did not think high density is consistent with the current use. Dr. Hearn discussed the traffic in the area, pointing out that it is heavily congested now. He felt "BB" to be totally undesirable, would erode values for the future, and requested it remain as is. There was discussion regarding the traffic being a real problem, requesting that the "A" zoning be maintained in order to maintain the integrity of the neighborhood, opposition to continuing Mariposa, to begin spot zoning here would establish a dangerous precedent.

COMMISSION VOTE

Mrs. Shipman felt this to be spot zoning and moved to deny "BB", 1st H & A. Mr. Danze seconded the motion and offered an amendment to include "A" for only that portion which is zoned Interim A.

AYE: Danze, Guerrero, Schechter, Shipman and Vier.

ABSENT: Dixon, Jagger, Snyder and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

HISTORIC ZONING

C14h-78-010 Jacob Larmour House: "B-H", 2nd H & A to "B", 2nd H & A
(by Austin National Bank Trustee)
1909 Whitis Avenue

Betty Baker explained that on June 28 the owner, The Austin National Bank, requested a Certificate of Appropriateness for a demolition permit and removal of the historic zoning on this property. The Landmark Commission recommended that the Certificate of Appropriateness for demolition be denied and that it remain zoned historic. On August 2 the Planning Commission postponed action for 120 days on the request for the removal of the zoning; the applicant appealed the denial of the Certificate of Appropriateness for demolition to the City Council. The demolition of the structure is to be effective January 9, therefore, the request for the removal of the historic zoning is moot. The staff recommends that the zoning be removed, however, a finding of fact is necessary. The structure formerly met Items (a), (d), (e), (h), (i) and (k) of the criteria. If the Commission can concur that with the removal of this structure from the site the criteria previously determined to have been met are no longer applicable, the historic zoning should be removed.

PERSONS APPEARING IN FAVOR

Paul Wendler, Trust Department, Austin National Bank

PERSONS APPEARING IN OPPOSITION -- None

COMMISSION ACTION

Mr. Wendler explained that Mrs. Hester is still interested in moving the structure, but as yet has not found an acceptable site on which to move this house. He also stated there were two other parties who have asked to remain in a back-up position and that each would be capable in seeing that the structure moved and properly restored. Mrs. Shipman asked if he would be willing to delay demolition for a reasonable time if any of these persons wished to move the structure. Mr. Wendler agreed and stated the only thing he would be request is that the lot be cleaned after the structure is removed.

COMMISSION VOTE

Mr. Vier moved to remove the "B-H" zoning and to grant "B", 2nd H & A since it has been determined that the structure no longer meets Items (a), (d), (e), (h), (i) and (k) of the criteria for historic zoning. Mr. Danze seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

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

C14h-78-051 Brass-Goddard: "B", 2nd H & A to "B-H", 2nd H & A
(by City of Austin)
1108 West 9th Street

On a consent motion by Mr. Vier, seconded by Mrs. Schechter, the Commission voted to grant "B-H", 2nd H & A since the structure has been determined to meet Items (a), (d), (f), (h), (i), (k), (l) and (m) of the criteria for historic zoning.

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

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

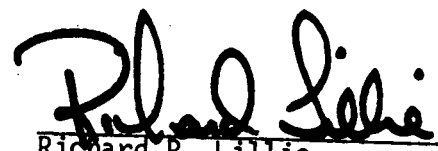
OTHER BUSINESS

R200 Consideration of Recommendation to City Council
on Davenport Ranch Proposal

The Commissioners discussed the Davenport Ranch proposal and it was decided to consider this item on December 5 after they had time to study the materials that had been submitted.

NO ACTION TAKEN.

The meeting adjourned at 9:30 PM.



Richard R. Little
Executive Secretary