

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting -- July 5, 1978

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

Present

Miguel Guerrero, Chairman
Leo Danze
Freddie Dixon
Sid Jagger
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Bill Stoll
Jim Vier

Also Present

Richard R. Lillie, Director of Planning
Tom Knickerbocker, Assistant Director of Planning
Evelyn Butler, Supervisor Current Planning
Marie Gaines, Planner
Betty Baker, Planner
Charles Graves, Director of Engineering
Joe Ternus, Director of Urban Transportation
Sharon Barta, Urban Transportation
Grace Monroe, City Clerk
John German, Director of Public Works
John Meinrath, Legal Department
Daron Butler, Director of Research and Budget
Ouida W. Glass, Senior Secretary

ZONING

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

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| C14-78-106 | Charles E. Marsh
(by Robert Wilson)
1608 W. 6th Street | From "B" Residence, 2nd H & A TO "O"
Office, 2nd H & A RECOMMENDED |
| C14-78-109 | Charles L. Hanson et ux
(by Doug Fike)
12147-12105 Jollyville Rd
and 12614-12582 US 183 | From Interim "AA" Residence, 1st H & A
To "GR" General Retail and 120 feet
"O" Office, 1st H & A along Jollyville
Road -- RECOMMENDED |
| C14-78-110 | American Guaranty Life Ins. Co.
(by George L. Colley)
10600 Middle Fiskville Rd. | From Interim "AA" Residence 1st H & A
To "C" Commercial, 1st H & A -
RECOMMENDED |
| C14-78-111 | H. C. Carter
(by Terra Firma)
6487-6537-B Hart Lane | from "BB" Residence, 1st H & A To
"A" Residence, 1st H & A
RECOMMENDED |
| C14-78-112 | Austin Independent School Dist.
(by John C. Lewis)
4601 Guadalupe | From "C" Commercial and "B" Residence
2nd H & A To "O" Office, 2nd H & A
as amended by applicant.
RECOMMENDED |
| C14-78-114 | Estate of W. L. Mayfield
(by Maury Hood)
3500 Block of Steck Ave. | From "BB" Residence, 1st H & A to
"O" Office, 1st H & A
RECOMMENDED
NOTE TO APPLICANT: There is a density
restriction of 12 units to the acre
tied to the former zoning that is
applicable with the recommended "O"
Office. |
| C14-78-119 | G.V. Reedy
(by W.B. Stringer)
Rear of 2324 S. Lamar | From "A" Residence, 1st H & A to
"C" Commercial, 1st H & A
RECOMMENDED |
| C14-78-121 | Donald S. Thomas, Trustee
(by Tom Curtis)
13746-13756 U.S. 183 North | From Interim "A" Residence, 1st H & A
To "GR" General Retail, 1st H & A
RECOMMENDED |
| C14-78-122 | Donald S. Thomas
(by Tom Curtis)
13819-13843 U.S. 183 N. | From Interim "AA" Residence, 1st
H & A To "GR" General Retail, 1st
H & A - RECOMMENDED |
| C14-78-123 | Michael R. Macari
(by Craig C. Cregar)
Rear of 2005 S. Lamar Blvd. | From "A" Residence, 2nd H & A to "C"
Commercial, 2nd H & A - RECOMMENDED |

ZONING Consent cases (cont'd.)

COMMISSION VOTE

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

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

THE CONSENT MOTION PASSED BY A VOTE OF 9-0.

C14-78-100 Naomi Simer Welch: Interim "A", 1st H & A to "O", 1st H & A
(by Elizabeth Swenson)
1710 Fort View Road

Marie Gaines of the Planning Department presented the staff report.

This 0.99-acre tract fronts Fort View Road, a minor residential street in South Austin. Applicant has requested "O" Office for the construction of an office building.

Surrounding zoning and land uses include single-family residences in Interim "A" to the north and east. To the south are single-family residences and apartments in "O" Office. To the west are single-family residences, a music and plumber's shop in "LR" Local Retail. The "O" Office district to the south of subject tract constitutes a transition of zoning not oriented to Ben White Boulevard. While zoned for a more intense use it is developed as single-family residences. Ben White Boulevard consists of mixed zoning, including "C" Commercial, but is developed primarily with "GR" General Retail uses as noted by the shopping centers, restaurants, and automotive service facilities.

Recent rezoning on Valley View was for a rollback from "O" Office to "A" Residence. Fort View Road is inadequate for even current day "A" Residence development and should not be encouraged for development any more permissive than current zoning permits. To extend the "O" Office district would be an intrusion into a residentially developed neighborhood.

STAFF RECOMMENDATION:

Staff recommends to deny "O" Office, but to grant "A" Residence, 1st H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Elizabeth Swenson, agent for property owner
Jim Reeves

C14-78-100 Naomi Simer Welch -- Cont'd

PERSONS APPEARING IN OPPOSITION

NONE

WRITTEN COMMENTS IN FAVOR

R.L. Belk, 4200 Clawson Road, 4108 Clawson Road, 1706 Fort View Road

WRITTEN COMMENTS IN OPPOSITION

Ray Harlan, 1601 Fair Oaks

Thomas B. Pool, 4012 Valley View Road

COMMISSION ACTION

There was discussion of the uses of the property in the immediate area which indicated that it is commercial in character, and applicant expressed disagreement with the staff in that this is a residential neighborhood. It is their desire to place an antique shop on the front of the lot and possibly build apartments on the back portion and agreed to "B" zoning on the back portion with "O" on the front. Mr. Reeves expressed the desire to have that portion on the street zoned something other than residential. He discussed the traffic and pointed out that it was undesirable for residential use.

