

CITY PLANNING COMMISSION
Austin, Texas
Regular Meeting -- September 5, 1978

The regular meeting of the Planning Commission was called to order at 5:45 p.m. in the Auditorium of the Electric Building at 301 West Avenue.

Present

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

Also Present

Evelyn Butler, Supervisor Current Planning
Marie Gaines, Planner
Betty Baker, Planner
Wayne Golden, Planner
John Meinrath, Legal Department
Ouida Glass, Senior Secretary

ZONING

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

<u>C14-78-143</u>	<u>John Lewis & Roy Bechtol:</u> (by Planned Environments, Inc.) Southeast corner of Loop 360 and Mountain Ridge	From "B", 1st H & A to "A", 1st H & A RECOMMENDED.
<u>C14-78-146</u>	<u>George Yonge, Robert A. Morris,:</u> <u>J. B. Foshee and Nathan Morris:</u> (by Phil Mockford) 12023-12049 Jollyville Road 11936-12020 Oak Knoll Drive	From Interim "AA", 1st H & A To "O", 1st H & A. RECOMMENDED.
<u>C14-78-151</u>	<u>Rex L. Reitz:</u> (by Robert E. Parris) 11730 Research Boulevard	From Interim "AA", 1st H & A To "C", 1st H & A (Tract 2) and "GR", 1st H & A (Tract 1) RECOMMENDED
<u>C14-78-154</u>	<u>Josephine Harris Bradford</u> <u>and D.C. Bradford:</u> (by Mark Bennett) 213-319 South Lamar also bounded by Lee Barton Road	"C", 1st H & A To "C-2", 1st H & A RECOMMENDED
<u>C14-78-156</u>	<u>Continental Assurance Company/</u> <u>Dobie Center</u> (by Dennis J. Kavanagh) 309 West 21st Street 311 West 21st Street 2021 Guadalupe Street (within Dobie Center)	From "C", 4th H & A To "C-1", 4th H & A RECOMMENDED.

COMMISSION VOTE

Mr. Dixon moved to approve these requests in accordance with staff recommendations. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

Mrs. Shipman explained that she had a problem with this since it would set a precedent, but was difficult to deny the applicant, and explained the fear of implications of long term intensive zoning and the negative

C14-78-142 HI-CAP--Continued

impact it might have on a residential area to the west. Mr. Guerrero stated he would hate to see commercial zoning in the neighborhood. Mrs. Schechter offered a substitute motion to postpone for 30 days and give applicant an opportunity to work something out with the staff. Mr. Dixon seconded the motion. Mr. Stoll felt the recommendation of the staff reasonable and that more permissive zoning was not appropriate but thought it might be possible to compromise in order for the applicant to meet his needs.

AYE: Dixon, Schechter, Shipman, Snyder.

NAY: Guerrero and Stoll.

ABSENT: Danze and Vier.

ABSTAIN: Jagger.

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

C14-78-144	JOHN JOSEPH & DONALD THOMAS	Interim "A" Residence, 1st H&A
	(by Morris Olgin, Jr.)	to "C" Commercial, 1st H&A
	7216 Ben White Blvd.	

Marie Gaines presented the staff report.

This undeveloped 13 acre tract is located in South Austin on Ben White Boulevard, a major arterial. The proposed use is for mobile home resales requiring "C" Commercial zoning.

Land uses and zoning surrounding subject tract are as follows: to the north is undeveloped land in Interim "A" Residence and a mobile home park in "MH" Mobile Home use district. To the south across Ben White Boulevard is undeveloped land outside the city limit line. To the west is undeveloped land in Interim "A" Residence. To the east are deep residential tracts in "LR" Local Retail and Interim "A" Residence.

The frontage of subject tract along Ben White Boulevard is 1,455 feet. Approval of "C" Commercial will set a strong precedent for strip development. The staff is concerned with the potential for the proliferation of signs and driveways along this frontage road. In order to decrease sign and driveway proliferation, the Commission may wish to extend the building setback line and grant a more restrictive use district along the frontage of subject tract. Suggested driveway spacing for subject tract has been submitted by Urban Transportation Department.

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

The Texas Highway Department indicates that it has long range plans for the construction of a grade separation at Riverside and Ben White Blvd. Applicant should consult with the Texas Highway Department to discuss possible additional right-of-way needs prior to development of the site.

COMMISSION ACTION

The staff recommends that the applicant's request for a change in zoning from "A" to "C" be denied because it would be an intrusion into a residential neighborhood and there have been no changes in conditions since the previous zoning cases for this location were denied or withdrawn.

C14-78-145 RAQUEL GONZALEZ--Continued

COMMISSION VOTE

Mrs. Shipman moved to deny "C" Commercial, 1st H & A, in accordance with the recommendation of the staff. Mr. Dixon seconded the motion.

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

ABSENT: Danze.

OUT OF THE ROOM: Jagger

THE MOTION PASSED BY A VOTE OF 7-0.

C14-78-147	NORTHWOOD DEVELOPMENT CORPORATION (by Phil Mockford) 3100-3616 Oak Creek Drive	Interim "AA" Residence to "A" Residence and "GR" <u>General Retail</u>
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Marie Gaines prested the staff report.

These two tracts comprise 19.13 acres of undeveloped land located in Far Northwest Austin. Subject tracts are bounded to the south by Oak Creek Drive a residential collector street and bounded to the east by Burnet Road a major arterial.

Land uses and zoning include to the north large lot single-family residences and undeveloped land outside the city limits. To the south is undeveloped Interim "AA" Residence. To the west are single-family residences, in the Northwood Subdivision, in Interim "AA" residence. To the east across Burnet Road is undeveloped land and an office outside the city limits.

Applicant is requesting "A" Residence for Tract 2 for duplex development and "GR" General Retail for Tract 1. The staff feels that the "AA" Residence will serve as an appropriate transition zone to the more intense uses that develop along a major thoroughfare like Burnet Road.

The staff recommends to grant "A" Residence, 1st H & A, on Tract 2 and "GR" General Retail, 1st H & A, on Tract 1.

Additional right-of-way to bring Oak Creek Drive up to 64 feet will be needed to assist in accommodating intensified usage permitted by a zoning change. Right-of-way will be obtained through the subdivision process.

CITIZEN COMMUNICATIONS

PERSONS APPEARING IN FAVOR

Phil Mockford, representing applicant

PERSONS APPEARING IN OPPOSITION

Athur H. Modrell, 3803 Northfield Road

Bobby R. Taylor, 12801 Oak Creek Cove

Bob Thomas, 3501 Del Robles

Nolan F. Wariz, 12900 Trailwood Road

C14-78-147 NORTHWOOD DEVELOPMENT CORPORATION--Continued

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

W.F. Barnhart, 2809 Del Robles

Nolan F. Ward, 12900 Trailwood Road

Robert R. Renner, 3703 Northfield

Petition - 125 signatures

COMMISSION ACTION

Phil Mockford, representing applicant, explained that tract basically is divided by a creek, and it is the intent of the developer to place duplexes between the two tracts since it is not economically feasible to develop entirely as single-family units. Bobby Taylor, representing the Northwood Homeowners Association, expressed opposition to the zoning change. He pointed out that they do not know what is being proposed for this tract, concerned citizens from Northwood have made several attempts to meet with the developer but have received no response. He discussed the restrictive covenant agreed to in Phase I, expressing concern for the size of the dwellings, the density, as well as property values. He expressed concern for promises that were made and had been forgotten, pointing out that this area had been promised as park land. Art Mandrell, representing the Northwood Homeowners Association Steering Committee, also expressed concern for broken promises, density, and decreased property values. He stated this is a very dangerous situation and discussed traffic in the area and its relation to FM 1325. Mrs. Schechter asked why there was no information from Urban Transportation available, and also why there a representative from Urban Transportation was not present. Bob Thomas, representing the homeowners on the county side of the tract, stated there was no assurance that part of this will be used as a buffer and then other more intense zoning request later. He submitted a petition containing signatures of 80 percent of the landowners in the 300 foot range in opposition to the request, and stated that the tract is in the 100-year flood plain. He asked that the Commission remove the interim zoning and give it "AA" permanent zoning, that a six-foot wood fence be placed between the property for a buffer. In rebuttal, Mr. Mockford explained that this tract does not have any restrictive covenants and he knew nothing of the promise for this to be park land. He discussed the density and stated that nobody has any intention of saturating the area with cheap housing and stated that the plans are not ordinarily drawn until after zoning has been approved. He stated he had attempted to meet with the homeowners in the area and the meeting had not been very fruitful. He felt this to be a workable plan, acceptable zoning, and requested approval. Mr. Guerrero discussed the ingress and egress for the subdivision, and Mr. Mockford stated that for the present time Oak Creek Drive would be the main entrance.

