

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting -- February 7, 1978

The meeting of the Planning Commission was called to order at 5:50 p.m. in the Electric Building Auditorium.

Present

Miguel Guerrero, Chairman
Leo Danze
Freddie Dixon
Sid Jagger
Mary Ethel Schechter
Sally Shipman
Bill Stoll
James G. Vier

Absent

Bernard Snyder

Also Present

Richard R. Lillie, Director of Planning
Tom Knickerbocker, Assistant Director of Planning
Brian Schuller, Planner
Duncan Muir, Planner
Wayne Golden, Planner
Betty Baker, Planning Technician
Lonnie Davis, Director of Building Inspection
Jim Gotcher, Building Inspection Department
John Meinrath, Legal Department
Charles Graves, Director of Engineering
Ouida W. Glass, Senior Secretary

ZONING

C14-75-100 William B. Cotton: Interim A, 1st to C (as amended)
(by Bill Burba)
3401 Ed Bluestein Boulevard

Mr. Duncan Muir of the Planning Department presented the staff report. The staff recommends that "DL" Light Industrial be denied as incompatible with the commitments made on adjacent tracts to the north, west, and south; but that "C" Commercial be granted on approximately the eastern half, that a strip of 50 feet of "O" Office along the western border of the "C" be granted, and that "A" Residence be granted west of the "O" Office buffer strip.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Harold Whitaker, Carpenter & Assoc., Inc., 510 South Congress
Tracor Industrial Land Co., 6500 Tracor Lane

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Bill Burba, representing applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Applicant requested a lesser buffer between the school and the subdivision to the south and agreed to the "C" zoning. Mr. Jagger felt the applicant should meet with the staff and decide what really needs to be done and to leave the zoning at Interim "A" on approximately the west half until such time as an agreement is reached. Mrs. Shipman felt there should be less intensive zoning near the elementary school.

COMMISSION VOTE

Mr. Jagger moved to grant "C", Commercial, "1st" H&A, as amended, on the eastern half of the tract and to postpone action on the remainder of the tract pending subdivision. Mr. Stoll seconded the motion.

AYE: Messrs. Danze, Guerrero, Jagger, Stoll and Vier.
Mmes. Schechter and Schechter.

ABSENT: Messrs. Dixon and Snyder.

THE MOTION PASSED BY A 7-0 VOTE.

C14-75-113 W. T. Caswell Estate: B, 2nd to D, 2nd
 (by W. L. Allison)
 410 Chicon Street, also bounded by E. 4th Street

Mr. Duncan Muir of the Planning Department presented the staff report. The staff recommends that "D" Industrial be denied, and that "DL" Light Industrial be denied unless the applicant is willing to provide ten feet of right-of-way on East Fourth Street and five feet of right-of-way on Chicon Street for future widening of both streets to accommodate increased traffic densities which may be generated by uses permitted by zoning intensification, in which case the staff would recommend that "DL" Light Industrial be granted excluding the southernmost five feet to remain "B" Residence. This recommendation will permit an industrial use of the entire tract, provide for street widening and create a buffer for the residential use on the south. Commercial or industrial use of subject tract is consistent with adjacent zoning and uses oriented to rail access.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

John Miller, representing applicant

William Caswell Ward, representing Estate

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Applicant indicated that to eliminate the driveway would be an inconvenience; the access is needed. It was also stated that they could not support the fencing requirement if part of the site were zoned "B". Mr. Jagger explained that this would require a fence only if someone wanted to change the use of the property. Mr. Guerrero expressed concern for the housing complex and the playground area, felt that it was another intrusion for the housing complex. Mrs. Shipman felt a site plan was needed, she did not feel comfortable with blanket zoning.

COMMISSION VOTE

Mr. Danze moved to grant "DL", Light Industrial, "2nd" H & A in accordance with staff recommendations and ordinance requirements. Mrs. Schechter seconded the motion.

AYE: Mr. Danze and Mrs. Schechter.

NAY: Messrs. Guerrero and Jagger.

Mrs. Shipman.

ABSENT: Messrs. Dixon, Snyder, Stoll and Vier.

THE MOTION FAILED BY A 3-2 VOTE.

C14-76-003 David C. T. Wollett: A, 1st to B, 2nd
501 West 38th Street

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the City Council had granted "B", "2nd" zoning on this tract in 1976 subject to compliance with a particular site plan which tied this tract with a development proposed on the east. This condition has not been complied with and in December of 1977 the Planning Commission reviewed the case for extension/dismissal at which time they indicated the desire to hold another hearing to consider removal of the site plan condition. If the condition is removed, the zoning could be passed. The staff recommends to delete the restrictive covenant condition requiring a site plan.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

John Lewis

Ralph Keller

WRITTEN COMMENTS IN FAVOR

J. W. Howeth, 505 West 38

Ed Padgett, 506 West 37

H. C. Byler, 403 West 38

WRITTEN COMMENTS IN OPPOSITION

John C. Lewis, 1200 American Bank Tower

COMMISSION ACTION

The Commission heard testimony indicating the desire to see a site plan and that there were trees that needed to be considered. Traffic is a problem in the area. There was no indication from the applicant that this zoning was still desired.

COMMISSION VOTE

Mr. Jagger moved to dismiss the case for failure to comply with conditions.
 Mr. Stoll seconded the motion.