COMMISSION VOTE

Mrs. Schechter moved to grant "O" Office 1st H & A on the lot fronting Fort view Road only with 10 feet of right-of-way. Mr. Dixon seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

C14-78-107 William J. Joseph: "A", 2nd H & A to "C", 2nd H & A
(by Arthur E. Philgren)
Rear of 5520 North Lamar Boulevard

Marie Gaines of the Planning Department presented the staff report. She stated this tract is located at the rear of 5520 North Lamar Boulevard, a major north-south arterial. A small frame sub-standard building is on the site. Zoning around this entire tract is "C" Commercial, 2nd H & A, with the exception of "C-2" to the west, to the south at the intersection of Lamar and Houston and adjacent on the north of this tract. Apartments are located in "C" Commercial to the southwest of this tract. The concentration of entertainment-related businesses is intensive along this strip of Lamar. Use of the tract adjacent and east, which fronts on Lamar, is a massage parlor; ownership of subject tract is within this entity.

Applicant requests "C" zoning which is a more compatible zoning for this location.

STAFF RECOMMENDATION

Since zoning and uses in this area reflect "C" or greater, the request is compatible with the surrounding zoning and land use. Staff recommends to grant "C" Commercial, 2nd H & A.

C14-78-107 William J. Joseph--Cont'd

COMMISSION ACTION

There was discussion of the uses for the property and whether or not it was necessary to have "C" zoning for parking purposes.

COMMISSION VOTE

Mr. Stoll moved to grant "C" Commercial, 2nd H & A. Mr. Vier seconded the motion.

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

Shipman

NAY: Schechter.

THE MOTION PASSED BY A VOTE OF 8-1.

<u>C14-78-105</u>	Tom W. Bradfield, Donald H. Cummins and Robert Muller, Jr.: 2099-1101 Loop 1 (MoPac) 1398-1200 Loop 1, 1213-1209 Spyglass Drive, 901-831 Loop 1, 702-708 Columbus Drive	<u>Interim "A" and Interim "A" Res. 1st H & A to "B" Residence, "O" Office, 2nd H & A, "O" Office and "GR" General Retail, 3rd H & A and "O" and "GR", 4th H & A and "GR", 5th H & A.</u>
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Marie Gaines of the Planning staff explained that since the hearing is to be continued due to the fact the applicant is out of the city, she would sketch the staff report and refrain from making a staff recommendation because more information is being obtained from the various city departments.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

Rep. Mary Jane Bode, 2603 Deerfoot Trail
Phillip S. Blackerby, 1712 Kenwood
Juana Antokoletz, 2802 Horseshoe Bend Cove
Dr. Norman D. Brown, 2607 Barton Skyway, Barton Hills-Horseshoe Bend
Neighborhood Association
Robert L. and Caroline P. Jenkins, 1720 Barton Cliff
Louis S. Parker, Jr., 2500 Columbus Drive
Henry Benedict, 7105 Grove Crest Drive
Glenn E. Perry, 2317 Farnswood Circle
Mike Thomasson, 7112 Scenic Brook Drive
Robert Popovich, 2928 Kassarine Pass
Lou E. Addison, 2928 Kassarine Pass
Marjorie Leach, 1718 Barton Cliff
Janice L. Zeybel, 1711 Barton Cliff
Henry L. Zeybel, 1711 Barton Cliff
Harold Hicks, 1708 Barton Cliff
Mrs. Harold Hicks, 1709 Barton Cliff
Ena Lippert, 2605 Forest Bend
Floyd R. Peters, 2604 Forest Bend
Lorena Bolton, 2601 Rockingham

C14-78-105 Tom W. Bradfield, Donald H. Cummins--Cont'd
and Robert Muller, Jr.

Jim and Beth Sebesta, 2600 Rockingham
Joseph M. Orzech, 2901 Oak Haven
Ann Orzech, 2901 Oak Haven
Mrs. Norman Brown, 2607 Barton Skyway
Fred C. Mason, 2640 Barton Hills Drive
Lewis Parker, representing the Knights of Columbus

COMMISSION ACTION

Mary Jane Bode waived the right to a public hearing at this time and requested that persons appearing in opposition be notified of the continuation to July 25. Lewis Parker, representing the Knights of Columbus, expressed concern since he was not aware that it would be continued, and requested notification if and when a hearing is postponed.

COMMISSION VOTE

Mr. Dixon moved the hearing be continued to 7 p.m., July 25. Mrs. Schechter seconded the motion.

AYE: Danze, Dixon, Guerrero, Schechter, Shipman, Snyder, Stoll and Vier.
OUT OF THE ROOM: Jagger

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-108 Junious J. Arrant, Jr.: "A" 1st H & A to "O" 1st H & A
1109-1111 E. Riverside Drive

Marie Gaines of the Planning Department presented the staff report. She stated this application covers two vacant lots on East Riverside Drive, a major arterial near its intersection with I.H. 35. The stated purpose of the requested "O" Office District is for office development. "O" Office zoning exists on all four corners of Riverside Drive. "LR" Local Retail zoning and land uses exist to the southeast of subject tract. "A" Residence zoning developed with single-family homes is established to the west and south of subject tract. To the east across I.H. 35 is the Ramada Gondolier Hotel in "O" Office. To the north is a single-family residence in "O" Office.

