

CITY PLANNING COMMISSION
Austin, Texas
Regular Meeting -- November 7, 1978

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

Present

Miguel Guerrero, Chairman
Leo Danze
Sid Jagger
Sally Shipman
Bernard Snyder
Jim Vier

Also Present

Richard Lillie, Director of Planning
Tom Knickerbocker, Assistant Director of Planning
Evelyn Butler, Supervisor Current Planning
Elly Malone, Planner
Betty Baker, Planner
John Meinrath, Legal Department
Charles Graves, Director of Engineering
Ouida Glass, Senior Secretary

Absent

Freddie Dixon
Mary Ethel Schechter
Bill Stoll

HISTORIC ZONING

C14h-78-027 Limerick-Frazier House: "B", 2nd H & A, to "B-H", 2nd H & A
(by W. H. Passon Historical Society)
810 E. 13th Street

Betty Baker explained this house was built around 1876 and the original owner was Joseph Limerick. The Landmark Commission had determined that this structure met eight of the 13 criteria and recommended that it be zoned historic. The owners have no objection to this zoning. She showed slides showing restoration of the structure.

COMMISSION VOTE:

Mrs. Shipman recommended to grant "B-H", 2nd H & A, since the structure has been found to have met Items A, C, F, H, I, K, L and M of the criteria for historic zoning. Mr. Vier seconded the motion.

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

ABSENT: Dixon, Schechter, Stoll

THE MOTION PASSED BY A VOTE OF 6-0.

C14h-78-039 Hurt House: "B", 2nd H & A, to "B-H", 1st H & A
(by City of Austin)
2210 San Gabriel

Betty Baker explained this structure was built in 1891 and the original owner was James T. Hurt, who was most prominently known locally for his agricultural success and innovative farming methods. The Landmark Commission has determined that this structure meets six of 13 criteria and recommended that it be zoned historic. The owner opposes this zoning.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR: Roxanne Williamson, applicant
David Harrison, Betty Phillips

PERSONS APPEARING IN OPPOSITION: Clarke Heidrick, attorney representing owner
Dr. William Gamel

WRITTEN COMMENTS IN FAVOR: Petition, Mrs. White

WRITTEN COMMENTS IN OPPOSITION: J. Alan Marks, 2210 San Gabriel
Clinton P. Sayers, 3105 Kerbey Lane

C14h-78-039 Hurt House (cont'd.)

COMMISSION ACTION:

Roxanne Williamson explained the reasons why she felt this structure worthy of historic designation and pointed out that it is one of a very few remaining examples of a type of architecture classified Texas Victorian. She felt it to be architecturally significant to the citizens of Austin. She explained the background of the Hurt family and discussed the fact that she felt the structure also could meet criteria A.

It was pointed out that almost every house of this quality in the City already has "H" designations. David Harrison stated that this is the only example of Victorian architecture left in the west campus area and felt it should be preserved for the west campus area and for the history of Austin. Betty Phillips presented petitions and letters in favor of the historic designation and stated she would like to see this preserved. There was discussion of economic hardship and how the historic zoning could be removed should this situation arise. She felt there could be economic benefits in the form of tax abatement and the possible resale value of the property as a residential home. She felt the right to tear the structure down would be the only thing the owner would give up and urged that it be preserved for the future.

Speaking in opposition, Clarke Heidrick, attorney for the owner, stated the owner is no stranger to historic preservation, but the structure had been purchased for and is being used for student housing. He is opposed to the "H" designation; does not feel this structure is what historic should be. He felt the future market for the house would be damaged; that it would be an undue infringement on what he can do with his property. He discussed the criteria and stated it was their opinion that this structure does not fall within the classification of what constitutes historic. He felt this would be against the purpose of the ordinance. There was discussion of the rights of the owner, the probability that the property will run down, and the negative impact of compulsory zoning.

Dr. Gamel expressed resentment of implications for what his investment brings; resentment for someone else making an application for his property, abrogating his rights as an owner, and telling him what he can or cannot do. He felt this issue to be whether or not the property owner has rights. Mrs. Shipman asked if the house would be worth the same value if it were located in the county and not within the city limits. Dr. Gamel replied that he did not know.