COMMISSION VOTE

Mr. Dixon moved to postpone the request for 30 days pending an evaluation from the Urban Transportation Department concerning the traffic flow; that the applicant and neighborhood meet in an attempt to work out something

C14-78-147 NORTHWOOD DEVELOPMENT CORPORATION--Continued

compatible to both. Mr. Stoll seconded the motion. Mrs. Shipman offered a friendly amendment that NPC meet with representatives from both neighborhood associations here, that the meetings be public meetings, and not limited to three or four persons as well as renotification of the hearing.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-149 277, LTD, A TEXAS LIMITED Interim "A" Residence to "D"
Industrial 3rd H & A save
and except that portion of the
property lying within 100 feet
of the perimeter which shall be
"D" Industrial, 1st H & A

Marie Gaines presented the staff report.

This application consists of 50 acres of undeveloped land located in south Austin on Ben White Boulevard a major arterial. A majority of all surrounding land is undeveloped, with the exception of offices to the west in "GR" General Retail and a truck and air conditioning company in "D" Industrial to the south.

Subject request is for "D" Industrial to permit Advanced Micro Devices to locate in Austin. The request for 3rd H & A which will allow a maximum building height of 120 feet will be set back from the boundary of the subject tract 100 feet as indicated by the request. To insure compatibility with existing and proposed land uses on surrounding tracts, the applicant has requested that the property be designated as a Planned Development Area (P.D.A.) through the Austin Development Plan (Master Plan). The Master Plan change is being processed together with this zoning request.

The staff recommends this request. The setback of intensive uses from property boundaries and the performance and design standards should provide compatibility with the surrounding area.

The staff recommends to grant "D" Industrial, 3rd H & A save and except that portion of the property lying within 100 feet of the perimeter which shall be 1st H & A.

COMMISSION ACTION

Mrs. Schechter moved to grant "D" Industrial, 3rd H & A, save and except that portion of the property lying within 100 feet of the perimeter which shall be 1st H & A. Mr. Stoll seconded the motion.

C14-78-149 277, LTD, A TEXAS LIMITED--Continued

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-78-150 ERROL YOUNG
(by Donald E. Bird)
500 West 38th Street

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

Marie Gaines presented the staff report.

Subject tract is a residential lot which fronts 38th Street, a major arterial street, just east of its intersection with Guadalupe Street. A single-family structure exists on the lot. Surrounding land uses include the newly constructed Children's Home to the east, apartments to the north, offices in existing structures to the west, office and apartment uses to the south. The uses fronting Guadalupe on the west are primarily commercial.

This tract is located between "O" Office to the west and "B" to the east. The requested zoning is the most restrictive business zoning district. It is considered by the staff to be appropriate between existing "O" and "B".

All existing uses fall well within the 1st H & A district, 2nd H & A would set an inappropriate height district to the residential development to the west and north.

If applicant agrees to dedication of 10' R.O.W. for future widening of West 38th Street, staff recommends "O" Office be granted and to deny 2nd H & A, but grant 1st H & A.

CITIZEN COMMUNICATIONS

PERSONS APPEARING IN FAVOR

Don Bird, representing applicant

PERSONS APPEARING IN FAVOR WITH CONDITIONS

Robert Duke, 2520 Austin National Bank Tower

Dorothy Richter, 3901 Avenue G

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

H.C. Byler, 403 West 38th

W.P. Watts, no address

John Lewis, 503 West 38th

COMMISSION ACTION

Don Bird, representing applicant, stated that it was unusual to request 15 feet for right-of-way on one side; he was prepared to agree with ten feet but had not discussed with the owner the need for 15 feet. There was a discussion of the right-of-way in the immediate area. Robert Duke,

C14-78-150 ERROL YOUND--Continued

representing the Children's Home, is in agreement if the use of the property is to be as is now understood, law offices or something like that. He expressed concern that the property would be joined with other property and possibly result in a detrimental use as the Children's Home is concerned, and requested that if the use of the property is changed, that a site plan review restriction be added as a condition to the zoning. Dorothy Richter expressed approval with the same restrictions and discussed the traffic problem in the area. Don Bird was expressed concerned with the restrictive covenant requirements. He felt problems were trying to be solved in advance of development and did not feel a site plan necessary on this small lot. The concern by Mr. Duke and Mrs. Richter could be controlled through the subdivision process or zoning request. Mr. Jagger expressed concerned for piecemeal zoning since there would be no control over what would happen. He did not see how it would harm anyone if the Commission required that if this lot should be joined with any adjacent lot, the resulting development would have to have site plan review, pointing out that so long as the lot is used by itself this requirement would not apply. Mr. Bird explained that this is a transitional area and he would not agree to the restrictive covenant since he had not checked with his client. Mr. Jagger asked about postponement for one week in order to work this out, and Mr. Guerrero was of the opinion that nothing would be gained by a postponement.

COMMISSION VOTE

Mr. Jagger moved to postpone the request for 30 days in order to give Mr. Bird an opportunity to consult with his client. After discussion, he then withdrew the motion. Mr. Jagger then moved to approve the recommendations of the staff and to grant "O" Office, to deny 2nd H & A, but to grant 1st H & A, subject to a restrictive covenant if agreed to by the applicant and also subject to 15 feet of right-of-way. Mr. Stoll seconded this motion. After discussion, Mr. Stoll withdrew his second and Mr. Jagger then moved to defer action for one week; request the applicant to write a letter to the Planning Commission informing whether or not he would volunteer a restrictive covenant, together with 15 feet of right-of-way. Mrs. Schechter seconded the motion.

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

ABSENT: Danze.

ABSTAIN: Vier.

THE MOTION PASSED BY A VOTE OF 7-0-1.

<u>C14-78-152</u>	<u>RICHARD S. PRYOR and</u>	<u>"I-AA" Interim Residence, 1st H & A to</u>
	<u>JOHN N. RAMSEY</u>	<u>"C" Commercial, 1st H & A</u>
	F.M. 969, also bounded	
	by Nixon Lane	

Marie Gaines presented the staff report.

Subject 6-acre tract is located in East Austin east of Ed Bluestein Blvd., south of F.M. 969 on Nixon Lane. This area is designated as industrial in the Master Plan and uses along Nixon Lane are industrial, commercial

C14-78-152 RICHARD S. PRYOR and JOHN N. RAMSEY--Continued

and residential. Nixon Lane is a minor street and inadequate to service the area for the anticipated growth. The site is presently a dog kennel and applicant proposes to expand this facility.

If applicant is willing to dedicate an additional 5 feet of R.O.W. on Nixon Lane for the increased usage anticipated by this zoning change, the staff recommends that "C" Commercial, 1st H & A, be granted

COMMISSION ACTION

Mr. Dixon moved to grant "C" Commercial, 1st H & A, subject to five feet of right-of-way. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

<u>C14-78-153</u>	<u>LAND & LEASE'S INC.,</u>	<u>"I-AA" Interim Residence, 1st, H & A</u>
	<u>SAM PAYNE, CLAUDIA TAYLOR</u>	<u>to "GR" General Retail, 1st, H & A</u>
	<u>JOHNSON</u>	
	11912 Arabian Trail	
	12122 U.S. 183	
	11910 U.S. 183	

Marie Gaines presented the staff report.