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

 Mmes. Schechter and Shipman.

ABSENT: Mr. Snyder.

THE MOTION PASSED BY A 8-0 VOTE.

C14-76-093 John A. Parker: Interim AA, 1st to C; 1st
(by P. M. Bryant)
1601-1623 Cameron Road
1600-1610 Future Drive

Mr. Duncan Muir of the Planning Department presented the staff report. The requested zoning is not recommended because it would set an undesirable precedent for undeveloped land in this vicinity. The predominant land use in this vicinity is low density residential and continued development of this neighborhood could depend upon protection from the expansion of intensive land uses. The commercial uses existing on this tract may continue as legal nonconforming uses. The staff recommends that any zoning change be denied.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

John Parker, applicant
E. J. Hood

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

Petition - 6 names

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

Applicant stated that the tract in question was intended for the last twenty years to be commercial. He indicated the property owner living adjacent to this tract is in favor of commercial zoning. Mrs. Shipman felt the area to be residential and that commercial is not compatible. Mr. Jagger was of the opinion there should be some buffering between this and the neighborhood; suggested the staff and applicant study the area and be more realistic about the uses here. He recommended the request be postponed until a determination could be made regarding proper zoning.

COMMISSION VOTE

Mr. Jagger moved to postpone the request for one month; study the matter again, and the staff come back with a recommendation for some type zoning other than "A" Residential. Mrs. Schechter seconded the motion.

AYE: Messrs. Danze, Dixon, Guerrero, Jagger and Vier.
Mmes. Schechter and Shipman.

ABSENT: Mr. Snyder.

OUT OF THE ROOM: Mr. Stoll.

THE MOTION PASSED BY A 7-0 VOTE.

Cl4-77-185 Capital City Steel: Interim A, 1st to DL, 1st (as amended)
(by Bob Burns)
Rear of 5717 Circle S. Road

Mr. Brian Schuller of the Planning Department presented the staff report. The staff recommends that "DL" Light Industrial be granted, but that "2nd" H & A be denied and "1st" H & A be granted.

COMMISSION ACTION

The applicant amended the request to "DL", "1st".

COMMISSION VOTE

Mr. Jagger moved to grant "DL" Light Industrial, "1st" H & A, as amended.

Mrs. Schechter seconded the motion.

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

Mmes. Schechter and Shipman.

ABSENT: Mr. Snyder.

THE MOTION PASSED BY A 8-0 VOTE.

Cl4-78-001 Wayne M. Laymon: A, 1st to GR, 1st
(by John Lewis)
12902-12936 U.S. Hwy. 183 North

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the requested "GR" zoning is consistent with the zoning policy for this thoroughfare, therefore, the staff recommends that "GR" General Retail, "1st" H & A be granted.

PERSONS APPEARING IN FAVOR

John Lewis, representing applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Mr. Lewis requested that applicant be granted two driveways since one was not enough. Mr. Muir felt this could be worked out administratively.

COMMISSION VOTE

Mr. Stoll moved to grant "GR" General Retail, "1st" H & A. Mrs. Shipman seconded the motion.

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

Messrs. Schechter and Shipman.

ABSENT: Mr. Snyder.

THE MOTION PASSED BY A 8-0 VOTE.

C14-78-002 Estate of Mrs. E. V. Catterall: B, 1st to O, 2nd
(by Joel B. Mitchell)
815 West 11th Street

Mr. Duncan Muir of the Planning Department presented the staff report. Although 2nd H & A does exist in this area, it is not generally utilized. The character of the existing development is still low-density residential; the staff considers the 2nd H & A incompatible with the existing residential in this area. The staff recommends that "O" Office be granted, but that 2nd H & A be denied.

COMMISSION VOTE

Mr. Jagger moved to grant "O" Office, "1st" H & A, as amended. Mr. Stoll seconded the motion.

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

ABSENT: Mr. Snyder.

THE MOTION PASSED BY A 8-0 VOTE.

C14-78-003 Alex L. Calderon & Eleuterio Laredo: A, 1st to O, 1st
(by Terry J. Sasser)
4201 Marathon
1004-1006 West 42nd Street

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the zoning policy which has been adhered to in the area is to maintain the low density neighborhood north of 42nd Street. The staff, therefore, recommends that "O" Office, "1st" H & A be granted, subject to dedication of one-half the additional right-of-way, five feet, necessary to expand Marathon Boulevard and West 42nd Street to 60 feet.

COMMISSION VOTE

Mrs. Schechter moved to grant "O" Office, "1st" H & A, subject to the dedication of five feet of right-of-way on Marathon Boulevard and West 42nd Street. Mr. Stoll seconded the motion.

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

ABSENT: Mr. Snyder.

THE MOTION PASSED BY A 8-0 VOTE.