A new interchange is planned at the intersection of Riverside Drive and I.H. 35. Acquisition of 0.89 feet for right-of-way from this property is planned for this interchange. Accessibility to subject tract is only via Riverside Drive and the land rises fifteen to twenty feet above Riverside Drive. Considerable site work will be required to provide driveway access from Riverside Drive.

The tract of land to the north of subject tract has zoning history which should be highlighted at this point. In 1957 the property owner applied for "GR" General Retail and later withdrew the application. "O" Office was then requested in 1958. The Planning Commission recommended "O" Office District on a split vote and the City Council granted it in April 1958. At that time a suit was filed to uphold the deed restrictions in this subdivision including this property. The court held the deed restrictions of the subdivision

C14-78-108 Junious J. Arrant, Jr.,--Cont'd

valid. In 1970 subject tract and the four tracts to the west were a part of an application for "O" Office 2nd H & A. (C14-70-100). The Commission and Council approved the "O" Office subject to right-of-way. The condition was not met on three of the tracts, subject tract included, and the case was dismissed in 1977.

Private deed restrictions are not a criteria in determining appropriate zoning. The City has no jurisdiction or legal authority to enforce deed restrictions in subdivisions. The request for "O" Office is consistent with the surrounding zoning and land uses. Less restrictive zoning has been consistently recommended and approved along major intersections. The "O" Office would require a fence on the southernmost and easternmost property line to the adjoining "A" Residence.

STAFF RECOMMENDATION:

The staff recommends to grant "O" Office 1st H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Mark Silverstone, representing applicant
Ellen Allen, 1103 Riverside

PERSONS APPEARING IN OPOSITION

Jean Mather, South River City Citizens
Lois Barker, 1304 Bonham Terrace
Pam Monzingo, 1307 Kenwood
Douglas Hanners, 1316 Kenwood
Beverley Laws, 1336 Bonham Terrace
Anna Bess Laws, 1336 Bonham Terrace
Helen Smith Flanagan, 1339 Bonham Terrace
John T. Davis, 1317 Kenwood

WRITTEN COMMENTS IN FAVOR

W.H. Bullard, P.O. Box 1908

WRITTEN COMMENTS IN OPPOSITION

Numerous Petitions
Arthur Blomquest, 1316 Bonham Terrare
Mr. and Mrs. Thomas B. Pool
Loyce Baker, 1304 Bonham Terrace
Robert F. Riggio, 1021 Bonham Terrace
Brian Stross, 1201 Kenwood

COMMISSION ACTION

Applicant explained this request is consistent with other zoning on Riverside Drive, stating they are not asking for anything inconsistent with other uses in the immediate area, since they felt this property is not suitable for residential development. Area residents discussed the existing zoning as well as the deed restrictions and the resulting suits. They expressed concern should the zoning be changed, pointing out the traffic problem as well as that of ingress and egress of the subject tract. Mr. Guerrero asked if they would be willing to "O" zoning if the tract were fenced so that access would only be to Riverside Drive and they indicated that they would not be agreeable. Area residents requested that the integrity of the neighborhood be saved; if not, that the access be

C14-78-108 Junious J. Arrant, Jr.,--Cont'd

limited to Riverside Drive or IH-35 only, pointing out that any neighborhood declines when business encroaches, and that this was a unique area and one of the oldest residential neighborhoods that remained in Austin. Beverly Laws discussed the possibility of the intersection being widened and the feasibility of increasing the property values if the land is to be taken for the widening of the intersection, stating that he would like to know what the intended use of property would be. In rebuttal, applicant felt the deed restrictions should be argued at the court house and not before the Planning Commission and explained that the other three corners of the intersection are zoned "O". He felt the location and the topography separated this from the Travis Heights subdivison. He stated the intended use is for an office building and agreed that there would be no access from Boham Terrace if it is zoned "O".

COMMISSION ACTION

Mrs. Shipman moved to deny "O" Office, 1st H & A because of the precedent it would set as an intrusion into the residential character of Travis Heights. Mr. Dixon seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

C14-78-116 HARRY PETERSON & FAMILY SPROTS, INC.
(by Phil Mockford)
2701 William Cannon Drive

"GR" General Retail, 1st H & A
to "C-2" Commercial, 1st H & A

Marie Gaines of the Planning staff explained this 640 square foot tract is located on William Cannon Drive, a major arterial, in Southwest Austin. Subject tract is part of a bowling alley which is presently under construction.

Surrounding land use includes undeveloped "GR" General Retail to the north, undeveloped land in "O" Office to the west, and single-family residences in "A" to the south. To the east is undeveloped land in "O" Office and undeveloped land and single-family residence in "A".

The subject tract is a part of a developing bowling alley which will be within the confines of the structure. The purpose of the rezoning is for the sale of alcoholic beverages for on site consumption in conjunction with the bowling facility. This kind of request has been consistently recommended when within the confines of a shopping center or building.