Subject tract consists of 8 large undeveloped lots southwest of U.S. 183. Surrounding zoning and land uses include the following: to the north is Texas Instruments in "D" Industrial and several non-conforming uses (a lumber storage, rental service, antiques, etc.) in Interim "AA" Residence and undeveloped "GR" General Retail. To the south are single-family residential lots, which are part of the Highland Oaks and Summit Oaks subdivisions. To the west is undeveloped "GR" General Retail. To the east is undeveloped land and a restaurant and bar, both legal non-conforming uses, in Interim "AA" Residence.

The general zoning policy for lands adjacent to U.S. 183 is to encourage a maximum of "GR" along a the Highway with more restrictive zoning for lands adjacent to residential property. In this connection "GR" General Retail across from single-family residences would be an intrusion and cause significant commercial traffic along Arabian Trail. At present there is 80 feet of right-of-way, 35 feet of which is paved. The remaining 45 feet is unpaved and serves as a natural buffer lined with various natural foilage and oak trees. To encourage commercial traffic on Arabian Trail or Arabian Road would be harmful to the single-family residences fronting Arabian Trail and Arabian Road.

C14-78-153 LAND & LEASE'S INC.--Continued

The staff recommends that the "GR" General Retail be denied and recommends that "GR" 1st, H & A be granted on lot 19, "GR" General Retail, 1st H & A on lots 14, 15, 16, 17, 18 and 20 save and except the southernmost five feet which should be zoned "A" Residential, 1st H & A which would preclude access. And lot 13 be granted "A" Residential, 1st H & A. In addition five feet of right-of-way will need to be dedicated by applicant in order to upgrade Highland Oaks to a standard residential street width of 60 feet to accommodate increased usage by the proposed zoning.

The Texas Highway Department is working on plans for widening U.S. 183. Applicant should consult with the Texas Highway Department regarding building setback and possible future right-of-way needs prior to development of subject tract.

CITIZEN COMMUNICATIONS

PERSONS APPEARING IN FAVOR

Tom Curtis, attorney representing applicant

PERSONS APPEARING IN OPPOSITION

Wilma Falk, 5904 Sierra Madre

Jean L. Bonnet, 11909 Arabian Trail

John C. Bonnet, 11909 Arabian Trail

Bob Bledsoe, 11607 Bell Avenue

Sandra Crenshaw, 11812 Highland Oaks Trail

Jane Schrader, 11602 Bell Avenue

Albert W. Seiter, Jr., 11903 Hamrich Court

Chester A. Shaw, 11919 Arabian Trail

James O. Spencer, 11910 Arabian Trail

Sam Spangler, 11921 Arabian Trail

COMMISSION ACTION

Tom Curtis, representing applicant, was generally in agreement with the staff recommendations. He asked the Commission to consider the five feet of "A" along the back or the south side of the property, stating that this would become unusable. He felt that the trees and a six-foot privacy fence would be enough buffer and pointed out there would be no access to Arabian Trail. Speaking in opposition, James Spencer discussed the zoning in the immediate area, stated this is a residential area that is being surrounded with commercial uses. He requested that Lot 13 remain AA, Lots 14 - 20 be changed to no higher than O with 25' of A Buffering Arabian Road, plus six-foot privacy fence. Bob Bledsoe concurred with the request of Mr. Spencer. Sam Spangler was in agreement with Lot 13 being zoned AA, and the remainder zoned O. He felt that GR could adversely affect property values. He stated there were no sidewalks and discussed the traffic in the area. Speaking in rebuttal, Tom Curtis stated everything on U. S. 183 is zoned for GR or C and felt this to be appropriate and discussed the proposed buffer.

COMMISSION VOTE

Mr. Vier moved to deny "GR" General Retail, but to grant "GR", 1st H & A on Lot 19, to grant "GR" General Retail, 1st H & A on Lots 14, 15, 16, 17, 18, and 20 save and except the southernmost five feet which should be zoned

C14-78-153 LAND & LEASE'S INC.,--Continued

"A" Residential, 1st H & A which would preclude access; to grant "A" Residential, 1st H & A on Lot 13. Five feet of right-of-way will have to be dedicated by applicant in order to upgrade Highland Oaks to a standard residential street width of 60 feet to accommodate the increased usage by the proposed zoning. Mr. Snyder seconded the motion.

Mr. Jagger wondered if there was merit in trying to continue what was done next door. Mr. Stoll offered a substitute motion to grant "O" on Lots 14, 15, 16, 17, 18, 19 and 20 with five feet of "A" for buffer along Arabian Trail and to grant permanent "AA" for Lot 13. Mr. Guerrero seconded this motion. Mr. Stoll felt this to be the best use of this land and at the same time offer protection for the homes in the area. Mr. Jagger did not think one duplex in the area would be that damaging and stated that he was of the opinion that Lots 19 and 20 should be combined into one lot. He stated he hated to see use fronting off Highland Oaks and did not feel it appropriate for offices type uses. In addition the highway frontage should be used without damaging the neighborhood and stated he thought it should be A, O, and GR. Mr. Snyder indicated this would be fair to everybody. The Commission then voted on the substitute motion.

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

The substitute motion failed by a vote of 2-5-1.

Mr. Jagger then moved to grant permanent "A" on Lot 13; to grant 5 feet of "A" along Arabian Trail; followed by 25 feet of "O" adjacent on the southernmost boundary of Lots 14, 15, 16, 17 and 18; the remainder to be zoned "GR"; applicant to resubdivide and combine Lots 19 and 20, and to Grant 5 feet of A; followed by 25 feet of "O" and the remainder "GR" General Retail. Mr. Vier seconded this motion.

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

THE MOTION PASSED BY A VOTE OF 5-2-1.

C14-78-155 C.P. YOUNG
(by John F. Harvey)
1403 Collier Street

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

Marie Gaines presented the staff report.

Subject tract is located in south Austin on Collier Street, a neighborhood collector street, between South Lamar, a major arterial, and Kinney Avenue, a minor arterial.

C14-78-155 C.P. YOUNG--Continued

Subject property lies within an area in transition to apartment zoning and more intensive uses to the east toward South Lamar.

Surrounding zoning is "C" Commercial and "GR" to the east and north. "B" to the east and west with "A" to the west beyond Kinney Avenue. Uses to the south are "A" Residence with a church, and "BB" with apartment development. The request of this applicant for "O" Office is on a tract of land between "C" Commercial and "B" Residence and will provide a buffer between the "A" to the south and "C" to the east. The requested zoning is consistent with the zoning pattern and trend of development on the east side of Kinney Avenue towards South Lamar.

The staff recommends that "O" Office be granted.

CITIZEN COMMUNICATIONS

PERSONS APPEARING IN FAVOR

Tom Frances, applicant

PERSONS APPEARING IN OPPOSITION

Barbara Cilley, 1114 Mariposa

COMMISSION ACTION

Tom Frances explained that he would like to provide off-street parking for the commercial development adjacent to this tract and that it would not be used for anything that it is not already being used for. He stated all access is proposed through the adjacent "C" Commercial tract. Barbara Cilley, speaking in opposition, discussed the neighborhood in general. She explained this is an inner city neighborhood that was built after World War II and stated there is encroaching commercialization. She expressed concerns regarding continued more intensive land use patterns and stated she would like to see it maintained duplexes or single-family dwellings. Mr. Jagger stated he did not feel this to be appropriate for single-family residences.

COMMISSION VOTE

Mrs. Schechter moved to grant "O" Office, 1st H & A. Mr. Vier seconded the motion. Mr. Jagger felt there should be some kind of buffer around that portion in front of Kinney. Applicant agreed to 15 feet of "A" zoning as an environmental easement, amended his application, and Mr. Jagger offered a friendly amendment to the motion to have a 15-foot environmental easement on the westernmost boundary zoned "A", Residence.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-78-157 THE HANSEN TRUSTS
 (by Mike Kasper) -
 12150-12264 IH-35 North
 401-501 Yager Lane

"I-AA" Interim Residence, 1st H & A
to "O" Office 1st H & A (as amended)

Marie Gaines presented the staff report.