C14-78-004 Adolph A. Kremel, Jr.: A, 1st to B, 1st
 (by Tom Curtis)
 1401-B West 29th Street
 corner of Oakhurst and West 29th Street

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the purpose of this application is to add another residential unit over the existing carport, resulting in a total of three units on this tract. Although the requested zoning will permit more than three units, the staff considers any additional units beyond the maximum in "A" Residence, two units, to be inconsistent with the character of the neighborhood. The staff recommends that the density limitation of "A" Residence be maintained and that "B" Residence, "1st" H & A be denied.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Tom Curtis, representing applicant

PERSONS APPEARING IN OPPOSITION

Tom Sheffelman

Philip Dial, 2820 Wooldridge Drive

WRITTEN COMMENTS IN FAVOR

James R. Irion, III

Mr. and Mrs. L. H. Wand - comments

WRITTEN COMMENTS IN OPPOSITION

Alan Y. Taniguchi, 2818 Wooldridge

Martin S. Kermacy, 2816 Wooldridge Drive

Mrs. Howard W. Townsend, 1404 West 29th

Mrs. Lillie Stein Matthews, 2900 Oakhurst

Roy W. Holley, 1401 Mohle Drive

Debbie Durrett, 1402 Mohle Drive

Robert D. King, 1406 W. 29th

B. F. Knape, 2902 Oakhurst Avenue

Robert W. Calvert, 1411 West 29th St.

COMMISSION ACTION

There was discussion regarding the use of the property. There was concern from a practical standpoint and regarding the long term aspect. It was the feeling there are too many absentee owners in the area now; that parking is a real problem. It would be setting a precedent and "B" zoning is the beginning of something; this is "spot zoning."

COMMISSION VOTE

Mrs. Shipman moved to deny "B" Residence, "1st" H & A. Mr. Danze seconded the motion.

AYE: Messrs. Danze, Guerrero and Jagger.

 Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Snyder, Stoll and Vier.

THE MOTION PASSED BY A 5-0 VOTE.

Cl4-78-005 L. L. Cox: Interim AA, 1st to C, 2nd
(by C. B. Carpenter)
12126-12440 U.S. 183 (new)
11835-12011 U.S. Jollyville Road

Mr. Duncan Muir of the Planning Department presented the staff report. The general zoning policy which has been established for lands adjacent to U.S. 183 and Jollyville Road is as follows: (1) encourage a maximum of "GR" along U.S. 183 with limited areas of more intensive zoning toward the interior of those tracts; (2) grade down to at least 120 feet of "O" Office along Jollyville Road, for through tracts; (3) "O" Office for non-through tracts along the east side of Jollyville Road; and (4) a mixture of office and residential zoning along the west side of Jollyville Road. No "2nd" H & A has been recommended or established along U.S. 183 northwest. The staff recommends that "C" Commercial, "2nd" H & A be denied, but that a 120-foot corridor of "O" Office, 1st H & A be granted along Jollyville Road, a 50-foot strip of "O" Office, 1st H & A be granted along the eastern boundary, and that "GR" General Retail, "1st" H & A be granted on the remainder of the tract.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Charlie Carpenter, representing owner
Lil Hawkins

Judy Walker, Northwest Neighborhood Association, with conditions

PERSONS APPEARING IN OPPOSITION

Joanne Folta, 5804 Sierra Madre
Trudy Lynn, 5804 Sierra Leon
Mr. and Mrs. Henry Griner, 11809 Arabian Trail
Jack G. Lawrence, 11800 Arabian Road
Jane Schrader, 11602 Bell
J. O. Spencer, 11910 Arabian Trail
Bill Brewer, 11901 Arabian Trail
Victor Valadez, Jr., 11908 Arabian Trail

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Petition - 20 names

COMMISSION ACTION

Mr. Jagger asked applicant if he could live with "GR" zoning. Mr. Carpenter indicated he would agree to cutting back. Lil Hawkins stated the area is growing -- must have industry out there. There was discussion regarding the buffering to be used since this is a residential area. There was concern for the traffic on U.S. 183 and a request by Northwest Neighborhood Association that no exits from the "GR" area of the tract be allowed to Jollyville Road. There was discussion regarding protection of the area residents

C14-78-005 L. L. Cox (continued)

and the type of buffering necessary to provide this. There was also discussion regarding "A" and "O" zoning and the permitted uses. Mr. Vier expressed concern for the residential neighborhood, but also felt that developers have the right to use the land as they see best. Mrs. Shipman felt the hearing should be postponed to give the applicant an opportunity to meet with the neighborhood to try to reach an agreement.

COMMISSION VOTE

Mrs. Shipman moved to postpone the request until 5:30 p.m., February 28, that the applicant and the neighborhood group meet and come back with their proposal. Mr. Guerrero seconded the motion.

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

Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon and Snyder.

THE MOTION PASSED BY A 7-0 VOTE.

C14-78-006 Harry E. Montandon: Interim A, 1st to C, 1st
(by John Joseph)
6401 Hudson Street also bounded
by Ed Bluestein Boulevard

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the requested "C" is consistent with the zoning approved for other tracts in this area, therefore, the staff recommends that "C" Commercial, "1st" H & A be granted.

COMMISSION VOTE

Mr. Stoll moved to grant "C" Commercial, "1st" H & A. Mrs. Shipman seconded the motion.

AYE: Messrs. Danze, Guerrero, Stoll and Vier.

Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Snyder.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-007 Forrest N. Troutman, Trustee: Interim AA, 1st to GR, 1st
(by Tom Curtis)
13700-13712 U.S. Highway 183
10000-10002 Hidden Meadows Drive

Mr. Duncan Muir of the Planning Department presented the staff report. He explained that the requested "GR" General Retail is consistent with the zoning policy for this thoroughfare. This would require the dedication of an additional right-of-way of 20 feet, and if the applicant is

C14-78-007 Forrest N. Troutman, Trustee (continued)

willing to prohibit access to this street only ten feet will be required
A subdivision is required prior to issuance of any building permits.
The staff recommends that "GR" General Retail, "1st" H & A be granted.

