

CITY PLANNING COMMISSION  
Austin, Texas  
Regular Meeting -- October 3, 1978

The regular meeting of the City Planning Commission was called to order at 5:45 p.m. in the City Council Chambers, 301 West Second Street.

Present

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

Also Present

Walter Foxworth, Planner  
Elly Malone, Planner  
Betty Baker, Planner  
Joe Ternus, Director Urban Transportation  
Daron Butler, Director Research and Budget  
Maureen McReynolds, Director OERM  
John Meinrath, Legal Department  
Bennie Hawkins, Construction Management  
Ouida W. Glass, Senior Secretary

Absent

Mary Ethel Schechter

C14-78-159	John Gary Johnson (by Gary F. Brown) 13542-13546 Research Boulevard	<u>Interim "AA" Residence,</u> <u>1st H &amp; A to</u> <u>"GR" General Retail,</u> <u>1st H &amp; A</u>
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Elly Malone presented the staff report.

Subject tract is undeveloped and located in far northwest Austin fronting U.S. Highway 183.

To the north is a kennel and undeveloped land in Interim "AA". To the south is undeveloped land in Interim "AA" and "GR" General REtail. To the east, across the Highway is an auto repair and restaurant in Interim "AA". To the west are single family residences outside the city limits.

Subject tract is proposed for a veterinary clinic. A special permit is being processed concurrently with this zoning case.

General Retail Zoning has been consistently recommended and granted along properties fronting U.S. 183. Applicant's request is consistent with this policy.

Staff recommends to grant "GR" General Retail, 1st H & A, save and except for 10 feet to be zoned permanent "A" 1st H & A on the westernmost boundary.

Applicant should consult with the Texas Highway Department prior to development of this site regarding right-of-way and additional building setback line because of future plans for the widening of U.S. Highway 183.

#### COMMISSION ACTION

Mr. Dixon moved to grant "GR" General Retail, 1st H & A, save and except for a ten (10) foot strip to be zoned "A" Residence, 1st H & A. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C814-78-006	W. L. Mayfield -- A Commercial Planned Unit Development Spicewood Springs Road <u>called "Spicewood Center II"</u> (west of Mesa Drive) (by Maury Hood)
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Elly Malone presented the staff report.

This is an application for a commercial P.U.D. in northwest Austin, located on a 3.44-acre tract of land on Spicewood Springs Road just west of Mesa Drive. Both Spicewood Springs Road and Mesa Drive are major arterial streets.

C814-78-006 W.L. Mayfield--continued

The subject tract is adjacent to a site zoned "BB" on the west. A special permit was approved on this tract in 1976 for a 178-unit apartment dwelling group called "Mesa Village Garden Apartments". Large tracts of undeveloped land and a shopping center are located south of the subject tract, a church site and shopping center bound the tract to the east and large undeveloped tracts bound it to the north. Zoning along the intersection of Mesa Drive and Spicewood Springs Road is predominantly "LR" with some "GR".

The current zoning on the subject tract is "LR", 1st Height and Area. Landuse breakdown of the proposed siteplan shows 10 lots to be used for commercial purposes. The leftover areas are designated for parking and green area.

The subject tract is located within the boundaries of the Lake Austin Study Area but does not need to comply since it drains into the Shoal Creek watershed.

Access to the site is proposed from one driveway off Spicewood Springs Road and two access easements through developed properties facing Mesa Drive.

The Planning Commission granted a variance on August 8, 1972 allowing the site size to be less than the 5 acres required in the ordinance.

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

**COMMISSION ACTION**

Mr. Dixon moved to approve the planned unit development in accordance with departmental recommendations and ordinance requirements. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14p-78-050 Fire Department, City of Austin - A Fire Prevention  
517 Pleasant Valley Road and Training Academy  
(by Ed S. Kirkham, Chief)

Elly Malone presented the staff report.

This is an application for a special permit to allow a Fire Prevention and Training Academy, located on a 2.158 acre tract of land on the east side of Pleasant Valley Road, close to its intersection with South Lakeshore Boulevard. This tract is part of a 63 acre tract owned by the City of Austin.

C14p-78-050 Fire Department, City of Austin--continued

The tract is currently zoned "I-A", 1st Height and Area. A special permit was approved in 1973 for a fire drill and training tower just south of our subject tract. To the east and south are City recreational facilities, with the fire training tower located within the parking lot of the recreation center.

Access to the tract is proposed from two driveways off a park access road, which has access to Pleasant Valley Road.