The 3-acre strip of land is a portion of a 38-acre tract which fronts IH-35 on the west side in Northeast Austin. Applicant requests zoning change in order to have access to a campground facility to the west. Area is principally undeveloped along IH-35 and utilized agriculturally.

Because this area is principally undeveloped this zoning case will set a precedent for more intense zoning. The staff is concerned with sign proliferation and driveways along subject tract for a distance of 1,050 feet. The "O" office zoning will provide the applicant with the needed access as required by the zoning ordinance.

Staff recommends applicant's request for "O" Office, 1st H & A be approved.

Applicant should contact the City of Austin Urban Transportation Department and State Office of Highway and Public Transportation (District 14) regarding driveway access near the intersection of I.H. 35 and Yager Lane.

COMMISSION VOTE

Mr. Snyder moved to grant "O" Office, 1st H & A, as amended. Mr. Jagger seconded the motion. Mrs. Shipman stated she had a problem with signs on IH-35 and offered a friendly amendment to the motion expressing concern for signs since the land is undeveloped and also concern for sign proliferation along IH-35.

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

THE MOTION PASSED BY A VOTE OF 8-0.

SPECIAL PERMITS

C14p-78-048 KMS Ventures, Inc. (by Gregory Kozmetsky - A 4-unit townhouse
 project called "West 16th Place"
 906 West 16th Street

Marie Gaines presented the staff report.

This is an application for a special permit to allow a 4-unit townhouse project on a 0.89 acre tract of land, located at the end of West 16th Street west of its intersection with Pearl Street. West 16th Street is a minor residential street.

The subject tract is a heavily wooded site and is currently zoned "A", 1st H & A and "O", 1st H & A at its southwestern tip.

C14p-78-048 KMS Ventures, Inc.--Continued

The proposed density is 4.49 units/acre. The townhouse ordinance requires a minimum of 3,500 sq. ft. of total project area per unit. Under this provision the allowable density is 12.44 units/acre.

Duplex lots need a minimum of 7,000 sq. ft. per lot or 3,500 sq. ft. per unit. Because of the lot configuration on a cul-de-sac each lot has to measure 33' on the arc and at least 50' on the building setback line. Calculations indicate that 4 lots are possible, because of the terrain and severe topography, however, only 2 duplex lots or 4 units can be developed.

Access to the property is proposed from one driveway off West 16th Street.

The staff recommends approval subject to ordinance requirements and departmental recommendations.

CITIZENS COMMUNICATIONS**PERSONS APPEARING IN FAVOR**

Walter Vackar, representing applicant
Edward Joseph, 1706 San Gabriel
A.L. Moyer, 1701 San Gabriel
Ted Siff, 604 West 11th

PERSONS APPEARING IN OPPOSITION

James T. Anderson, 807 West 16th
John S. Buckley, 901 West 16th
Robert Davis, 903 West 16th
F.C. Goodman, 2806 Northwood
J.T. Neal, 1603 Shoal Creek
Betty R. Price, 1606 Pearl
Walter Reuben, 903 West 16th
Bob Swaffar, 906 West 17th
Lawrence Taylor, 1601 Pearl

COMMISSION ACTION

Walter Vackar discussed the density and the reasons therefor, explaining that this is a bluff and very heavily wooded. He stated the owner willingness to make a permanent easement or deed on the lower portion so nothing can be built on the lower section. He requested a 15-foot setback; that the five-foot rear lot setback be eliminated; and that the sidewalks not be required. Area residents discussed the increased uses of this land in a residential neighborhood and stated it was too costly to develop this tract as a single unit. This would be the first new house in this area in over 30 years, and would be much nicer than weeds. Speaking in opposition, Robert Davis stated the site plan is incomplete at this time and pointed out that several trees would have to be removed for the right-of-way and expressed fear that would affect the drainage. James Anderson expressed concern for the project; discussed the traffic that would be generated; in addition, expressed concern for the density. He stated there are several vacant lots in the area, the people could increase and change the character of the neighborhood. Lawrence Taylor discussed possible erosion, felt the slopes

C14p-78-048 KMS Ventures, Inc.--Continued

should be preserved, this was structurally unstable and would require special foundations. He noted this is a single-family residential area and would prefer two duplexes. Bob Swaffer discussed the drainage; the parking and traffic problems. He pointed out that there were some vacant lots in the immediate area and expressed fear that more townhouses would be put in, definitely changing the character of the neighborhood which consists of single-family dwellings from 500 to 70 years old. He stated that there were six dead end streets in this neighborhood. People are trying to refurbish and live in these older homes. F.C. Goodman objected in that this would create a serious traffic situation, and questioned whether or not emergency vehicles would have proper access. Betty Price stated this is an old neighborhood and opposed the construction of anything that would change the character of the neighborhood, stating that once a permit of this nature is granted, it is easier to get others. Walter Reuben stated this is a fine, old neighborhood with a lot of integrity; the project has merit and is well designed, but expressed concern for the future of the neighborhood, pointing out there are other vacant lots in the area. J.T. Neal expressed concern for the drainage, also questioned the use of the hillside and whether or not someone else could do something with it at a later time. John Buckley expressed concern that townhouses would increase traffic and destroy the historic character of the area. Mr. Stoll stated there is a trend for more permissive zoning in the area. Mr. Vackar stated he is working with the City regarding the drainage and felt the situation would be greatly improved. He proposed a deed agreement for the common area to provide that no further structures would be constructed in that area and discussed the proposals for traffic control, and stated that the Fire Department is in agreement with the proposal.

COMMISSION VOTE

Mr. Snyder moved to grant the request subject to staff recommendations and ordinance requirements and to grant the variance to allow 15 foot setback rather than 25 feet at the cul-de-sac of West 16th Street and to waive the rear lot setback requirements of 5 feet since the common area is over 15 feet, and that the sidewalks along West 16th Street be deleted. Mr. Danze seconded the motion.

Mrs. Shipman felt the neighborhood needed an explanation of the restraints of the Planning Commission regarding special permit requests. Mr. Guerrero pointed out that two duplexes could be built without any change in the zoning or the restrictions this special permit calls for and explained the appeal procedure. Mr. Stoll stated he felt this would increase the property values in the area.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-78-049 AUSTIN-TRAVIS Co. MH-MR: An Eleemosynary Institution
 (by Michael K. Carter) for Adult Residence called,
 6803 Miranda

Mr. Guerrero explained to the Commissioners that a request had been received from the applicant that this be withdrawn.

COMMISSION VOTE

Mrs. Schechter moved to withdraw this application. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C2a-78-003 Proposed Amendment to the Austin Development Plan:
 Low density residential to Planning Development Area
 for industrial uses.
 (by R. Clarke Heidrick, Jr.)
 6700 East Ben White Boulevard

Wayne Golden presented the staff report.

This is a request to amend the Land Use Plan of the Austin Development Plan from Low Density Residential to Planned Development Area for Industrial use to permit a prospective industry, Advanced Micro Devices, to locate in Austin. The Company plans to construct and have in operation by mid-1979, a facility of 120,000 square feet, employing 200 persons. To insure compatibility with existing and proposed land uses in the surrounding area, the applicant has agreed to restrict his property through the use of the P.D.A. and site plan approach.

The proposed P.D.A. contract sets forth certain performance and design standards with a maximum building coverage of 35% of the site and includes the proposed site plan. The plan shows the proposed buildings and the letter indicates the proposed development program. As soon as the appropriate planning and engineering approvals have been obtained, they plan to start construction as soon as possible.

The existing and proposed streets as submitted in the preliminary plan for Sunridge Park will provide sufficient vehicular access for the proposed use and uses anticipated in the general area. A short-form subdivision is presently being processed for the industrial tract.