PERSONS APPEARING IN FAVOR

Tom Curtis, representing applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

There was discussion regarding the right-of-way. Mr. Jagger felt it should be approved subject to additional ten feet of paving and a five-foot strip of right-of-way beyond the paving; felt this could be resolved when the subdivision came in for approval.

COMMISSION VOTE

Mr. Jagger moved to grant "GR" General Retail, "1st" H & A according to staff recommendations, but have it brought up on the agenda separately when the subdivision comes in so that the right-of-way and paving recommendations of the Urban Transportation Department can be reviewed at that time. Mrs. Shipman seconded the motion.

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

ABSENT: Messrs. Dixon and Snyder.

THE MOTION PASSED BY A 7-0 VOTE.

C14-78-008 City of Austin: C, 1st to A, 1st
(by Property Management Department)
1004-1010 Wheelless Street
1005-1011 Lydia Street

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the sale of this property has been approved by the Planning Commission subject to a roll-back to "A" to encourage development consistent with the predominant character of the area. The staff recommends that "A" Residence, "1st" H&A be granted.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Bertie Caldwell - had questions

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

Thelma Wilson, 1201 East Tenth

WRITTEN COMMENTS IN OPPOSITION

None

C14-78-008 City of Austin (continued)

COMMISSION ACTION

Mrs. Bertie Caldwell, part owner of a nearby residence, wanted to know what the future of the property would be. It was explained that this rezoning would not adversely affect her property.

COMMISSION VOTE

Mr. Stoll moved to grant "A" Residence, "1st" H & A in accordance with staff recommendations. Mrs. Schechter seconded the motion.

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

Mrs. Schechter.

ABSENT: Messrs. Dixon and Snyder.

OUT OF THE ROOM: Mrs. Shipman.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-009 City of Austin: B, 1st to A, 1st

(by Property Management Department)

1506 Parkway

1509 Parkway

1516 Parkway

1104 Enfield Road

1106 Enfield Road

1117 Enfield Road

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the sale of these excess city-owned tracts has been approved by the Planning Commission subject to a roll-back to "A" Residence to encourage maintenance of the generally low-density residential character of this area. The staff recommends that "A" Residence, "1st" H & A be granted.

COMMISSION VOTE

Mr. Stoll moved to grant "A" Residence, "1st" H & A. Mrs. Schechter seconded the motion.

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

Mrs. Schechter.

ABSENT: Messrs. Dixon and Snyder.

OUT OF THE ROOM: Mrs. Shipman.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-010 Dickson Properties, Inc.: Interim AA, 1st to D, 1st (Tract 1)
 (by William Terry Bray) and D, 3rd (Tract 2)
 2700 Montopolis Road

Mr. Duncan Muir of the Planning Department presented the staff report. He stated this application covers an undeveloped tract of 100 acres fronting Montopolis Drive and would permit a prospective industry, Data General, to locate in Austin. 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 through the Austin Development Plan. The Master Plan change is being processed together with the zoning request. The P.D.A. agreement details certain performance and design standards, with a maximum building coverage of 35 percent of the site and includes a schematic site plan. Any changes must be approved by the City Manager. The staff recommends this request. The setback of intensive uses from property boundaries and the performance requirements should provide compatibility with this area.

PERSONS APPEARING IN FAVOR

Bob Herron, attorney representing Data General

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

There was discussion regarding the extension of Oltorf Street to Montopolis Drive and traffic circulation.

COMMISSION VOTE

Mr. Stoll moved to grant "D" Industrial, "1st" H & A on Tract 1 and to grant "D" Industrial "3rd" H & A on Tract 2 subject to approval of the Master Plan change. Mr. Danze seconded the motion.

AYE: Messrs. Danze, Guerrero, Jagger, and Stoll.
 Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon and Snyder.

OUT OF THE ROOM: Mr. Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-011 Austin Catering Service, Inc., and Will Thurman, Jr.:
 (by William Terry Bray) Interim AA, 1st to
 700-800 block of William C, and GR, 1st (as amended)
 Cannon Drive
 6600-6616, 6700-6724 IH 35

Mr. Duncan Muir of the Planning Department presented the staff report. The staff recommends that "GR" General Retail, "1st" H & A be granted on Tracts 1 and 2, and that "C" be granted on Tract 3, as amended.

C14-78-011 Austin Catering Service, Inc., and Will Thurman, Jr. (continued)

PERSONS APPEARING IN FAVOR

Terry Bray, for applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION VOTE

Mr. Jagger moved to grant "GR", General Retail, "1st" on Tracts 1 and 2 and to grant "C" Commercial, "1st" on Tract 3, as amended. Mr. Stoll seconded the motion.

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

Mmes. Schechter and Shipman.

ABSENT: Mr. Snyder.

THE MOTION PASSED BY A 8-0 VOTE.