STAFF RECOMMENDATION

The staff recommends to grant C-2 zoning subject to no direct outside access to the C-2 use district.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Harry Peterson applicant

Phil Mockford, representing applicant

C14-78-116 Harry Peterson & Family Sports, Inc.--Cont'd

Charles H. Lehne, P.O. Box 9065

Jerry Ray, 8611 Tallwood

PERSONS APPEARING IN OPPOSITION

Ronald P. Macha, 2702 Alderwood

Marilyn Simpson, 2307 Mimosa Drive

Joseph E. Hara, 2706 Alderwood Drive

Judy Pokorski, 7208 Eganhill Drive

Robert J. Finley, 7206 Eganhill Drive

Maime L. Flores, 2700 Alderwood

Sharyn Westmoreland, 2720 Charlesworth

Ernest F. Schmid, 7200 Eganhill Drive

Robert L. Westmoreland, 2720 Charlesworth

Susanna Busico, 2702 Edenwood Drive

Carolyn Rasco, 2607 Greenlane Lane

Leroy H. Gunderson, 2709 Charlesworth

Jane C. Gunderson, 2709 Charlesworth

COMMISSION ACTION

Phil Mockford discussed the application and explained the reason for the request and the proposed use which would allow the sale of alcoholic beverages for on-site consumption in conjunction with the bowling facility. Marilyn Simpson felt the case would set a precedent and reviewed the history of zoning in the area, and expressed the feeling that this type activity does not belong in a residential neighborhood. Joseph Hora felt this not to be consistent with zoning rules, pointing out that this would change zoning to fit a building; not a building to fit the zoning. Area residents requested to keep the neighborhood in tact. They did not object to the bowling alley, but did object to the possibility of its becoming a place for people to come and drink. Mr. Mockford, in rebuttal, explained that this is consistently done and will not change anything that is not already there. Applicant did not wish to be burdened with accountability of "GR" zoning. Mr. Stoll felt they did not need the zoning for this use, and Mrs. Shipman stated the lounge should not be the primary use.

COMMISSION VOTE

Mrs. Schechter moved to grant "C-2" Commercial, 1st H & A subject to no direct or outside access. Mr. Jagger seconded the motion.

AYE: Schechter, Jagger, and Vier.

NAY: Danze, Dixon, Shipman, Snyder, and Stoll.

ABSTAINED: Guerrero.

THE MOTION FAILED BY A VOTE OF 3-5-1

C14-78-117 Central Texas Service Corporation
(by Phil Mockford)

8206-8008, 8006-7628 & 7624-7616

Brodie Lane; 3509-3501 & 3500-3510

Eskew Drive; and 7713-7701 & 7712-7700

Croftwood

Interim "A" Residence, 1st H & A
to "LR" Local Retail, 1st H & A

Marie Gaines of the Planning staff explained that the applicant amended the request as submitted to request "LR" Local Retail on Tract 1, 150' x 150' "LR"

C14-78-117 Central Texas Service Corporation--Cont'd

Local Retail on the southeast corner of Tract 2, the remainder "BB" residence and "BB" Residence for tract 3. These three undeveloped tracts, totaling 13.47 acres, are located on the east side of Brodie Lane, a major collector streets, in Southwest Austin. This is a developing residential area. The older and sparsely developed Kincheon Subdivision exists across Brodie Lane to the east in Interim "A". Across Brodie Lane east of Tract 1 is recently approved "LR" Local Retail, which is undeveloped. To the west is the Woodstone Village Subdivision in Interim "A" and an elementary school site is located west of Tract 1. An electric company is located outside the subdivision to the south. All other land along Brodie Lane is being use for agriculture or suburban residential purposes.

In 1975, these same tracts were included in a zoning case (C14-78-010) which approved "LR" Local Retail on all three tracts subject to a driveway plan on Tracts 2 and 3. The ordinance reading failed on May 29, 1975. As residential development in the area accelerates, the need for neighborhood-oriented, retail-oriented acilities will increase. As these residential areas are developed and populated, convenience retail facilities will be necessary. The staff recommends the establishment of a locally-oriented neighborhood center rather than commercial strips. A concentration of Local Retail on both sides of the street will provide a convenient location of service to the area. Subject request extends for approximately 2,200 feet, over 2/5's of a mile, along Brodie Lane. If this entire request is granted, land east of Tracts 2 and 3 will experience pressure to commercialize also. It would then be difficult not to continue to extend commerical zoning north to William Cannon Drive and U.S. 290 a strip 2 1/2 miles long. The advantages of cluster development as opposed to strip development are analyzed in depth in the Brodie Lane Study

STAFF RECOMMENDATION

To encourage cluster development, the staff recommends "LR" Local Retail on Tract 1 which will face the recently approved "LR" Local Retail to the east. A 50-foot drainage easement exists along the west of all three tracts. This easement will serve as a buffer between the commercial zoning and the neighborhood to the west. A low-density planned unit development can be developed on Tract 2 with units backing to Brodie Lane. A conventional single-family development can be employed on Tract 3. Therefore, the staff recommends to deny "LR" Local Retail on Tract 2 and "B" Residence on Tract 3, but to grant "A" Residence.

CITIZEN COMMUNICATION**PERSONS APPEARING IN FAVOR**

Phil Mockford

PERSONS APPEARING IN OPPOSITION

Richard A. Willis, 7905 Woodcroft
Dennis Winegarner, 7903 Woodcroft
Rondie Olafson, 7907 Whitsun
Bob and Lila Ware, 7906 Whitsun
Mike and Joyce Dean, 7904 Whitsun
Richard A. Olofson, 7907 Whitsun

COMMISSION ACTION

Mr. Mockford, speaking for applicant, stated agreement with the amended request for Tracts 1 and 2, and was in agreement with the staff recommendation for Tract 1. He felt Tract 2 and 3 are not suitable for single-family residential development. Area residents stated they would like to keep the area a single family residential neighborhood and did not wish to see any apartments.