It should be pointed out the location of Oltoft through this subdivision represents a change in the plan but continues to provide the rear access for the Data General requested by that industry.

The staff recommends the proposed change subject to completion of the appropriate zoning and the short-form subdivision.

C2a-78-003 Proposed Amendment to the Austin Development Plan:

COMMISSION VOTE

Mr. Jagger moved to recommend the proposed amendment to the Austin Development Plan as proposed by staff. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

HISTORIC ZONING

C14h-78-024 Southgate-Lewis House: "B", 2nd H & A to "B-H", 2nd H & A
(by W. H. Passon Historical Society)
1501 East 12th Street

Betty Baker introduced Mrs. Ada Simond, who is representing the W. H. Passon Historical Society.

PERSONS APPEARING IN FAVOR

Ada Simond, W. H. Passon Historical Society

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Mrs. Simond explained to the Commission that she would like to have more time and requested an indefinite postponement of this request for at least 60 days.

COMMISSION VOTE

Mrs. Shipman moved to postpone the request indefinitely. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14h-78-025 Burlage-Fischer House: "O", 2nd H & A to "O-H", 2nd H & A
(by City of Austin)
1008 West Avenue

Betty Baker presented the staff report. This structure was built in 1874 by R. A. and S. E. Upton for Frances Burlage, a widow. In 1881, the property was conveyed to Joseph Francis Fischer. This property remained in the ownership of the Fischer family for more than 40 years.

Francis Fischer was locally prominent in the construction of many buildings, among them the Speech Building at the University of Texas; Pearce Hall (Old Law Building); one of the buildings at St. Edwards; YMCA, 22nd and Guadalupe. In 1899, he built a dam in Mexico.

The structure is distinctive in that it is one of three almost identical in design. The other two being located at 502 and 504 West 14th. The staff feels this structure meets possibly eight or nine of the criteria (a, c, f, h, i, k, l and m) and is one of the better examples for this architectural style and era.

C14h-78-025 Burlage-Fischer House--Continued

The staff recommends that the Commission zone the structure historic and include approximately 10' to the west of the structure and 10' to the north, which is set out in field notes as 2,376 square feet, which allows development of the remaining land area.

I talked with Alfred Lehtonen co-owner of the structure, on August 11 and Mr. Lehtonen requested the exclusion of the excess land and expressed no objection to the zoning.

COMMISSION ACTION

Mr. Stoll moved that based on findings of fact (A), (C), (H), (I), (K), (L) and (M) of the criteria for historic zoning, that "O-H", 2nd H & A, be granted. Mr. Snyder seconded the motion.

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

ABSENT: Danze.

THE MOTION PASSED BY A VOTE OF 8-0.

C14h-78-034 Woodburn House: "A", 1st H & A to "A-H", 1st H & A
(Kim A. Williams)
200 East 40th Street

Betty Baker presented the staff report. This structure was built in 1909 by John B. Headspeth, a local builder, for Francis H. Wagner who was a freight agent with MK&T Railroad. The Wagners resided in this structure until 1914 and then utilized it as rental property. This structure remained in the Wagner family for 25 years until its conveyance to the Woodburns in 1934.

Bettie Woodburn was the daughter of Andrew Jackson Hamilton, the provisional governor of Texas after the Civil War. A son, Col. Thomas B. Woodburn, was a student of Elisabet Ney and became a renown artist for the U. S. Army, painting everything from recruiting posters to a masterful portrait of Gen. Sam Houston which now graces the headquarters of Fort Sam Houston in San Antonio.

In the opinion of the applicant, this structure meets Items (a), (c), (f), (k), (l) and (m) of the criteria. The Landmark Commission determined that this structure meets Items (l) and (m) of the criteria.

The recommendation of the Landmark Commission was to not zone the Woodburn House historic and the vote of the Commission was: 5 for the motion, 2 abstentions and 3 absences.

C14h-78-034 Woodburn House--Continued

PERSONS APPEARING IN FAVOR

Evonne Atlas, 3907 Avenue G
David C. Bodenman, 5704 Bull Creek Road
Gail Caldwell, 4111 Avenue F
Bert M. Cromack, 4016 Duval
Celeste B. Cromack, 4016 Duval
Donald G. Davis, Jr., 3900 Avenue C
Cecilia M. Divino, 3900 Avenue G
J. L. Divino, 3900 Avenue G
Agnes Edwards, 4309 Avenue G
Greg Erickson, 1621 Waterston Avenue
Debbie Evins, 4104 Avenue F
Jack Evins, 4104 Avenue F
Merle Franke, 4102 Avenue D
Grant Gurley, 2217 Leona
Harrille Heierman, 3909 Avenue G
Kathe Hicks, 205 East 40th
Robert E. Hill, 3816 Avenue G
Ann B. Leverich, 4111 Avenue F
Sharon Majors, 3811 Avenue G
Millicent Marcus, 3816 Avenue G
Ken Messner, 4308 Avenue G
Hilda G. Montesino, 3908 Avenue G
Al Ostroot, 3912 Avenue G
Gary P. Penn, 3913 Avenue G
Wanda M. Penn, 3913 Avenue G
Maggie Polachek, 4313 Avenue G
Ruth Reeder, 3906 Avenue D
Tom Reeder, 3906 Avenue D
Dorothy Richter, 3901 Avenue G
Walter H. Richter, 3901 Avenue G
Hope Sanford, 4206 Avenue F
John B. Sanford, 4206 Avenue F
Nell Teas, 3912 Avenue G
Grant Thomas, 4106 Avenue F
Margot K. Thomas, 4106 Avenue F
Kim Williams, 4103 Avenue C
Abe Zimmerman, 3907 Avenue G

PERSONS APPEARING IN OPPOSITION

Doren R. Eskew, 208 West 14th Street
Mrs. J. O. Allen, 512½ East 38½ Street
John L. Barnett, 109 West 38th Street
Mrs. Luce L. Barnett, 109 West 38th Street
Pearl S. Boucher, 4405 Avenue B
Rolland E. Boucher, 4405 Avenue B

C14h-78-034 Woodburn House--Continued

PERSONS APPEARING IN OPPOSITION

Mrs. Cody Bradshaw, 515 East 38½ Street
Mrs. J. F. Clayton, 408 West 40th Street
Collie Click, 4112 Avenue F
Dan N. Gardner, 5707 Marilyn Drive
W. T. Guy, Jr., 4602 Madrona Drive
Mary Hayes, 4203 Avenue G
Mrs. J. Carl Hurley, 309 West 38th Street
Bob Lumpkin, 3904 Avenue H
Jack Myers, 615 East Wonsley Drive
Mrs. Jack Myers, 615 East Wonsley
Hattie B. Rose, 4007 Avenue F
E. Von Rosenberg, 3806 Speedway
Ralph M. Smith, 6804 Glen Ridge Drive
Don Tew, 9400 Spring Hollow
Baxter F. Womack, 4900 Beverly Skyline

COMMISSION ACTION

Jack Evins, president of the Hyde Park Neighborhood Association, stated that the Landmark Commission discussion centered around land use rather than the historic status and that he had done additional research and felt he had additional criteria to be added to the original ones which had been presented to the Historic Landmark Commission. He felt the Woodburn House is worthy of historic status and discussed Criteria (A) which deals with the character, interest or value as part of the development heritage or cultural characteristics of the City of Austin, the State of Texas, or United States. He explained that the Woodburn House, in terms of both its architectural style and its owners and occupants provides an outstanding example of the stages of development Austin experienced in 1909 and thereafter. Hyde Park then was not nearly totally developed and many lots in this very early subdivision had yet to be bought from the M.K.T. Land and Town Company. By 1909 the era of the large two-story home was nearing an end; architectural styles were changing, new innovative single-story designs were about to assume dominance. Very few homes reached the two-story scale or used the wrap around porch. Detailed workmanship was becoming out of reach of the Hyde Park homeowners, who were Austin's upper middle-class, such as merchants, attorneys, real estate agents, ministers, civil servants, and public officeholders and could rarely afford the large estates or brick construction that upper class Austinites built. They built what they could, as well as they could, usually of frame construction. The desire and the ability of the homes of the style and scale of the Woodburn House soon passed Austin's upper middle class. This home, attempting to react to changing times, is truly among the last of this breed.