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

## COMMISSION ACTION

Mrs. Shipman moved to approve the Fire Prevention and Training Academy, C.I.P. Project No. 8315 0 in accordance with staff recommendations and ordinance requirements. Mr. Dixon seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14p-78-051 S.R. Sheppard - An Earth Excavation  
4300-4312 Nixon Lane  
(by John C. Elliot)

Elly Malone presented the staff report.

This is an application for a special permit to allow an earth excavation operation on a 13-acre tract of land, located on the east side of Nixon Lane in far east Austin.

The tract is currently zoned "I-AA", 1st Height and Area. The subject tract is within an area designated for industrial use in the Master Plan.

Just recently "DL" zoning was granted on the tract owned by Williams Insulation Company across Nixon Lane. South of our subject tract extending toward the Colorado River earth excavation activities are already taking place.

In areas designated as industrial the standard street R.O.W. must be 80' to accommodate the increase in generated traffic. Nixon Lane is currently only a collector street with 50-60 foot R.O.W. and 20 foot paving. Fifteen feet of additional R.O.W. on the eastside of Nixon Lane will be necessary to upgrade it. Access to the property is proposed from one driveway off Nixon Lane.

The staff recommends approval subject to ordinance requirements, departmental recommendations and dedication of additional 15 feet of R.O.W.

C14p-78-051 S.R. Sheppard--continued

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

S.R. Sheppard, applicant

PERSONS APPEARING IN OPPOSITION

Jesse Bass, 4605 Nixon Lane

Helen Bierce, 4519 Nixon Lane

C. Robert Dorsett, 1108 Lavaca, Suite 400

Thomas G. Dorsett, 1108 Lavaca

Henry Gray, 4613 Nixon Lane

Mrs. Henry Gray, 4613 Nixon Lane

Mrs. Andrew LaFrance, 4502 Nixon Lane

John Sabo, 4300 Nixon Lane

Roy Seggern, 4100 Nixon Lane

Robert Sullivan, 4300 Nixon

COMMISSION ACTION

There was discussion of the use of this property and other uses in the immediate area. Area residents speaking in opposition discussed the zoning request that was filed prior to this request on the property across the street, stating this is an extension of an already existing use. The current request is a degradation of the community, and they expressed concern for the safety as well as sanitary conditions of the immediate area. There also was discussion of the narrow streets and the heavy traffic, as well as the dust factor. In rebuttal, Mr. Sheppard explained that when this area was annexed the City recognized that it was not a residential area and that it had been zoned industrial in the Master Plan. He also pointed out this adjoins an already existing pit.

COMMISSION VOTE

Mr. Guerrero moved to deny the request for the special permit on the grounds that it does not meet Criteria Nos. 1, 6, 7 and 9 of the Urban Transportation Department and Criteria No. 5 of the Building Inspection Department. Mr. Stoll seconded the motion.

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

ABSENT: Danze, Schechter

OUT OF THE ROOM: Shipman

THE MOTION PASSED BY A VOTE OF 6-0.

C14p-78-052 John G. Johnson - A Veterinary Clinic  
13542 Research Boulevard  
 (by Gary F. Brown)

Elly Malone presented the staff report.

This is an application for a special permit to allow a veterinary clinic on a 0.568 acre tract of land, located on the west side of U.S. 183, just north of Anderson Mill Road.

C14p-78-052 John G. Johnson--continued

This tract is currently zoned "I-AA", 1st Height and Area. The applicant is concurrently requesting a zoning change to "GR", 1st Height and Area to allow this special permit.

Although the subject tract is within the boundaries of the Lake Austin study area it will not have to comply with the LAGMP since it is a legal lot.

Vehicular access to the property is proposed from one driveway off U.S. 183.

The staff recommends approval subject to ordinance requirements, departmental recommendations and "GR" zoning being granted. Applicant furthermore needs to check with the Texas Highway Department on consideration of additional building setback or right-of-way because of future plans for the widening of U.S. 183.

## COMMISSION ACTION

Mr. Dixon moved to approve the request for a special permit for a veterinary clinic at 13542 Research Boulevard in accordance with ordinance requirements and departmental recommendations. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14p-78-053 Austin-Travis County MH-MR -- An eleemosynary institution  
for 16 females to be called "Patterson House."  
708 Patterson Avenue  
(by Kathy Fennell)

Elly Malone presented the staff report.