C14-78-012 Northcross Associates, Ltd.: A, 1st to B, 1st (Tract 1)
 (by William Terry Bray) O, 1st (Tract 2 & 3), as amended
 7688-7698 Northcross Drive
 7700-7762 Northcross Drive

Mr. Duncan Muir of the Planning Department presented the staff report. He stated that subject tracts consist of a 125-foot strip of undeveloped land adjacent to Reed Elementary School and Park and a single family neighborhood. Subject tracts were withdrawn from zoning consideration in 1969 in an attempt to buffer the residential area. Applicant proposes to reconstitute the remaining buffer strip in order to provide for forthcoming development. When the final alignment of Northcross Drive was set, the buffer strip was reconstituted east of Tract 3 to include the roadway, a landscaped berm, and the open drainageway. A privacy fence is proposed along the north boundary of the drainageway to tie in with the existing berm on the east. Excluding the area of the drainageway (approximately 50 feet, but final dimension to be determined) the staff recommends that "B" Residence, "1st" H & A be granted on Tract 1, and that "O" Office, "1st" H & A be granted on Tracts 2 and 3, as amended.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Terry Bray, representing applicant

Bill Ditterstein, for applicant

Bill Dunham, for applicant

Joe Beall, for applicant

PERSONS APPEARING IN OPPOSITION

Charles W. McKinney, 2704 Silverway

Alex McNair, 7602 Silvercrest Circle

Kathy Roberts, 7604 Silvercrest Circle

Ernest Roberts, 7604 Silvercrest Circle

Mrs. B. G. Wagner, 7603 Silvercrest Circle

Harry Stahl, 2706 Silverway Drive

W. H. Balzen, 7605 Silvercrest Circle

Polly J. Balzen, 7605 Silvercrest Circle

C14-78-012 Northcross Associates, Ltd. - (continued)

W. F. Lytle, III, 7607 Silvercrest Circle
Bill S. Shaw, 7606 Silvercrest Circle
Kate Stahl, 2706 Silverway Drive
Carl Ashbaugh, 2712 Silverway Drive
Mrs. Mary Henderson, 2710 Silverway Drive
C. Joyce Ashbaugh, 2712 Silverway Drive

WRITTEN COMMENTS IN FAVOR
None

WRITTEN COMMENTS IN OPPOSITION
Joe Wiley, 3910 McNeil Drive
John and Belia Greek, 2806 Silverway Drive
Petition - 108 names

COMMISSION ACTION

Applicant explained their plans for developing the area, as well as their drainageway plans. They requested the Commission to approve the application subject to an eight-foot privacy fence or equivalent berm, and stated there would be no buildings within 50 feet unless by a special permit. There was opposition because of the intrusion into the single family neighborhood; traffic; buffering; also pointed out that this adjoined an elementary school. It was pointed out that this would have an adverse affect on the neighborhood; that it was unfair for some to benefit at the expense of homeowners. There was discussion of the buffering that might be used, the noise that would be created, and how the traffic could be handled. The applicant agreed to zone the drainageway "A" to a minimum of 20 feet.

COMMISSION ACTION

Mr. Jagger moved to deny "B" and "A", as amended, on Tract 1, but to grant a 55-foot strip of "A" along the eastern boundary and "B", "1st" on the remainder, subject to development of a ten-foot wide berm with trees and shrubs adjacent to the "A", and to postpone the request on Tracts 2 and 3. Mr. Danze seconded the motion.

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

THE MOTION PASSED BY A 7-0 VOTE.

SPECIAL PERMITS

C14p-77-048 James T. O'Connor: A lounge with 56 seats called,
101-105 Academy Drive "Backstage Restaurant
1201-1209 South Congress and Bar."

Mr. Brian Schuller of the Planning Department presented the staff report. He stated this application had appeared before the Planning Commission on December 6, 1977, and was continued in order to allow the applicant and the neighborhood an opportunity to resolve certain differences. The applicant has amended his request to a 56-seat lounge and the staff would recommend approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATIONPERSONS APPEARING IN FAVOR

Terry Bray, attorney for applicant
Wayne Gronquist, attorney and resident

PERSONS APPEARING IN OPPOSITION

Jean C. Hutson, Route 5, Box 139C
J. C. Hutson, Route 5, Box 139C
Mary B. Hutson, 212 LeGrande
Lynn Sissney, 1207 Hillside Avenue, No. 4

COMMISSION ACTION

Applicant indicated three operations are carried on in the entire complex and that the Austin Opry House had created most of the neighborhood concern. He felt there was no serious neighborhood objection to the business that is now open and operating and indicated they would discontinue the actual catering from the Back Stage Restaurant and Bar to the Opry House. The primary areas of concern were through traffic in the neighborhood, improper parking, and adequate buffering. There was discussion regarding the building being split with C and C-2 zoning. Mr. Lonnie Davis, Director of the Building Inspection Department, stated this could be worked out; it was a problem for the Building Inspection Department only and that they could monitor the situation. There was also discussion regarding parking. Mr. Davis felt parking would be the key to the question; there would be a condition attached to the special permit to the effect that if the parking was not adequate, the special permit would be rescinded. Persons in the neighborhood indicated they were not aware of the agreement that had been reached immediately prior to the meeting and stated that the parking was a real problem, expressing concern as to whether or not the neighborhood would go along with the agreement. There was a request that the entrances and exists to the Opry House be closed to the neighborhood and that ingress and egress be from South Congress. Applicant amended the application to 80-seat capacity lounge and no restaurant for the entire area.