He then discussed Criteria (K) regarding identification with a person or persons who significantly contributed to the culture and development of the City, State, or the United States. Francis Wagner had come to Austin in 1905 with the advent of the M.K.T. Railroad, for which he was freight

C14h-78-034 Woodburn House--Continued

agent. He and his wife Fannie engaged John B. Headpeth, a notable Austin homebuilder, in 1909 to build what we now know as the Woodburn Home. They resided in the structure until 1914, at which time they were forced to move and to rent the home due to financial problems. He explained that it attracted upper middle class tenants, including James C. Nagle, the chairman of the State Board of Water Engineers, and Silas Ransell, the director of the Industrial Education at The University of Texas. In 1924 the family of Frank and Bettie Woodburn arrived. Bettie Hamilton Woodburn represents one of the most prominent families to grace the history of Austin. Her uncle, Morgan C. Hamilton, was one of Travis County's first settlers and located near Onion Creek in 1837, and was head of the Department of Health for the Republic of Texas for a period, was a Union sympathizer during the Civil War and prominent in the Reconstruction Era as a United States Senator. Bettie's father, Jack Hamilton, was acting attorney general in 1850, a state legislator in 1851, a freshman U.S. Congressman in 1859 and nearly missed being elected Speaker of the House. He gave much influence in Lincoln's administration, returning to Texas in 1861 and was elected state senator. In 1862 cessation forced him to flee for his life and seek refuge at Hamilton's Pool on his brother's property on his way to Mexico. After the war Jack Hamilton was named Provisional Governor of Texas, later Associate Justice of the State Supreme Court, was instrumental in preventing the disenfranchisement of large portions of the population and the division of Texas into smaller states by the Reconstruction Convention of 1868, as well as aiding in the ending of the radical reconstruction tyranny of Governor E. J. Davis.

Frank and Bettie Woodburn lived in Hyde Park ten years prior to moving to the house the Wagner's still owned. They continued as tenants for ten more years before buying the house. Frank, a salesman, was part of Austin's middle class and his resources could not have been too grand. Their son, Frank C. Woodburn, Jr., held the property until his death last year. The Woodburn family brought an extremely prominent Texas family line into Hyde Park for a period of over 60 years. The significance of this family along with the significance and uniqueness of this structure, merits the favorable recommendation of this Commission.

Kim Williams, the applicant, a resident of Hyde Park and a member of the Hyde Park Neighborhood Association, discussed Criteria (L), a building or structure that because of its location has become of value to a neighborhood, community area, or the City. For background information he explained that at one time Hyde Park maintained many distinguishing elements that set it apart from other areas of Austin, a setting of Victorian homes, the original moonlight tower, the arched passageway, the trolley car. Certain structures stood as landmarks and it maintained many of the necessary ingredients of a respected, exciting, desirable neighborhood. More and more realization of the aforementioned ingredients are being recognized, such as evident edges and boundaries creating an identifiable sense of place, landmarks, and greenspaces which blend and contribute to an enjoyable, stable, and successful neighborhood environment. Much of this social and physical heritage

C14h-78-034 Woodburn House--Continued

is still evident in Hyde Park, but, unfortunately, much has been lost. Gone are the tracks, the arched entryway, the pavillion, much of the natural setting and the remaining resources are necessary to provide the necessary ingredients of a successful neighborhood. Not long ago the Moffett House was one of our assets. It is now gone and replaced by institutional construction. The Woodburn House is now feeling "the firey heat from asphalt burning at its heels." He felt the scale is again tipping toward the continued erosion of historic fabric that was Hyde Park. He showed slides and explained the encroachment of parking lots into the neighborhood. He felt many interesting correlations are evident. This home, which was constructed along the trolley tracks, gives history of the neighborhood growth pattern. As other important landmarks around it have disappeared, this structure has now become a much more prominent landmark. In a restored state it would become a symbol of renewed neighborhood pride. The bountiful landscape material on the site offers a welcome relief from the encroaching concrete and asphalt. Most importantly, it now acts as an edge, boundary, or buffer between the institutional encroachment into this residential neighborhood. To lose this house could easily lead to losing many of the smaller homes beyond. This structure possesses two special qualities -- the strong link to the historic development of Hyde Park and several strong neighborhood ingredients. He felt it deplorable that this structure was allowed to deteriorate to this condition, but felt the house not only worthy of preservation, but also restoration and that it was economically and structurally feasible to do so. He explained that very little had been done to modify or change the structure from its original form, which makes it an even easier task for preservation and restoration. He stated there are persons interested in restoring and preserving the structure and would hope they would have the opportunity to do so.

Maggie Polacheck discussed Criteria (C) regarding the embodiment of distinguishing characteristics of an architectural type or specimen, as well as Criteria (I) dealing with the exemplification of the cultural, economic, social, ethnic or historical heritage of the City, State, or United States. She discussed art of the late 1800's and early 1900's and explained that the period 1900 to 1916 was largely ignored and is just now being appreciated for cultural significance. She discussed this period and the arts and crafts movement in America, explaining that furniture, household articles, and art objects for this period have become the most collectible of any today. She explained that the Woodburn House is just as significant an example of it period of architecture as the Littlefield House. She discussed the fine proportions of the rooms, the high quality of construction, the understatement rather than excess to realize how close it is in spirit to this period. Ann Leverich continued by explaining the decorative detail of the windows, lighting fixtures were built into the general design rather than having been added on. There is natural wood throughout the house; it is both old and modern, and its strength and quality of design will keep it timeless. She showed slides as it originally looked and how it could be restored. She stated this house would not be difficult to restore and would welcome the opportunity to make that commercially possible. Mr. Guerrero asked how much she would estimate the cost to restore the house to a livable stage and

C14h-78-034 Woodburn House--Continued

she explained it is still structurally in tact and estimated \$10- to \$15,000 could put it in first class condition, depending on what would be desired.

Greg Ericson who is restoring the Covert House at the present time, discussed the archaeological aspect of the house. He explained that from an archaeological standpoint is how much data the house can give in the future; it was built before central heating and air conditioning; it is fairly unique in the area; it is balloon-framed and is built out of long-leaved yellow pine. A comparable house built out of modern day materials would be lucky to last 40 years; pointing out that this one has lasted for 70 years, with the last ten years no maintenance at all. He felt that it would cost approximately \$22- to \$25,000 to restore the structure, but emphasized that it is in a restorable condition and explained that to be moved it would have to be broken into at least five or six parts because of the way it was originally constructed.

Merle Franke discussed other houses in the area that had been preserved and how they relate to each other. Historic tours have been held in this area. The loss of any one will have an affect on the whole, stating that it is difficult to measure the intrinsic value of one house per se; it must be measured against or in relationship to other buildings in the locale. He explained that the Woodburn House was selected by the neighborhood association as one of many houses in the neighborhood that would be in the entire picture of restoration of Hyde Park, and that the restoration of homes in the Hyde Park area has been going on at a rapidly increasing pace and will continue to do so. It is important to the City as a whole, making the City stronger because of its neighborhoods as they once again become viable communities. He felt that Woodburn does meet the conditions of Criteria (F).