This is an application for a special permit to allow an eleemosynary institution on a 13,542 square foot tract of land, located on the west side of Patterson Avenue north of its intersection with West 6th Street. The subject tract is just south of the Clarksville National Register District.

An existing residence and garage apartment in an established residential neighborhood is to serve as a home for 16 mentally retarded women. Professional staff will be at the facility at all times for supervision.

An application for a halfway facility for 14 people was approved by the Planning Commission in September, 1977, on Rio Grande Street just south of West 29th Street. That property was zoned "B", 2nd Height and Area and was located in an area of mixed land uses (apartments, single-family and church, etc.) with a more transient population residing in the neighborhood. "B" zoning furthermore permits boarding houses without a special permit.

C14p-78-053 Austin-Travis County MH-MR--continued

The current zoning on the subject tract is "A", 1st H & A. Access to the property is provided by one driveway off the alley paralleling Patterson Avenue.

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

## CITIZEN COMMUNICATION

## PERSONS APPEARING IN FAVOR

Kathy Fennell, representing applicant  
Ed Sidenberg, 706 1/2 Patterson  
Mr. and Mrs. Harold Box, 3700 Stevenson, owners of property  
Robert Baker, 608 Patterson  
Mary Grace, 1619 Enfield Road  
Vivienne Lepine, 9400 Claxton Drive  
Barbara Meyer, 2204 Matthews Drive  
Amelia Paredes, 3106 Pinecrest Drive  
Rick Patrick, 1707 Francis Avenue  
Judy Scholtzhaver, 2311 Leigh Drive  
Candy Ward, 5805 Buffalo Pass

## PERSONS APPEARING IN OPPOSITION

Malcolm Greenstein  
Mrs. Hattye Kirkland, 605 Theresa  
Edna L. White, 702 Patterson  
Jan Packard, 609 Theresa  
Reba Lee Peterson, 719 Patterson  
Gerald B. Knape, 607 Theresa  
N.S. Johns, 613 Theresa  
Rev. Willard B. Southerland, 1727 West 11th

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

Petition - 32 signatures

## COMMISSION ACTION

Kathy Fennell explained that this is to be used as a home for 12 to 16 mentally retarded women for the purpose of room, board, and specialized living. The individuals will be working and part of their salary is to be paid back to help support the facility. They will not be left without supervision. She explained they had met with the neighborhood to discuss their proposal and to try to respond to any concerns there might be. She felt this to be a very concerned neighborhood and an appropriate place for this facility. There was discussion of the space and parking requirements and she stated they were within the requirements and could abide with all requirements and recommendations. She requested a restrictive covenant that the special permit go with the applicant and not with the property. There was discussion of the benefits this program had to offer.

C14p-78-053 Austin-Travis County MH-MR--continued

Speaking in opposition Malcolm Greenstein stated these kinds of places are important but that he had a problem since this would set a precedent for special permits for future zoning changes and requested the neighborhood be maintained as it now is. He felt the number of residents would be a problem, that 16 persons are too many for this facility. Reverend Southerland stated the street is unsafe but would welcome this facility in Historic Clarksville. There was discussion by area residents of the narrow street and their concern for the traffic and safety in general. They also were concerned for the number of persons intended to be housed in this facility. This is an older part of Austin, people have lived there for a long time, and it is their home. There was concern for the property values, and it was pointed out that the bus service is not good.

In rebuttal, Kathy Fennell again stated the number of persons to be living in the home is what is authorized by H.E.W.; the individuals will not be driving, and the guests will be very limited. She felt the traffic would be less a problem than if there were four families living there. She replied to Mr. Guerrero's questions that they could comply with all departmental recommendations and ordinance requirements. John Meinrath of the Legal Department explained that only that portion of the alley abutting the property involved must be paved. Mr. Snyder questioned and she explained that it was necessary for financial reasons to have 16 persons. Mr. Guerrero expressed agreement with the concept and stated he hated to see it with a financial burden and not have an opportunity to succeed.

## COMMISSION VOTE

Mr. Jagger moved to approve the special permit subject to departmental recommendations and ordinance requirements. Mr. Vier seconded the motion.

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

ABSENT: Dixon, Schechter

OUT OF THE ROOM: Shipman

THE MOTION PASSED BY A VOTE OF 6-0.

C14p-78-054 Rutland Construction Company - A 34-unit apartment dwelling  
8516-8524 Fathom Circle group called "Oak Shadows Apartments."  
(by Wayne Rutland)

Elly Malone presented the staff report.