C14-78-117 Central Texas Service Corporation--Cont'd

COMMISSION VOTE

Mrs. Shipman moved to grant "LR" Local Retail 1st H & A on Tract 1, to deny the 150'x150' "LR" Local Retail on the southeast corner of Tract 2, and "BB" for Tract 2 and 3 but to grant "A" Residence 1st H & A. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

C14-78-115 PINKIE BRODIE, FLOYD GOODRICH, JR
and BENNY E. JAY
204-214 West Powell Lane
8200-8220 Guadalupe Street

Interim "A" Residence and "GR"
General Retail, 1st H & A to
"C" Commercial (approx. 265')
and "O" Office 1st H & A balance
of depth

Marie Gaines of the Planning staff explained this application consists of two tracts which cover four individually owned tracts fronting on Powell Lane, a collector street, and are also bounded by Guadalupe Street, which is dedicated but not developed. Tract 2 is undeveloped. A third of each tract is presently zoned "GR" and the remainder "A" Residence. Tract 1 contains two occupied houses.

Surrounding zoning and land use are as follows: to the north are duplexes and four-plexes managed by the Austin Housing Authority in "B" Residence; there is also undeveloped land in "D" industrial to the northwest. To the south is undeveloped "C" Commercial and single-family residences in the "B" and "A" Residential use districts. To the east is undeveloped "GR" General Retail. A convenience store is at the intersection of Geogian Avenue and Powell Lane in "GR" General Retail.

Applicants have requested the zoning for resale. The buyer requires the "C" Commercial District. The property will need to be subdivided and appropriate right-of-way can be provided by plat. This zoning request is consistent with the existing zoning in the area. Due to the proximity to Lamar Boulevard, undeveloped "C" and "D" Industrial zoning is anticipated to be developed to their maximum use. Because of the residences to the south of tract 1, the applicant has proposed a 25 foot landscape buffer to diffuse any possible impacts from the proposed "C" Commercial use district.

STAFF RECOMMENDATION

The staff recommends to grant "C" Commercial, 1st H & A on Tract 1 and "O" Office, 1st H & A on Tract 2.

COMMISSION VOTE

Mrs. Schechter moved to grant "C" Commercial 1st H & A on Tract 1 and "O" Office 1st H & A on Tract 2 with a 25-foot landscape buffer on the front of Tract 1. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

HISTORIC ZONING

C14h-78-028 Bremond and Pope Buildings: "C-2", 4th H & A to "C-2-H", 4th H & A
(by Pat Conway)
125-139 East 6th Street

Betty Baker of the Planning Department staff explained there was a request from the applicant to postpone, and also a request from the applicant to amend the application deleting the east 103 feet of Lots 7 and 8.

COMMISSION ACTION

Mrs. Schechter moved not to postpone but to go ahead and make a decision. Mr. Snyder seconded the motion. Motion passed by a vote of 9-0.

Mr. Snyder then moved not to accept the amendment to the application. Mr. Dixon seconded the motion. Mr. Guerrero felt the applicant could amend his application. Mrs. Schechter felt the request of the applicant should be honored, and she so moved. Mrs. Shipman pointed out that the Landmark Commission had considered only the Bremond Building, and that it would be inappropriate to consider the entire area at this time without any recommendation. Mr. Jagger amended the motion to take action separately on each building. Mr. Snyder stated the applicant is a "third party," and he felt the property owners and the people involved ought to have a right to hear the request and get it over with. Mr. Snyder accepted the amended motion with the proviso that the Pope Building be considered at this time. Mr. Jagger stated they must all go through the same processes and felt it inappropriate, if it is not approved, it would preclude a request coming in at a later date, therefore, he felt the Commission should act on the Pope Building now, one way or another to avoid further requests for zoning coming up down the road in the event it is turned down. Mr. Snyder was in agreement and would accept the amended motion on that basis.

Mr. Snyder then restated the motion to deny the request of the applicant to amend his application with the proviso that the buildings be taken up singly, with the Bremond Building being taken up first. After discussion, Mr. Jagger made a substitute motion that the Planning Commission consider the request as originally applied for by the applicant, but that the buildings be separated out, take up the Bremond Building first, and then act on the Pope Building. Mrs. Schechter seconded this motion. The Commission then voted on the substitute motion vs. the original motion.

C14h-78-028 Bremond and Pope Buildings

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

NAY: Dixon, Stoll and Snyder.

THIS MOTION PASSED BY A VOTE OF 5-3.

The Commission then resumed discussion on the substitute motion. Mr. Jagger again stated he did not feel there should be any question of the issue being decided and that the decision would be on individual buildings and not a group of buildings because the applicant wishes action on the Bremond Building by itself. He felt that if the request for the Pope Building is withdrawn, in the event the zoning is turned down and the Bremond Building withdrawn, he could immediately come in a month later and make another request for zoning on the Pope Building which would further delay action on what is happening. If action is taken and it is turned down, then applicant is precluded for one year from making another zoning request. The Commission then voted to take action on the substitute motion.

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

THE SUBSTITUTE MOTION PASSED BY A VOTE OF 9-0.