Cl4p-77-048 James T. O'Connor (continued)

COMMISSION VOTE

Mr. Stoll moved to grant the special permit subject to compliance with ordinance requirements and departmental recommendations and that the special permit be amended for an 80-seat capacity lounge. Mr. Schuller of the Planning staff stated that the request is for a 56-seat lounge and that it would require a new hearing to increase the capacity of the lounge.

Mrs. Schechter offered a substitute motion to approve the special permit as requested subject to departmental recommendations and ordinance requirements. Mr. Vier seconded the motion.

Mr. Guerrero offered a friendly amendment that the Building Inspection Department monitor this for a period of one year and come back to the Planning Commission with a report. Mrs. Shipman felt it was an intrusion into the existing neighborhood and would seem that there was a real effort being made to come to a satisfactory agreement and she would like to see it realized. Mr. John Meinrath of the City Legal Department, stated there was no provision for a one-year special permit; there was no authority to do this.

The Commission then voted on the motion by Mrs. Schéchter to approve the special permit as requested subject to departmental recommendations and ordinance requirements.

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

THE MOTION PASSED BY A 7-1 VOTE.

Cl4p-78-001 B. L. Turlington and Associates: A 136-unit luxury multi-family
Steck Avenue and Kerith Dale Drive development called,
"Woodstone Court Apartments."

Mr. Brian Schuller of the Planning Department presented the staff report. He stated this is an application for a special permit to allow a 136-unit apartment complex with a proposed density of 30.9 units per acre. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Lynn Turlington, applicant
Richard M. Walden

PERSONS APPEARING IN OPPOSITION

Bill Shaw, 7606 Silvercrest Circle

Cl4p-78-001 B. L. Turlington and Associates (continued)

WRITTEN COMMENTS IN FAVOR

Wallace Pellerin, Balcones Civic Association
Richard M. Walden, 4041 Steck Avenue
Harold L. Lawson

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

The Commission heard testimony regarding this application. The Balcones Civic Association is favorably impressed.

COMMISSION VOTE

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

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

ABSENT: Messrs. Dixon and Snyder.

OUT OF THE ROOM: Mr. Stoll.

THE MOTION PASSED BY A 6-0 VOTE.

Cl4p-78-002 Stanley J. Williams: 198-unit garden apartment project.
(by Willard R. Baker)
6701-6909 Wood Hollow
3490-3518 North Hill Drive

Mr. Brian Schuller of the Planning Department presented the staff report. He stated this is an application for a special permit to allow a 198-unit apartment dwelling group on a 6.8-acre tract at the northeast corner of Wood Hollow Drive and North Hills Drive. The proposed density is 29 units per acre and proposed access is by two driveways from North Hills Drive and two from Wood Hollow Drive. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

PERSONS APPEARING IN FAVOR

Willard Baker, representing applicant
Bob Hearon, attorney for applicant

PERSONS APPEARING IN OPPOSITION

Ellis C. Van Buskirk, 3467 North Hills Drive
Tom Eaton, 6633 Valleyside Road

C14p-78-002 Stanley J. Williams (continued)

COMMISSION ACTION

There was considerable discussion regarding traffic problems. There was concern for the density, the traffic flow as well as the traffic within the unit itself, noise, the location of the building at Wood Hollow and North Hills Drives, the amount of green space to be provided, and impervious cover.

COMMISSION VOTE

Mrs. Schechter moved to postpone until February 28 in order for Urban Transportation Department to conduct a traffic count and safety study as soon as possible since the Commission is charged with protection of health, safety and welfare of the citizens. Mr. Stoll seconded the motion.

AYE: Messrs. Guerrero and Stoll.
Mrs. Schechter and Shipman.
NAY: Messrs. Danze and Jagger.
ABSENT: Messrs. Dixon and Snyder.
ABSTAIN: Mr. Vier.

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

C14p-78-003 NPC Realty Company: A 176-unit luxury apartment complex
(by Louis L. Kirchofer, Jr.) containing 16 buildings.
7200 Wood Hollow Drive

Mr. Brian Schuller of the Planning Department presented the staff report. He stated this is an application for a special permit to allow a 176-unit apartment dwelling group on a 5.9-acre tract with a density of 29.8 units per acre. This site is part of a 10-acre tract included in a special permit for the existing apartments to the west which were approved in 1973. That special permit provided for the existing driveway along the north side of the tract for access from the apartments to the west, to Wood Hollow; therefore, provision must be made on this application for that access or the 1978 special permit must be amended to eliminate that access to Wood Hollow Drive. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

PERSONS APPEARING IN FAVOR

Louis Kirchofer for applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Applicant indicated he could comply with staff recommendations. Mrs. Schechter felt that traffic would be a problem.

C14p-78-003 NPC Realty Company (continued)

COMMISSION VOTE

Mrs. Schechter moved to postpone the request until February 28 pending a traffic impact and safety study by Urban Transportation. Mr. Stoll seconded the motion.

AYE: Messrs. Guerrero and Stoll.
Mmes. Schechter and Shipman.
NAY: Messrs. Danze and Jagger.
ABSENT: Messrs. Dixon and Snyder.
ABSTAIN: Mr. Vier.

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

C14p-78-004 George B. Shepherd: A stucco fence with spanish-style
(by Dred J. Simmons) arches encasing wrought iron for
5608 Parkcrest Drive the purpose of displaying
outdoor patio furniture.