COMMISSION ACTION

Mrs. Shipman moved and Mr. Danze seconded the motion to grant "B-H", 2nd H & A, for this structure since it has been found to have met items A, C, F, H, K, L, and M of the criteria for historic designation. Mr. Vier

C14h-78-039 Hurt House (cont'd.)

offered a substitute motion, stating that basically he agreed with the applicant, felt the zoning should not be against the applicant's will; it only meets seven of the 13 Findings of Fact and some of them are questionable, therefore, he moved to deny the "H" designation. The substitute motion was seconded by Bernard Snyder. This motion ended in a 3-3 tie vote.

The Commission then discussed the original motion to grant "B-H", 2nd H & A. Mr. Snyder felt the applicant was opposed in principle, was an individual who knows historic zoning and does not want his property encumbered and felt that the Commission should not recommend the historic designation. Mr. Danze felt this to be another case of personal rights versus rights of the community. He felt there were times the personal rights must be given to the community; did not believe historic buildings should be torn down.

The Commission then voted on the original motion to grant "B-H", 2nd H & A.

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

THIS RESULTED IN A 3-3 TIE VOTE.

C14h-78-040 Page-Gilbert House: "A", 1st H & A, to "A-H", 1st H & A
(by Dorothy Richter)
3913 Avenue G

Betty Baker explained this house was built in 1893. The original owner, C. H. Page, was a native of England who came to Austin to work on the capitol building and is well recognized for his masonry work. His sons were prominent local and southwestern architects. The Landmark Commission has determined that this building meets eight of the 13 criteria and recommended that it be zoned historic. The owners have no objection to the zoning.

COMMISSION VOTE:

Mrs. Shipman moved and Mr. Danze seconded the motion to grant "A-H", 1st H & A, since it has been found that the structure will meet items A, D, F, H, I, K, L, and M of the criteria for historic zoning.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14h-77-041 Wm. T. Caswell House: "A", 1st H & A, to "O-H", 1st H & A
(by Dr. & Mrs. John C. Buckley)
1502 West Avenue also bounded on
the south by West 15th Street and
on the east by West Avenue

Betty Baker explained the structure meets nine of the 13 criteria for historic designation. The request has been initiated by the owner.

COMMISSION VOTE

Mr. Vier moved to grant "O-H", 1st H & A, 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. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14h-78-043 M. M. Shipe Home: "A", 1st H & A to "A-H", 1st H & A
(by Robert Edward Hill)
3816 Avenue G

Betty Baker stated this house was built around 1892. Mr. Shipe, a northern capitalist, developed Hyde Park and is prominently known in this regard. He was involved in civic affairs and instrumental in the adoption of the first charter for the City of Austin. The Landmark Commission has determined that this structure meets nine of the 13 criteria and recommended that it be zoned historic. She explained that criterion "E" had been omitted by the Commission but is included here; therefore, the structure meets 10 of the 13 criteria. This request was initiated by the owners.

COMMISSION VOTE

Mr. Snyder moved and Mr. Vier seconded the motion to grant "A-H", 1st H & A, since the structure has been determined to have met items A, C, E, F, G, H, I, K, L, and M of the criteria for historic zoning.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-78-184 Dr. and Mrs. John C. Buckley: "A", 1st H & A to "O", 1st H & A
1502 West Avenue also bounded
on the south by West 15th Street
and on the East by West Avenue

There was discussion of the necessity for the zoning request and then the request for Historic designation. John Meinrath explained that Historic is a designation and not zoning and would recommend against trying to combine the two. It was explained that applicant is a physician and wishes to use the structure for his office, is requesting historic designation, and is making application for funds for restoration and adaptive use. This use would continue to reflect the residential character of the area. The Landmark Commission recommended favorable consideration of the "O" Office in conjunction with their historic recommendation.

Mr. Vier moved and Mr. Danze seconded the motion to grant "O" Office, 1st H & A.

THE MOTION PASSED BY A VOTE OF 6-0.

On a consent motion by Mrs. Shipman and seconded by Mr. Vier the Commission approved the following subject to staff recommendations and ordinance requirements:

C14p-78-056 Bobby Nelson: A lounge called "Split Rain Inn"
(by Mark Bennett)
217 South Lamar

THE MOTION PASSED BY A VOTE OF 6-0.

C14p-78-024

Professional Contractors:
9484 Jollyville Road
(by C.L. Reeves)

A 160 unit apartment dwelling group

Elly Malone presented the staff report.