Harrilee Heierman has resided in the area for 48 years, likes the neighborhood and is very interested in seeing the houses in that area restored, and requested the structure be zoned historic. Al Ostroot compared the Covert House with the Woodburn House, explaining that in many respects the Woodburn House has better credentials than the Covert House. He felt it better to have the house, even in its alleged state of degradation than to look at more asphalt. This is an old neighborhood; it was the neighborhood that brought us there -- not the house itself. Do not take the neighborhood apart and dismantle it. Wanda Penn requested historic zoning as a device to protect the neighborhood. This is a question of not only zoning or not zoning the Woodburn House historic, but whether or not there is a Woodburn House or a parking lot. She requested help from further degradation of the neighborhood by the parking lots and pointed out that the Honeycutt and Shott houses had been destroyed by a local church and a local bank when threatened by the possibility of historic zoning. Robert Hill explained there is a definite interest in old homes and that many are being restored. This area has the look and the feel of what Austin must have been like 70, 80, or 90 years ago. This house has been called an eyesore, but it does have a two-story veranda, of which there are precious few left standing. He suggested not a stop-gap measure, but a survey of what is old and good. John Sanford, speaking to Criteria (D), stated that to destroy this house would leave a 15-20 year blank for future generations. John B. Headspeth was the builder

C14h-78-034 Woodburn House--Continued

of this structure and he built homes from roughly 1873 to 1913, having recorded some 24 mechanic's liens. Donald Davis expressed a financial as well as emotional investment in his home as well as in the neighborhood and expressed fear that someday, without consent, a parking lot paved with asphalt would be built next door. He felt the Woodburn House to be a symbol of the Hyde Park neighborhood and expressed some hope that the corporate expansion in the neighborhood can be curbed. He urged the Commission to work with the owner of the house and with the neighborhood association to protect the beauty and the integrity of the Hyde Park Community -- that part of it which is still standing. Grant Thomas discussed Criteria (J) and its relation to a significant historic event. He felt it to be the duty of the Commission to plan what is or what is not historic. One of the questions should be, after how many years does something become historic. He felt that historic is what people make historic. Does it make the papers? Something that is historic is something that marks a turning point. In this case, is the neighborhood for people or is the neighborhood for cars? Steve McArthur emphasized that neighborhoods should be preserved for people for a sense of community which can strengthen the heart of a modern city. Let us not have a metroplex in Austin. Burk Krumac stated he grew up in Hyde Park, is appalled at what has happened there, is emotionally involved, and wished that this could be stopped.

Speaking in opposition, Doren Eskew, a member of the law firm of Eskew, Brady, Womack and Muir, representing the Hyde Park Baptist Church, stated he felt this to be a last-ditch effort to stop parking and is not really a historic fight at all. He felt opposition was interested in preventing a private property owner from using its property for off-street parking. He stated the Hyde Park Baptist Church does not care any more for asphalt paving than any of the persons in opposition. They would very much prefer for there to be no asphalt. The church does not want the asphalt there, it is because the city ordinance requires it to be there. This is an eyesore and should be removed, the lot is between the church building and the church parking lot. He explained how church plans had been changed and buildings had been erected on different lots due to opposition of the neighborhood. It is not historic zoning these people are interested in. They are interested in preventing the Hyde Park Baptist Church from growing and expanding at this location. This is an abuse. He requested this fake request for historic zoning be denied.

Mrs. Schechter asked and Mr. Eskew replied that the church bought this property about two weeks ago. She then wanted to know why so much had been in the newspaper for the past month and Mr. Eskew replied that he felt it was a public relations scheme that had been pursued. In response to her question, he replied that the church had nothing to do with the deterioration of the property. Mr. Danze asked if the church was aware that this would be a battle with the neighborhood prior to making the purchase. Mr. Eskew replied that there was no question about that, explaining that at the outset the neighborhood complained that cars were being parked on the street in front of the houses. The church was asked to do something about that. They bought property and took the cars off the streets. Now the neighbors are complaining that cars

C14h-78-034 Woodburn House--Continued

have been taken off the streets and put on parking lots. Their complaints seem to be about hard-surfaced parking lots, which is a city ordinance requiring that parking lots be hard-surfaced. Every property that has been purchased has met with opposition from people who did not own it and people who were not selling it. He explained that the church has advertised this house for sale. The trustees have invited bids for the removal and the restoration to a new site of the Woodburn House. No bids for demolition of the house will be considered. He stated the church would like to see the house restored if anyone wished to do so, but expressed doubt that the house is worth it. Mr. Stoll stated that there was pride with the Hyde Park name and the church, but felt the situation to be that the church and the neighborhood continue to be at odds for the past several years. He saw a situation of the church growing and a neighborhood trying to restore itself -- that one or the other would have to come out the loser, but felt that neither wished this to happen. He asked if the church had some long-range plans perhaps to build a parking garage as opposed to open space, in regard to making the church compatible with the neighborhood. Mr. Eskew explained that there were good arguments against a parking garage. It accumulates trash and cannot be used for open play space and would be far less attractive than an open space. He explained that the church does want to maintain as much of a park-like atmosphere as is possible. The committees of the church concerned with this have studied it carefully and they believe that surely there must be an accommodation. The church has made a continuing effort to try to communicate with the neighborhood. In fact, the church has furnished the meeting space for the neighborhood meetings. He explained there is no magic answer. If high density development is continued in the neighborhood and the church continues to fulfill its mission, more parking space will be required; a multi-level parking facility or a great deal more land. The church is willing and able to try to accommodate the desires of the neighbors. If they would prefer high-rise parking facility to a park-like open space and if that is the only compromise that can be reached, no doubt that would be reached, insofar as the church is concerned. The plans of the church are not fixed at this time, but the church does have and has continued to have for a long time, architects and planners at work on this. Mrs. Shipman asked that the property that is owned by the church at this point and time be pointed out, the property the church owns and does not have a church building on at this time, and an explanation of the overall plans of the church for that property. Mr. Eskew explained that plans have not been completed and cannot be completed until a determination has been reached as to whether or not this particular property can be used. Mr. Vier felt the decision here was whether or not this should be recommended for historic zoning and that the discussion was getting away from the real issue. Mrs. Shipman felt that the primary concern of the Planning Commission was land use and that of the Lankmark Commission was historic zoning, and felt it to be appropriate to look at the land use of this institution in a residential neighborhood since it is really changing the character of the neighborhood.

C14h-78-034 Woodburn House--Continued

Mrs. Schechter asked and Baxter Wommack explained that land use would be a different set of arguments; the Landmark Commission did study this in depth and pointed out that there was not a single vote in favor of historic zoning. He felt that to be the issue. He stated this was a great church and a great neighborhood. He stated there were three areas, or lots, within four blocks, and if economically feasible, the house could be moved and restored. A parking lot is not as attractive as a restored home, but is somewhat better than other things. He felt the church has helped the neighborhood, has moved some old buildings, warehouses, as well as houses, and has put in open play space in those spaces. If the city blocks in the Hyde Park neighborhood should be counted, there are 96 blocks in the boundaries and the church owns very little more than two city blocks. It has not taken over the neighborhood, in fact a lot of the area it now controls was zoned commercial. The church has been there over 80 years. There was discussion of the house being used as a parsonage for Dr. Smith and it was explained that the pastor is free to own a home, in fact he does, so that he can get away from the church in order to have a little bit of relaxation.

In rebuttal, Jack Evins felt that the house met the criteria as discussed. He discussed objections of the Landmark Commission, and pointed out that newer houses have been given historic zoning. He felt this to be a case of historic preservation and neighborhood preservation. This would be the preservation of an historic house in an historic neighborhood. He questioned what would happen to property values of any residence if a parking lot is placed next to it -- will they be forced to sell as a commercial venture. He pointed out the structure must be preserved as structure. The Woodburn House has been used in the tours to attract tourists and visitors to provide incidental support to business and industry. Any concept of downtown revitalization is going to have to be contingent, in part, from the preservation of the older inner city neighborhoods. This can also help to promote the culture, prosperity, education, and general welfare of the people of the city and visitors to the city. He stated that this house does merit historic designation. He reminded the Commission of the City Council request to examine the parking ordinance as it would affect Hyde Park, pointing out that any redefinition of the ordinance may materially alter the need of the current owner to remove this house. He suggested the possibility of postponing a decision until after the parking ordinance has been heard.