Mr. Brian Schuller, of the Planning Department, presented the staff report. He stated this is a request for a special permit to allow a "C" Commercial use on a tract zoned "GR" General Retail for the purpose of displaying outdoor patio furniture within a fenced area. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

COMMISSION VOTE

Mr. Stoll moved to approve the special permit in accordance with ordinance requirements and staff recommendations. Mrs. Shipman seconded the motion.

AYZ: Messrs. Danze, Guerrero, Stoll and Vier.
Mmes. Schechter and Shipman.
ABSENT: Messrs. Dixon, Jagger and Snyder

THE MOTION PASSED BY A 6-0 VOTE.

C14p-78-005 Odas Jung and Joe Jung: Moore's Lounge with seating capacity
2609 Manor Road for 16.

Mr. Brian Schuller of the Planning Department presented the staff report. He stated that adequate parking exists on the site and the staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

C14p-78-005 Odas Jung and Joe Jung (continued)

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Lee R. McCall, 3102 Val Drive

E. J. Bomer, 2401 Manor Road

Charles H. Bridges, 6511 Burnet Lane

PERSONS APPEARING IN FAVOR

Alvin Moore, applicant

PERSONS APPEARING IN OPPOSITION

Lee R. McCall, 3102 Val Drive

Robert Moore, 2610 Oaklawn

COMMISSION ACTION

Persons living in the neighborhood were concerned for the young people who frequent this area and felt that it would create an extremely bad environment. They also showed concern for the amount and type of expansion that might come later.

COMMISSION VOTE

Mr. Dixon stated that since adjacent property is already zoned commercial, he moved to approve the request for Moore's Lounge with a seating capacity for 16 in accordance with departmental recommendations and ordinance requirements. Mrs. Schechter seconded the motion.

AYE: Messrs. Dixon, Guerrero, Jagger, Stoll and Vier.
Mmes. Schächter and Shipman.

NAY: Mr. Danze

ABSENT: Mr. Snyder.

THE MOTION PASSED BY A 7-1 VOTE.

C14p-78-006 Northcross Associates, Ltd.: 276-unit apartments called,
(by William Terry Bray) "Northcross Apartments."
7688-7698 Northcross Drive
7700-7762 Northcross Drive

Mr. Brian Schuller of the Planning Department presented the staff report. He stated this is an application for a special permit to allow a 276-unit apartment complex with a proposed density of 23.3 units per acre. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Baile J. Griffith, 2900 Bowman

C14p-78-006 Northcross Associates, Ltd. (continued)

WRITTEN COMMENTS IN OPPOSITION

John and Beha Greek, 2800 Silverway
Ivan Joe Wiley, 3910 McNeil Drive
Mrs. W. A. Southmayd, 7706 Shoal Creek
Petition

PERSONS APPEARING IN FAVOR

Terry Bray, representing applicant

PERSONS APPEARING IN OPPOSITION

Kathy Roberts, 7604 Silvercrest Circle
Charles W. McKinney, 2704 Silverway
W. F. Lytle, III, 7607 Silvercrest Circle
Alex McNair, 7602 Silvercrest Circle
Peter G. Evans, 7703 Shoal Creek
Ernest Roberts, 7604 Silvercrest Circle
H. E. Stahl, 2706 Silverway Drive
Kate Stahl, 2706 Silverway Drive
Carol and Joyce Ashbaugh, 2712 Silverway
Mrs. B. G. Wagner, 7603 Silvercrest Circle
Mary Henderson, 2710 Silverway

COMMISSION ACTION

The Commission heard testimony regarding the buffer along the creek, the berm, the noise, the invasion of privacy, the traffic, etc., that would be created with this apartment unit. There also was discussion regarding the flow of water in the area and how it would be handled.

COMMISSION VOTE

Mr. Jagger felt that some effort should be made for privacy, by grades, to protect the rights of the neighbors. He moved to approve the special permit subject to ordinance requirements and departmental recommendations and subject to changes made on the zoning request and subject to further investigation as to the screening process necessary to protect the back yards. Mrs. Schechter requested a traffic analysis from Urban Transportation Department before a decision is made on the special permit. Mr. Danze amended the motion to add a berm be constructed along the drainage easement prior to construction with wax leaf ligustrum three feet on center and three-inch ash or oak trees 20 feet on center. Mr. Stoll requested the traffic report by February 28. Mr. Danze seconded the motion.

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

ABSENT: Messrs. Dixon and Snyder.

THE MOTION PASSED BY A 7-0 VOTE.

C14p-78-007 Jagger Associates, Inc.: A 314-unit apartment project
(by Gary R. Chiles) called, "Woodcreek Apartments."
3600 Greystone Drive

Mr. Brian Schuller, of the Planning Department, presented the staff report. He stated this is an application for a special permit to allow a 314-unit apartment dwelling group on a 15.05-acre tract of land zoned "BB" and "A", 1st Height and area with a proposed density of 21 units per acre. He further indicated the "A" zoned area is to remain undeveloped as a green area. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Leon Whitney, 3909 Rockledge

Tye Collins, President, Northwest Austin Civic Association

WRITTEN COMMENTS IN OPPOSITION

C. H. Yew, 7525 Stonecliff Drive

Jean Collard, 7406 Shadow Hill Drive, No. 109

PERSONS APPEARING IN FAVOR

Jim Green, for applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

There was discussion regarding sidewalks. The Commission felt they were essential. It was explained that The Northwest Austin Neighborhood Association has recommended approval of this special permit.