Betty Baker of the Planning Department then presented the staff report. She stated the Bremond Store Building began as early as 1847 and the Austin AMERICAN newspaper of June 13, 1918, read as follows:

"This establishment has been in operation in the same building and under the same roof since 1947." Historical significance of the Bremonds is not contained to the store building. The historical significance of the store building is obvious. Eugene Bremond was president of the State National Bank. John Bremond, Sr., began the Austin Hook and Ladder Company in 1858 and Eugene Bremond was a member of the Board of Trade which is comparable now to our Chamber of Commerce. He was also a member of the Hook and Ladder Company No. 1. John Bremond, Jr. was a member of the Washington Company. The architectural significance has not been substantiated, but it has been ascertained that the exterior walls and some of the interior remain, though heavily altered. There are six windows across the front, and according to an architectural historian, the number of panes in each sash indicate the windows were installed prior to 1870. To preserve the Bremond Store Building in its present condition and appearance would serve neither revitalization or restoration. If it is economically feasible to incorporate this structure within a parking facility, this expense must be considered and borne by the developers who propose to restore the Littlefield Building. The question has been raised as to this building's being the oldest commercial structure in Austin. If, in fact, any or all of this building dates prior

C14h-78-028 Bremond and Pope Buildings

to 1859 it would be the oldest commercial structure in Austin according to available research. The Landmark Commission determined that this structure meets nine of its 13 criteria and recommended to the Planning Commission on a vote of 6-1 with one abstention that the building be zoned historic.

She explained that there were 11 members on the Landmark Commission, and that eight persons were present at their meeting.

She then read a letter from C. W. Jones, Senior Vice President of Highland Resources. "As owners of a portion of the Driskill Hotel property and the Southwest Tower located at 7th and Brazos in Austin, both of which properties are in the vicinity of the Bremond property situated on East Sixth street between Congress Avenue and Brazos Street, we wish to lend our support to the proposal of the Littlefield Building involving authority to provide additional parking space on the Bremond property as such space is definitely needed in the area of the central business district. We believe such increased parking will greatly benefit the City. Accordingly, it is requested that the City refrain from changing the present zoning on the Bremond property. We appreciate your consideration of this request." She also pointed out a petition from the owners of the west 57 feet, consequently, any recommendation made to zone the property historic will require six votes of the Council.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Mark Summers, 501 West 12th
Nancy Griffith, 2844-C San Gabriel
David MacBryde, 2204 San Gabriel
Peter Flagg Maxson, 713 Graham Place
Guy Murray, 4209 Burnet Road
Robert Sharp, 1201 West 8th, No. 202
Ina Ray Smith, 1122 Colorado
Brian W. Schenc, 100 Old Manor Road
L. Tuffly Ellis, Texas Historical Association
P. K. Staber, 617 Blanco
Wesley Embry, 206 East Sixth
Brad Doherty, 608 Deep Eddy
Sharmyn Lumsden, 608 Deep Eddy
Zorena Bolton, 2601 Rockingham Drive
Dr. Norman D. Brown, 2607 Barton Skyway
Bill Clawson, 8004 Lawndale
Betty Phillips, 911 West 23rd Street
Kirk D. Lyons, Box 7038

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Allen Searight, 1504 Lorrain
A. C. Castilla, 127 E. Sixth Street
William Warren Barr, 912 East 40th No. 103
Patrick Conway, 131 East Sixth
Jim and Beth Sebesta, 2600 Rockingham Drive

PERSONS APPEARING IN OPPOSITION

Alan Minter
Joe Holt
Shirley Dimmick
Jim Casey
Steven Gellman
Charles Betts, 2401 Bridle Path
Pacy Laves
Jay Johnson
Warren Beaman
Chuck Ackermann
Robert Knight
Bill Houston
Philip D. Creer
Mrs. Nevenna Travis, 900 Bluebonnet Lane
Ernest Rosner, Box 5202
Warren Beaman, 505 East Riverside Drive
Frank W. McBee, Jr., 705 San Antonio
Eugene Wukasch - Middle of the Road

WRITTEN COMMENTS IN OPPOSITION

Jim Novy Trust
Earl E. Simms Estate
Robert L. Ziller Estate
Ernest Rosner
Jackson C. Mouton, et al
Bob Bright
Edward W. Joseph
Sue McBee
Harry M. Whittington

Petition - 70 signatures

WRITTEN COMMENTS IN FAVOR

Petition - over 500 signatures

COMMISSION ACTION

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There was discussion of the economic feasibility of incorporating the building into the parking garage. It was explained that all of the street level portion of the building has been heavily altered, the window on the west is a dummy window, and does not go through the west wall. The building had an addition in 1852, but do not know how it was changed. The building is within the National Register District and Betty Baker explained it would be necessary for the builders or developers to obtain certification to qualify for the 1976 Tax Reform Act for the Littlefield Building. To raze these buildings, without penalty, under the 1976 Tax Reform Act, they will also need to go through the State Historical Commission. There was discussion of the Bremond Block and other buildings honoring the Bremond family and Mr. Snyder pointed out that this family is duly honored. Mrs. Schechter felt it was not a question of honoring anyone, but was a question of whether or not a building should be saved.