COMMISSION VOTE

Mr. Vier stated he felt there were a lot of issues at stake here, some of which deal with historic and some of which do not. I have to believe that if the Landmark Commission in its infinite wisdom had found any shred of evidence to support this as being historical, they would have so recommended, therefore, I move that we follow their recommendations and recommend to the City Council that historic zoning be denied. Betty Baker suggested that if the Commission concurs with the finding of fact, that they so indicate and that in spite of its meeting that criteria, the reasons be set forth for the recommendation. Mr. Vier felt that the structure would meet the criteria as set forth in (L) and (M). This motion died for the lack of a second.

C14h-78-034 Woodburn House--Continued

There was then discussion of the proposed parking ordinance, and Mr. Guerrero explained that it has not come up as yet. Mr. Stoll asked if the church would be required to request a zoning change to "O" Office in order to use this for parking purposes and it was explained that since it would be off-street parking, it would have to be rezoned.

Mr. Guerrero moved to postpone the request for 30 days. He explained there had been a lot of information presented and that the Legal Department had advised that if the decision of the Landmark Commission is overturned by the City Council, it would be hard to win in court, that it would require a 6-1 vote on the part of the Council to overturn the decision. There are too many unanswered questions insofar as the parking lot use itself -- whether the church will be able to sell the house. He felt that a 30-day postponement would help to secure additional information. Mr. Danze seconded this motion.

Mr. Vier again asked what was really the concern here, are we again getting around the historic issue. Mr. Danze replied that the Commission had passed three historic zoning cases, primarily because there was no objection to them. Mr. Guerrero again explained that he felt there were too many unanswered questions that needed to be resolved. Mr. Stoll stated he was in favor of the 30-day postponement, but stated the very real issue seems to be the necessity of using the historic zoning ordinance for its mandated intent -- the bottom line will be the proper use of the historic zoning. The Commission cannot use that for any other purpose and he felt that was what the Landmark Commission did. At this point Mr. Eskew requested that the Commission not leave it in "never, never land", but to go ahead and recommend to the Council that it be zoned historic or recommend that it not be zoned historic. Mr. Guerrero explained that the hearing had been closed and a motion had been made.

Mr. Snyder felt that it should be continued for 30 days rather than to postpone it again since the hearing had been closed. Mr. Guerrero explained that the action would be continued for 30 days. Mrs. Shipman expressed concern that a lot of information had been presented to the Planning Commission that had not been presented to the Landmark Commission. Betty Baker explained that the staff did not research the structure; and there was information presented to the Planning Commission by the applicants that was not presented to the Landmark Commission.

Mrs. Shipman then requested to add a friendly amendment to request a response from the Landmark Commission concerning the new evidence. Mr. Guerrero and Mr. Danze accepted the amendment.

The Commission then voted on the motion to postpone the request for 30 days and that it be referred back to the Landmark Commission to consider the new evidence.

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

THE MOTION PASSED BY A VOTE OF 5-2.

C14h-78-035 Jacoby-Pope Building: "C-2", 4th H & A to "C-2-H", 4th H&A
(by City of Austin)
200 East Sixth Street

Betty Baker gave the staff report.

The Jacoby-Pope Building was built in 1874 and the original owner was Walter Jacoby. This structure reflects a typical two-story rock commercial building of the late 1800's. In addition, this structure shares a common wall with the historically zoned Hannig Building. Both structures are presently being restored to their original appearance.

The owner, Arthur Pope Watson, Jr., has no objection to the historic zoning of this building.

The Commission determined that this structure meets nine of the thirteen criteria for historic zoning.

COMMISSION VOTE

Mr. Stoll moved that since the structure has been found to have met items (A), (B), (C), (F), (H), (I), (K), (L), and (M) of the criteria for historic zoning, that "C-2-H", 4th H & A be granted. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14h-78-036 Covert House: "A", 1st H&A to "A-H", 1st H&A
(by Alfred Ostroot)
3912 Avenue G

Betty Baker presented the staff report.

This structure was built in 1898 for Frank M. Covert. This structure reflects an economic and cultural link to Hyde Park.

Mr. Covert came to Austin in 1873 and was in various businesses including real estate and insurance, locally, and mining interests in Mexico until 1914 when he founded Covert Automobile Company.

The Landmark Commission determined that this structure meets seven of the thirteen criteria and the request for historic zoning was initiated by the owners.

C14h-78-036 Covert House

PERSONS APPEARING IN FAVOR

Evonne Altas, 3907 Avenue G
David C. Bodenman, 5704 Bull Creek Road
Gail Caldwell, 4111 Avenue F
Bert M. Cromack, 4016 Duval
Celeste B. Cromack, 4016 Duval
J. L. Divino, 3900 Avenue G
Lecilia M. Divino, 3900 Avenue G
Agnes Edwards, 4309 Avenue G
Greg Eriesh, 1621 Waterston
Debbie Evins, 4104 Avenue F
Merle G. Franke, 4102 Avenue D
Grant Gurley, 2217 Leona
Kathe Hicks, 205 East 40th
Robert E. Hill, 3816 Avenue G
Harrilee Hillman
Ann B. Leverich, 4111 Avenue F
Sharon Majors, 3811 Avenue G
Millicent Marcus, 3816 Avenue G
Ken Messner, 4308 Avenue G
Hilda G. Montesino, 3908 Avenue G
Al Ostroot, 3912 Avenue G
Wanda M. Penn, 3913 Avenue G
Gary P. Penn, 3913 Avenue G
Dorothy Richter, 3901 Avenue G
Walter H. Richter, 3901 Avenue G
Hope Sanford, 4206 Avenue F
John B. Sanford, 4206 Avenue F
Nell Teas, 3912 Avenue G
Kim Williams, 4103 Avenue C
Abe Zimmerman, 3907 Avenue G

PERSONS APPEARING IN OPPOSITION: none

COMMISSION ACTION

Mrs. Shipman moved that since the structure has been found to have met items (A), (C), (H), (I), (K), (L), and (M) of the criteria for historic zoning, that "A-H", 1st H & A be granted. Mr. Vier seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

SUBDIVISIONSR105-78 Subdivision Memorandum

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

FINAL SUBDIVISION PLATS -- FILED & CONSIDERED

The staff reported that the following final plats have appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of these plats. The Commission then

VOTED: To APPROVE the following final plats

<u>C8-77-110</u>	<u>Lakeside Hills, Ph. 3-A</u>
	<u>Colony Loop Dr. & Decker Lake Rd.</u>
<u>C8-77-106</u>	<u>The Michael Addition</u>
	<u>Teri Road & Pleasant Valley Rd.</u>

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

SHORT FORM PLATS -- FILED & CONSIDERED

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

VOTED: The APPROVE the following short form plats

<u>C8s-77-201</u>	<u>Resub. of Lots 29 and 30, Blk. 1, Barton Hollow (Amended)</u>
	<u>Hollow Creek Drive</u>
<u>C8s-77-209</u>	<u>Lake Shore Colony, Subd. No. 2</u>
	<u>E. Riverside Drive</u>
<u>C8s-78-133</u>	<u>St. Matthew Subdivision</u>
	<u>Ridge Oak Drive</u>
<u>C8s-78-186</u>	<u>Parkfield Plaza</u>
	<u>Rundberg Ln. W. & Parkfield Drive</u>
<u>C8s-78-204</u>	<u>Resub. of Lots 1 & 2, St. James Subdivision</u>
	<u>Martin Luther King, Jr., Blvd.</u>
<u>C8s-78-226</u>	<u>C. L. Sikes Subdivision</u>
	<u>McNeil Road</u>

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

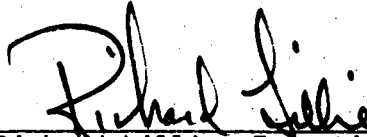
The staff reported that the applicant requested to withdraw the following short form plat. The staff recommends to grant this request. The Commission then

VOTED: To GRANT the applicant's request to withdraw the following short form plat.

C8s-78-230 Resub. of Blk. B, Balcones Woods Commercial
Balcones Woods Dr. & Research Blvd.

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

The meeting adjourned at 11:20 PM.



Richard Lillie, Executive Secretary