COMMISSION VOTE

Mrs. Schechter moved to grant the special permit subject to compliance with ordinance requirements and departmental recommendations. Mr. Danze seconded the motion.

AYE: Messrs. Danze, Guerrero, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSTAIN: Mr. Dixon

ABSENT: Messrs. Jagger and Snyder.

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

C2a-78-002 Planned Development Area: For industrial use.
2700 Montopolis Drive

Mr. Wayne Golden of the Planning Department presented the staff report. He stated the staff recommends approval subject to standard contract for Planned Development Area and final site plan.

COMMISSION VOTE

Mr. Stoll moved to grant the Planned Development Area subject to staff recommendations and departmental requirements.

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

THE MOTION PASSED BY A 5-0 VOTE.

PUBLIC SERVICES

C12-78-001 Public Services
Consideration of a water approach main for
Northwood, Sections III and IV

Mr. Brian Schuller of the Planning Department presented the staff report. He stated it is proposed to install a line that will be 12 inches in size to better serve the area.

COMMISSION VOTE

Mrs. Schechter moved to approve the water approach main for Northwood, Sections III and IV. Mr. Jagger seconded the motion.

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

THE MOTION PASSED BY A 5-0 VOTE.

HISTORIC

C14h-78-001 Rutherford Home
Mr. and Mrs. Edmund Key, Jr.
2102 Nueces

Betty Baker of the Planning Department presented the staff report. This residence was built in 1884 and it was determined that it met Items A, B, C, G, H, I, L and M of the criteria. The owner had requested that it be zoned historic.

WRITTEN COMMENTS IN FAVOR

Betty W. Phillips, President, Save University Neighborhoods Association
Mike McHone, 2104 Pearl
Executive Secretary, Inter-Coop Council, Inc., 510 West 23rd

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION VOTE

Mrs. Shipman moved to support the findings of the Landmark Commission and to recommend that the structure be zoned historic. Mrs. Schechter seconded the motion.

AYE: Messrs. Danze, Guerrero and Jagger.
 Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Snyder, Stoll and Vier.

THE MOTION PASSED BY A 5-0 VOTE.

OTHER BUSINESS

C2o-78-003 Zoning Ordinance

To set a public hearing to consider amendments to Chapter 45 of the Austin City Code regarding:

1. references to a specific interim zoning district,
2. effect of petitions on interim-zoned areas,
3. effect of negative vote of the Planning Commission on zoning requests,
4. annexation of P.U.D.'s, and
5. minimum lot requirements in "AA".

(amendments authorized by City Council)

C2o-78-003 Zoning Ordinance (continued)

Mr. Duncan Muir of the Planning Department presented the staff report. He suggested the hearing be scheduled for the second meeting in March.

COMMISSION VOTE

Mr. Guerrero moved to set a public hearing at 5:30 p.m., March 14, to consider amendments to Chapter 45 of the Austin City Code.

Mrs. Shipman seconded the motion.

AYE: Messrs. Danze, Guerrero, and Jagger.

 Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Snyder, Stoll and Vier.

THE MOTION PASSED BY A 5-0 VOTE.

R105-77 Subdivision Memorandum

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

FINAL SUBDIVISION PLATS--FILED AND 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>C8-77-07</u>	<u>The Hills of Lost Creek, Sec. 2</u>
	Lost Creek Blvd.
<u>C8-77-45</u>	<u>Wagon Crossing, Sec. 3-A</u>
	Stassney Ln. & Jacaranda Dr.
<u>C8-77-88</u>	<u>Housing Authority Subdivision</u>
	Merriwood Dr. & Eberhart Lane
<u>C8-77-105</u>	<u>Barton Market Square, Sec. 2</u>
	Ben White Blvd. & Victor Dr.

AYE: Messrs. Guerrero, Stoll and Vier.

 Mmes. Schechter and Shipman.

ABSENT: Messrs. Danze, Dixon, Jagger and Snyder.

(The record will show that Mr. Stoll abstained from voting on C8-77-88, Housing Authority Subdivision.)

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 requirements have been complied with. The staff recommends approval of these plats. The Commission then

VOTED: To APPROVE the following short form plats.

C8s-77-220 G & W Addition
Rutland Drive
C8s-77-292 The W. J. Kruger Subdivision
Yager Ln. East of I.H. 35
C8s-78-14 Resub. of Lot 1, Dale Watkins Subd.
Ben White Blvd. & Burleson Rd.
C8s-78-12 Resub. of Lots 11 & 12, Airport
and Manor Road Subdivision 3
Airport Blvd. & Manor Rd.

AYE: Messrs. Guerrero, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Messrs. Danze, Dixon, Jagger and Snyder.

The staff reported that the following short form plat is appearing before the Commission for the first time and all requirements have been complied with. The staff recommends approval of this plat. The Commission then

VOTED: To APPROVE the following short form plat and to GRANT the variance requiring fiscal arrangements.

C8s-78-32 Ascension Lutheran Church Subd.
Hart Lane

AYE: Messrs. Guerrero, Stoll and Vier.
Mmes. Schechter and Shipman.

ABSENT: Messrs. Danze, Dixon, Jagger, and Snyder.

The meeting adjourned at 1:15 a.m.


Richard R. Lillie, Executive Secretary