Patrick Conway explained he was the person who came in off the street and filed for historic zoning on this building. He stated the building itself needs a lot of help but that it is East Sixth Street. It is a street to be remembered. Revitalization does not mean a parking garage. This will not make Sixth Street; the business can be relocated, but there can only be one Sixth Street; it is the most beautiful street in Austin. Willaim Barr requested it be retained for heritage and what Austin has meant to Texas. A. C. Castillo felt more people are needed; cars will not help. Kirk Lyons stated he believed it to be the fourth oldest building in Austin. Betty Phillips questioned why not preserve and revitalize? Why not build a parking garage somewhere else? She asked what a skywalk would do for the downtown area, pointing out that there is parking space elsewhere for shoppers. Mark Sommers questioned that for federal funds to be used, would permission from the Secretary of Interior from Washington would be necessary. He pointed out that the City Council has approved a long range study of the development and revitalization of downtown Austin and has been funded to some extent. He felt time should be allowed for the study to be completed; did not see how a decision of this magnitude could be made to totally change the traffic patterns of the downtown area. He felt this to be a commitment of the elected officials of the City of Austin. David McBride felt that to add parking to the downtown area was speculative, questionably economically, should be tied in with a convention center. He felt to put more parking in the downtown without prior completion of the Downtown Urban Transportation study is folly and is a loss of responsibility of the Planning Commission. Peter Maxim pointed out that the Bremond Building is of interest from an architectural as well as an historical point of view; demolition is a one-way, process, pointed out that this is one of the oldest buildings in the state, Guy Murray discussed the business being operated out of this Bremond Building, emphasizing that it is not a vacant structure. Robert Sharp felt there

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was parking area available in other areas of the downtown. Ina Ray Smith gave a brief history of the Bremond family. She stated there is no reason to arbitrarily divorce revitalization and restoration, pointing out that in other cities restoration promotes revitalization and revitalization is contingent upon restoration. They do not stand alone. She felt it absurd for anyone to say they are going to aid in the revitalization of downtown, but first Austin's oldest commercial building must be destroyed. She felt there should be enough talent among developers, planners, and architects to incorporate the Bremond Store building within the parking facility that is being proposed, thereby setting an example of revitalization with restoration. She stated all seven structures appearing on the four lots appear on a map of 1887. Brian Schenck, representing the County Historical Commission, submitted a resolution "affirming the historic significance of the Bremond Store Building and encourages the City Council to recognize its commitment to historic preservation in this instance and direct the developers of the proposed parking facility to incorporate the Bremond Store Building in its new structure." He indicated that 22 of the 29 members have indicated support of the resolution, pointing out that their chairman abstained. Tuffly Ellis, Director of the Texas Historical Association, and a teacher of history at the University of Texas. He pointed out that in 1960 young people were burning down buildings and now they are restoring them. He pointed out that in the early part of this century a group wished to tear down the Alamo but that some "little old ladies in tennis shoes" managed to save it, and that now it is one of the most remarkable monuments in the United States. He felt that Austin belongs to all Texans -- not just Austinites, pointing out that it was chosen by the Republic to be the capitol site. He questioned whether or not our society is so flabby, decadent, and so physically weak that people cannot walk one, two or three blocks to an office in the Littlefield, felt that there were other suitable areas available for parking without demolishing historical buildings. He discussed complaints about the Austin downtown hotel facilities for conventions. P. K. Staber presented a slide show of the restoration and revitalization that had been done on Sixth Street, pointing out that there were business as well as apartments and living spaces. She felt that not only would the tearing down of the Bremond Building and the erection of the parking garage be detrimental to the feeling of the street today, it would take the revitalization spirit of the street away from the individual. Submitted a petition with over 500 signatures supporting the historical zoning for the Bremond Building.

AGAINST

Alan Minter, attorney appearing on behalf of Carl Burnette, John Watson and Jim Casey, who have joined together in an attempt to restore the Littlefield Building. He felt that parking is necessary for this project to be economically feasible, not only for the Littlefield Building, but also

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for users of the Driskill Hotel and the general public. He pointed out this is necessary to take traffic off the streets that downtown revitalization does create. He stated there will be 501 spaces with 250 allocated for the Littlefield Building, 125 allocated for the Driskill Hotel, and 126 for the general public. All spaces would be on a non-assigned basis and there would be 376 spaces available after business hours for the general public, stating that revitalization entails both day time and night time activity. He stated the structure is not worthy of landmark status. The building has long since lost whatever significance it might have had, if any at all. He discussed criteria for historic designation. Joe Holt showed slides to support this contention, discussed the windows and the fact that three of the windows had been changed; showed that the downstairs had been extensively remodeled, especially from the facade standpoint. He then discussed parapets and showed how they exist today, pointing out there are no parapets in the upper portion of the Bremond Building, which would suggest strongly that the Bremond Building was either completely replaced or drastically replaced at one time after its original existence. He discussed the types of construction, limestone differing from the brick construction of the front of the Bremond Building. He stated they felt the group of buildings had been altered to such an extent, especially on the ground level, and somewhat at the upper level, that its architectural significance is not there at this time; it was at one time, but was removed and replaced with a building that imitated the original structure, but is not the original structure. They also do not feel this building has the potential to become what the rest of Sixth Street would like to become. The Bremond and Pope Buildings are buildings that were built in the 1800's, and there were bad architects and bad buildings then just as there are today. He showed a ground floor plan of the proposed structure and briefly discussed their plans to include a back street plaza before the shopping area begins and a series of individual, different sized shops of different scales for different people. The plaza area between the shopping front and the street would be used for a variety of activities, among those to be introduction of a mobile vendor operating from a push cart. There would be opportunity for two-level mezzanine activities on the east side of the building. He felt the parking is needed downtown; is not a response to bring in more cars, but is a response to take care of what is there today. He discussed then restoration costs, stating he felt it would cost approximately \$60 per square foot to restore the building. This is not economically feasible. He felt the area of Mama's Money is the only original portion of the Bremond Building.