This is an application for a special permit to allow a 34-unit apartment dwelling group on a 3.81 acre tract of land located on the east side of Fathom Circle in far north Austin.

This tract is currently zoned "BB", 1st Height and Area. The proposed density is 8.92 units per acre. "BB" zoning allows a density of approximately 24 units per acre. The site falls within the boundaries of the Lake Austin study area. However, a subdivision was recorded on September 15, 1976, which means the subdivision does not have to comply with the LAGMP.



C14p-78-054 Rutland Construction Company--continued

As amenities a pool and clubhouse are proposed. Vehicular access is proposed from one driveway off Fathom Circle.

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

COMMISSION ACTION

Mr. Stoll moved to approve the request for a special permit for a 34-unit apartment dwelling group called "Oak Shadows Apartments" in accordance with departmental recommendations and ordinance requirements. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

HISTORIC ZONING

C14h-74-008     Oliphant House: "B", 2nd H & A to "B-H", 2nd H & A  
(by Donald G. Davis)  
3900 Avenue C

COMMISSION VOTE

Mr. Stoll moved and Mr. Vier seconded the motion to approve B-H, 2nd H & A for the Oliphant House since it has been found to meet Criteria (a), (e), (f), (h), (i), (k), (l), and (m) for historic zoning.

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

ABSENT:     Dixon, Schechter

OUT OF THE ROOM: Shipman

THE MOTION PASSED BY A VOTE OF 6-0.

C14n-78-033     Littlefield Building: "C", 4th H & A to "C-H", 4th H & A  
(by City of Austin)  
East 6th and Congress

COMMISSION VOTE

Mr. Stoll moved and Mr. Vier seconded the motion to approve "C-H", 4th H & A for the Littlefield Building since it has been determined to meet Items (a), (c), (d), (f), (h), (k), (l), and (m) of the criteria for historic zoning.

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

ABSENT:     Dixon, Schechter

OUT OF THE ROOM: Shipman

THE MOTION PASSED BY A VOTE OF 6-0.

C14-h-78-034     Woodburn House: "A", 1st H & A to "A-H", 1st H & A  
(by Kim Williams)  
200 East 40th Street

Betty Baker asked if this was to be a public hearing and if the Commission wished to have a staff report. Mr. Guerrero explained there was new information presented to the Planning Commission and that the Planning Commission had requested it go back to the Landmark Commission for their consideration of the new information. The Landmark Commission has now decided in favor of the historic zoning. At this point Betty Baker explained that the Woodburn House was made an agenda item by the Hyde Park Neighborhood Association and presented to the Landmark Commission for historic zoning on August 21. The Landmark Commission at that meeting determined that the Woodburn House met two criteria, (l) and (m), and recommended that the structure not be zoned historic. The Planning

C14h-78-034 Woodburn House (continued)

Commission heard this on September 5 and you recommended to refer it back to the Landmark Commission for reconsideration since the applicant had provided additional data relating to historic significance which had not been previously presented. The Landmark Commission reviewed this case again on September 18 and then determined that the Woodburn House met items (a), (d), (f), (h), (l), and (m) of the criteria and recommended that it be zoned historic. The request for historic zoning was initiated for the Hyde Park Neighborhood Association by Kim Williams and the owner, the Hyde Park Baptist Church, has filed a formal protest which will require six votes of the City Council to zone this structure historic. The Woodburn House meets six of the 13 criteria. Four of these are broad and could be applicable to almost any structure. The two stronger criteria under which the Woodburn House qualifies are Criteria (a) and (d). The staff would recommend that the determination of the Planning Commission acknowledge the criteria for which this structure qualifies in the findings of fact and call attention to the conflict which might result with historic zoning. The structure is deteriorating and the owner has stated there is no intention to expend any funds toward restoration or maintenance.

## PERSONS APPEARING IN FAVOR

Evonne Atlas, 3907 Avenue G  
George Boutwell, 3913 Avenue C  
Donald G. Davis, Jr., 3900 Avenue C  
Agnes Edwards, 4309 Avenue G  
Debbie Evins, 4104 Avenue F  
Jack Evins, 4104 Avenue F  
Robert G. Hill, 3816 Avenue G  
Sharon Majors, 3811 Avenue G  
Betsy Jolyn Piercy, 1003 East 44th  
Hope B. Sanford, 4206 Avenue F  
John B. Sanford, 4206 Avenue F  
Kim Williams, 4103 Avenue C, applicant  
Abe Zimmerman, 3907 Avenue G

## PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION

It was discussed that this was not a public hearing, that it had been closed. There was discussion of the criteria and some of which were stronger than others. There also was discussion of the Landmark Commission changing their vote. Betty Baker felt that perhaps when this was originally heard by the Landmark Commission it was more or less of a land use issue. When it was presented to the Planning Commission, it was presented as an historic zoning request. The Landmark Commission heard an historic preservation request the second time. Dorothy Richter, representing the Hyde Park Neighborhood Association, felt it to be unfair to hear the staff report and not hear their report; not have another public hearing, explained that the applicant was not in town for the first Landmark Commission hearing and they have since had more time to research. She pointed out that they not only had to change the minds of the Landmark

C14h-78-034 Woodburn House (continued)

Commission, but also had to present the evidence to do so. Mr. Guerrero again pointed out that additional information had been presented, resulting in the request by the Planning Commission to send the request back to the Landmark Commission. Mr. Snyder asked what had happened to the sale. Mr. Vier stated he did not agree with what the church has done and felt the entire situation needs to be changed, but felt the Commission was using the wrong "vehicle" to change it. He was of the opinion that to use historic zoning would endanger the good aspects of historic zoning by raising a lot of opposition that might otherwise not be raised. He felt that it basically still remains an integrity battle and their ultimate goal is to use the historic zoning ordinance to accomplish their means. He was not expressing disagreement with what they were trying to accomplish, but did disagree with the way they are trying to get there. Mr. Danze felt that Item (a) to be a very valid point; it reflects early Austin. Mr. Jagger expressed agreement with Mr. Vier's points of view and stated he wished there was some other way to get parking lots. Mr. Danze stated he was of the opinion that this was an underground issue; it is there.

## COMMISSION VOTE

Mr. Jagger moved, based on the structure having met items (a), (d), (f), (h), (l), and (m) of the criteria for historic zoning, that "A-H", 1st H & A be granted. Mr. Danze seconded the motion.

AYE: Danze, Guerrero, Jagger, Shipman, Snyder, Stoll.

NAY: Vier.

ABSENT: Dixon and Schechter.

THE MOTION PASSED BY A VOTE OF 6-1.

C14h-78-037 Scarbrough House: "B", 2nd H & A to "B-H", 2nd H & A  
(by Earl and Jo Sue Howard)  
1801 West Avenue

Betty Baker explained that applicant had requested this application to be withdrawn.

## COMMISSION VOTE

Mr. Vier moved to withdraw the request for "B-H", 2nd H & A as requested by applicant. Mr. Snyder seconded the motion.

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

ABSENT: Dixon, Schechter

OUT OF THE ROOM: Shipman

THE MOTION PASSED BY A VOTE OF 6-0.

THE MOTION PASSED BY A VOTE OF 6-0-1.

SUBDIVISIONS

R105-78 Subdivision Memorandum

Short Form and Final Subdivisions as listed  
on the Subdivision Memorandum. Action taken  
at the 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 been complied with. The staff recommends approval of this plat. The Commission then

VOTED: To APPROVE the following final plat.

C8-78-72 Milwood, Section Four  
Duval Road

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

ABSENT: Danze and Schechter.

SHORT FORM SUBDIVISION PLATS -- FILED AND 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: To GRANT the variance and to APPROVE the following short form plat subject to a restrictive covenant, as agreed to by the applicant, providing for a minimum building setback of six feet on Lot 1 and ten feet on Lot 2 with provision for setbacks consistent with 5th H&A District in Zoning Ordinance if use is changed.

C8s-78-166 Bubba Subdivision  
U.S. Hwy. 290 West

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

ABSENT: Danze and Schechter.

The Commission then

VOTED: To APPROVE the following short form plats.

C8s-78-238 Resub of Lots 7 & 8, Block 60 Original City of Austin  
E. 6th Street & Neches Street

SHORT FORM SUBDIVISION PLATS -- FILED AND CONSIDERED (continued)

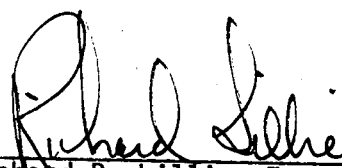
C8s-78-252 A.C.I. Industrial Park  
Ben White Blvd.

C8s-78-255 Sunridge Park Section 2  
Ben White Blvd. & Montopolis

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

ABSENT: Danze and Schechter.

The meeting adjourned at 8:40 p.m.

  
Richard R. Lillie, Executive Secretary