This is an application for a special permit to allow a 160 unit apartment dwelling group on a 6.953 acre tract. The property fronts Jollyville Road just south of the intersection with Loop 360. The western portion of the tract is located in the Lake Austin Watershed and the east half is in the Shoal Creek Watershed. As impervious coverage exceeds that permitted under the Lake Austin Growth Management Ordinance, alternative methods must be used to meet the ordinance requirements.

Current zoning is "LR", 1st H & A on Tract 1 and "BB", 1st H & A on Tract 2. A restrictive covenant on the tract requires the provision of a buffer on the south and west adjacent to the residential development. The proposed density is 21.66 units per acre on Tract 1 and 23.86 units per acre on Tract 2.

Trees were located on the site and the site layout took their preservation into consideration.

Access is proposed from one driveway on Jollyville Road.

The staff recommends approval subject to compliance with ordinance requirements, departmental recommendation and approval of alternative methods by the City departments.

PERSONS APPEARING

C.L. Reeves, applicant
Bill Martin, President, Balcones Civic Association

COMMISSION ACTION

Mr. Reeves explained this has not changed from the original application and that the density and requirements have been agreed to with the neighborhood, the restrictive covenants now are a result of having negotiated with the neighborhood association. He discussed the swimming pool and explained it was a subgrade pool and the staff comments are not applicable. He discussed the location of the buildings and explained the design for two particular buildings and the reasons therefor, pointing out that to move these buildings would destroy trees. Mrs. Shipman expressed concern for consistency on the part of the Planning Commission regarding the Lake Austin standards. There was discussion of the approach main and Mr. Reeves explained he had not applied for the approach main and had not as yet determined whether or not an approach main would be necessary. He discussed possibilities available but has not as yet made a decision. John Meinrath explained there are no provisions in the zoning ordinance that water and wastewater service be provided to property prior to approval of a special permit. He was of the opinion the special permit could be granted on this property without an approach main having been approved by the City Council.

C14p-78-024 Professional Contractors--continued

COMMISSION VOTE

Mr. Snyder moved to approve the special permit with the following adjustments: To delete Item No. 4 of Building Inspection requirements; Items 2 and 3 of the Planning Commission recommendations be deleted; and that approval be subject to all other departmental recommendations and ordinance requirements. Mr. Vier seconded the motion.

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

ABSENT: Dixon, Schechter and Stoll.

ABSTAINED: Danze.

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

C14p-78-057 Capitol City Oil Company -- Gas station with sale of beer
for off-premise consumption
5313 Manor Road

Elly Malone presented the staff report

This is an application for a special permit to allow the sale of beer for off-premise consumption in an existing gas station. This gas station on a 0.87-acre tract of land is located in the southeast corner of the intersection of Manor Road and Pecan Springs Road.

The tract is currently zoned "GR", 1st H & A, and adjoins a "C" Commercial district. With a special permit "C" uses are allowed on tracts zoned "GR" when adjoining "C" or a less restrictive district. The applicant had originally requested a zoning change to "C" in September 1978. The zoning change was postponed pending the outcome of this special permit, which was suggested as an alternate route during the hearing.

Access to the property exists from two driveways of Manor Road and one driveway off Pecan Springs Road.

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

PERSONS APPEARING

Michael Garrett, Pecan Springs Integrated Neighborhood Association

COMMISSION ACTION

Michael Garrett, appearing for the Pecan Springs Integrated Neighborhood Association, had no objection to the special permit but did express concern for what would happen to the property if the business does not succeed. He asked for some opinion from the Legal Department as to whether or not a stipulation could be included that the special permit would end if the business should end. He requested investigation of a means whereby the special permit would stay with the ownership rather than with the property.

C14p-78-057 Capitol City Oil Company--continued

COMMISSION VOTE

Mrs. Shipman moved and Mr. Danze seconded the motion to approve the special permit subject to departmental recommendations and ordinance requirements.

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

ABSENT: Dixon, Schechter and Stoll

THE MOTION PASSED BY A VOTE OF 6-0.

C814-78-007 Forister - Scudder, Inc. - A residential P.U.D.
called "LEGENDS LANE AT ONION CREEK"
Pinehurst Drive

Elly Malone presented the staff report.

This is a application for a Planned Unit Development in Onion Creek, south of the Austin City limit lines. The P.U.D. is to be located on a 7.658 acre tract of land, which is bounded on one side by Pinehurst Drive.