Mrs. Schechter asked if it would be feasible to use this as a core, incorporate it into the plans. He replied that it might be technically feasible, but that would have to be answered by the developers. She then asked and Mr. Holt replied that there is absolutely no proof that the existing building is the original building. She then asked if any of the original windows, arches, etc., would be used in a new building and the reply was to use the existing brick and limestone material to line the walls of the structures inside of the

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commercial area. The exterior would have to be new brick because there is not enough to use on the outside. Mrs. Shipman queried and Mr. Holt replied that the first building was built in 1872, since it was the first year it appeared on the tax rolls of the city. He felt that probably the first building was constructed of limestone and later faced with brick. The material would be used in a recognizable manner as having been in the original Bremond Building, as well as a historical marker plaque. Shirley Dimmick, a research writer, stated there were three Bremond stores, this being the third store and first appeared in the city directory in 1872. Stephen Gellman stated he had been in business since 1922, presented a petition in favor of the parking garage. Charles Betts, representative of the Heritage Society, recommended the historic zoning not be granted, stated the parking facility would enhance the viability of the City. Pacy Laves felt the parking facility was needed, stating that it has been hard enough in the past, that the downtown will become a ghost town, leaving it for the banks and the state if the parking facility is not built. Chuck Ackermann, Executive Director of the Paramount Theatre, stated parking is needed. Philip Creer, Chairman of the Landmark Commission, felt that some compromise is necessary, the building could be incorporated into the new structure, stating that everything old is not worth saving. Eugene Wukasch questioned whether or not this would be real restoration or adaptive restoration.

COMMISSION VOTE

Mr. Vier moved to deny the "H" zoning on the Bremond Building. Mr. Danze seconded the motion.

Mrs. Schechter offered a substitute motion to grant the "H" zoning on the Bremond Building and urge the incorporation of the Bremond Building into the design of parking facility which we heartily endorse. Mrs. Shipman seconded the substitute motion.

The Commission then voted on the substitute motion vs. the original motion.

AYE: Dixon, Schechter and Shipman

NAY: Danze, Guerrero, Jagger, Snyder, Stoll, and Vier.

THE SUBSTITUTE MOTION FAILED BY A VOTE OF 3-6.

The Commission then voted on the original motion to deny the "H" zoning on the Bremond Building.

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AYE: Danze, Guerrero, Jagger, Snyder, Stoll, and Vier.

NAY: Dixon, Schechter and Shipman.

There was discussion and John Meinrath of the Legal Department stated it was not necessary to have a finding of fact on a denial.

THE MOTION PASSED BY A VOTE OF 6-3.

Mr. Jagger then moved to deny the request for the "H" zoning on the Pope Building. Mr. Vier seconded this motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

SUBDIVISIONS

PRELIMINARY SUBDIVISION CONSIDERED

C8-78-32 Rob Roy
St. Stephens and Bee Caves Road

Mr. Lillie reported that on June 30, 1978, a meeting was held with the applicant and representatives from City Departments and County representatives related to the requested variances from the low density street standards adopted by the Planning Commission on April 13, 1976. Mr. Lillie stated that as no consensus was reached at that meeting the applicant will present his request to the Commission and the Directors from Engineering, Urban Transportation, and Public Works will respond to the request.

Mr. Bradley, applicant, presented his request for the variance, which was supported by several persons living in the area.

Mr. Graves, Director of Engineering; Mr. Ternus, Director of Urban Transportation; and Mr. German, Director of Public Works, appeared and recommended against granting the requested variance based on safety.

The Commission then

VOTED: To GRANT the variance on the following preliminary plan from the low density street standards to fifty (50) feet of right-of-way with twenty (20) feet of paving on residential streets and sixty (60) feet of right-of-way with twenty-six (26) feet of paving on collector street as requested by the applicant.

C8-78-32 Rob Roy (continued)

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

R105-78 Subdivision Memorandum
Short Form and Final Subdivisions as listed
on the Subdivision Memorandum. Action taken
at meeting.

FINAL SUBDIVISION PLATS--FILED AND CONSIDERED

The staff reported that the following final plat has appeared before the Commission in the past and all departmental requirements have not been complied with. The staff recommends disapproval of this plat. The Commission then

VOTED: To DISAPPROVE the following final plat pending fiscal arrangements, compliance with departmental requirements, and plat corrections.

C8-78-32 Rob Roy
St. Stephens and Bee Caves Road

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

The staff reported that the following short form subdivision has appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of this plat. The Commission then

VOTED: To APPROVE the following short form plat.

C8s-78-175 John Sauer Addition
Mountain View Drive and Tether Trail

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


The staff reported that applicant has requested the following short form subdivision be withdrawn. The staff recommends to postpone this request until further contact has been made with the applicant. The Commission then

VOTED: To POSTPONE the following short form plat to July 11.

C8-78-82 Watkins-Pettigrew
Alpine Road and S. Congress Avenue.

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

The meeting adjourned at 11:40 p.m.


Richard R. Lillie, Executive Secretary