The tract is adjacent to single-family development on the northwest and is bounded by recreational land, the Onion Creek Golf Club on all its other sides. Since the subject tract is outside the Austin City limits the properties do not show zoning designations.

Land use break down of the proposed project shows a total of 38 zero-lot line tracts, with the remainder of the land designated for street and green-areas. The proposed density is 4.96 units/acre.

Access to the site is proposed by one private street off Pinehurst Drive.

The staff recommends approval subject to ordinance requirements and departmental recommendations. Although the plan does not technically meet the concept of the P.U.D. Ordinance, the staff feels justified in recommending approval since the subject tract is surrounded by a golf course and open space.

PERSONS APPEARING

Bill Scudder, Planner and Part Owner

COMMISSION ACTION

Bill Scudder, planner and part owner of the tract, expressed agreement with the recommendations of the staff. He discussed the guest parking, stated there were four off-street parking spaces per unit and he felt that to be adequate. He also requested they not be required to spot the significant trees. There was discussion of the turn arounds and of the streets and he requested the circle not be moved.

C814-78-007 Forister - Scudder, Inc.--continued

COMMISSION VOTE

Mr. Jagger moved and Mr. Danze seconded the motion to approve the P.U.D. in accordance with staff recommendations and ordinance requirements and to eliminate the last three items under recommendations 2 and 3 of the Planning Department and No. 1 of the Urban Transportation Department.

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

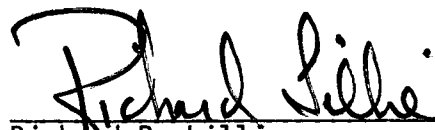
THE MOTION PASSED BY A VOTE OF 5-0-1.

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

The Planning Commission considered items listed on the Subdivision Memorandum and took the action as recommended on the attached memorandum.

AYE: Danze, Guerrero, Jagger, Shipman, Snyder and Vier.
ABSENT: Dixon, Schechter and Stoll.
ABSTAINED: Mr. Danze on C814-76-005

The meeting adjourned at 7:35 PM.


Richard R. Lillie
Executive Secretary

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November 7, 1978

Planning Commission--Austin, TX

FILE	SUBDIVISION NAME LOCATION	Filed With P.C.	Days Expires	REPORTS RECEIVED -- "X" if OK Footnotes if not OK: explain below															PLANNING RECOMMENDATION	ACTION
				County Engr.	St. Name Approval	Tax Cert.	E.R.M.	Bldg. Insp.	Water	San. Sewer	Health	Planning	Eng. *	Dir. P.W.	Parks & Rec.	Urban	Trans.	Gas		
Ca- 14 76 005	P.U.D. FINAL SUBDIVISION Quail Run, Section Two Rundberg Lane				X	X	X	NA	X	X	X	X	X	X	X	X	X	X	APPROVE	Mr. Danze abstained.
	OLD FINAL SUBDIVISION PLATS																			
78 09	Hill Country, Phase One Thomas Springs & Murrum Cr. Dr.	-	-		X	X	X	NR	X	X	X	X	X	X	X	X	X	X	APPROVE	
78 71	Quail Valley, Section One Quail Blvd. & Countryside	-	-		X	X	X	NR	X	X	X	X	X	X	X	X	X	X	APPROVE	
	OLD SHORT FORM SUBDIVISIONS																			
5 78 74	Harris Addition No. 2 Ed Bluestein Blvd. & Hudson St.	-	-	NR	X	X	X	X	X	X	NR	X	X	NR	NR	X	X	NR	APPROVE	
78 209	Burnet Road Business Park Longhorn Blvd. & F.M. 1325	-	-	NR	X	X	X	X	X	X	X	X	X	NR	NR	X	X	NR	APPROVE	
78 277	Resub. of Lot 6, Koger Executive Center, Unit 3 Spicewood Springs Rd. & Hart Ln.	-	-	NR	X	X	X	X	X	X	NR	X	X	NR	NR	X	X	NR	APPROVE	
78 297	Nation & Jones Addition Fortview Rd. & Ben White Blvd.	-	-	NR	X	X	X	X	X	X	NR	X	X	NR	NR	X	X	NR	APPROVE	
78 286	Veannis M. Pressler Addition S. 10th St. & Rio Grande St.	-	-	NR	X	X	X	X	X	X	NR	X	X	NR	NR	X	X	NR	APPROVE	

*Telephone, Electric and Drainage requirements are cleared upon receipt of this report.

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