

CITY PLANNING COMMISSION

Austin, Texas

Special Called Meeting -- April 3, 1978

The 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  
Freddie Dixon  
Mary Ethel Schechter  
Sally Shipman  
Bernard Snyder

Absent

Sid Jagger  
Bill Stoll  
James G. Vier

Also Present

Tom Knickerbocker, Assistant Director of Plann  
Evelyn Butler, Supervisor Current Planning  
Elly Malone, Planner  
Marie Gaines, Planner  
Betty Baker, Planner  
Charles C. Kanetzky, Water and Wastewater  
John Meinrath, Legal Department  
Ouida W. Glass, Senior Secretary

Marie Gaines of the Planning Department presented the staff report. She stated this case was heard on February 7 and postponed so the staff could re-evaluate their recommendation. The requested zoning change is not recommended because it would set an undesirable precedent for undeveloped land in this vicinity which is predominantly low density residential. Continued development of this neighborhood could depend on 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.

Applicant again explained the land was purchased in 1969 and the first building erected thereon in 1971. It was annexed in 1976 and at that time the Planning Department staff had felt it would be zoned "DL" Light Industrial. Area residents are not opposed to the zoning. He stated there are commercial buildings on the tract and does not feel the remainder could be used as residential, agreed to a restrictive covenant for no entrances from Ferguson Lane or Future Drive other than the two already existing.

Mrs. Shipman moved to grant "C" Commercial, 1st H & A subject to a restrictive covenant limiting access to the property via Cameron Road and no additional access on Ferguson and Future Road. Mrs. Schechter seconded the motion.

THE MOTION PASSED BY A 6-0 VOTE.

Betty Baker of the Planning Department presented the staff report. She stated this tract is surrounded by a low-density neighborhood, an older area with larger lots, some of which contain duplexes and mobile homes. The staff encourages applicant to subdivide subject tract for duplex lots to yield a double or triple density. The staff, therefore, recommends that "B" Residence be denied.

C14-78-043 First Austin Investment Realty (continued)

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

C. H. Chee, representing applicant

PERSONS APPEARING IN OPPOSITION

Saradella Dolph, 314 Mocking Bird

Joseph Borahan, 5317 Harvest Lane

Linda J. Craig, 5315 Harvest Lane

Douglas Neal Turner, 5401 Harvest Lane

Daniel L. Cray, 5315 Harvest Lane

Woodrow Gephart, 5405 Harvest Lane

Clarence E. Shaw, Jr., 309 Mocking Bird Lane

Jon Donaldson, 305 Mockingbird Lane

Rick Reynolds, 314 Mockingbird Lane

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Joseph Morahan, 5317 Harvest Lane

Thomas M. Pardo, 5403 Harvest Lane

Deborah Ann Cantrell, 5407 Harvest Lane

Dennis D. Schafer, 5409 Harvest Lane

COMMISSION ACTION

Applicant requested the change in zoning to be able to put in apartment units. He felt this would enhance the value and help to upgrade the area. Area residents explained this is a single-family neighborhood with a lot of traffic on narrow streets and no sidewalks. They felt that apartments would totally destroy the suburban type neighborhood.

COMMISSION VOTE

Mr. Dixon moved to deny "B", Residence, 1st H & A, and to grant "A" Residence, 1st H & A. Mr. Danze seconded the motion.

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

ABSENT: Messrs. Jagger, Stoll and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

CL4-78-045 Chesapeake Southwestern: Interim "A", 1st H & A  
(by Anthony George, Jr.) to "C", 1st H & A.  
Rear of 8900 U.S. Highway 183  
(Research Boulevard)

Betty Baker, of the Planning Department, presented the staff report. She explained the surrounding uses are heavy commercial and semi-industrial with the exception of an apartment complex that abuts this property on the south. The staff recommends approval of "C", Commercial, 1st H & A.

COMMISSION VOTE

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

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

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

THE MOTION PASSED BY A 5-0 VOTE.

CL4-78-047 Ivy Dean Hunt: Interim "AA", 1st to "C", 1st  
12012 North I.H. 35, also bounded by Wren Avenue  
and Pollyanna Avenue

Betty Baker of the Planning Department presented the staff report. This property is located west of North I.H. 35 facing the access road. The site has a small building which is vacant and appears to be in a state of disrepair. Staff is of the opinion that "O" Office would be more compatible with the residential development to the north and west, therefore, recommends denial of "C" Commercial but approval of "O" Office, 1st H&A for the east 174 feet (that portion within the City limits) subject to dedication of one-half additional right-of-way (five feet) necessary to increase Wren Avenue from 50 to 60 feet.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Ivy Dean Hunt, applicant

PERSONS APPEARING IN OPPOSITION

Mary Housmann, 11803 Hornsby  
Thomas B. Hooks, 11407 Indianhead Drive  
Lee B. Schuelke, 11704 White Wing  
Velda Schuelke, 11704 Whitewing  
Mrs. W. C. Walker, 11903 Pollyanna  
Mrs. Larry Gomez, 11901 Pollyanna  
Mrs. C. C. Reed, 11800 Whitewing Avenue  
C. C. Reed, 11800 Whitewing  
J. S. Gawthroup, 11906 Whitewing  
Mrs. Jeanette A. Gawthroup  
Francis R. Hill, 702 Wren Avenue  
Charles W. Carpenter, 11907 Pollyanna

C14-78-047 Ivy Dean Hunt (continued)

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

Applicant stated he would like to establish a machinery and equipment sales and service business and felt it would help to clean up the area. He does not want "O" Zoning. Mrs. Housmann, representing Walnut Creek Neighborhood Association, objected, stated this violates the rights of the residents of the subdivision, would set a precedent for similar situations in the future, adding to the present unsightliness along certain areas in the residential district, causing more noise and dust pollution in addition to the I.H. 35 traffic problem. They agreed with the recommendation of the Planning Department to grant "O" Office for the frontage road lot and "A" Residence for the entire lot facing Pollyanna Street. Encroachment of this type must be stopped, both within and adjacent to the neighborhood, to preserve property values. There was discussion regarding the buffer and right-of-way. It was explained that the western portion of the lot is outside the city limits.

COMMISSION VOTE

Mrs. Shipman moved to deny "C" Commercial and to grant "O" Office, 1st H & A for that portion within the city limits subject to dedication of one half the right-of-way to increase Wren Avenue from 50 feet to 60 feet. Mr. Dixon seconded the motion.

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

NAY: Mr. Snyder.

ABSENT: Messrs. Jagger, Stoll, and Vier.

THE MOTION PASSED BY A 5-1 VOTE.

C14-78-048 June S. Oliver, et al: "B", 2nd to "C", 2nd  
2503 Nueces Street

Betty Baker of the Planning Department presented the staff report. She stated this is a student-oriented neighborhood and the zoning is varied. There has not been a zoning request granted in this area for approximately four years, and that past zoning has resulted in an excess of commercially zoned properties. "O" Office would allow more permissive use of the property and retain and protect the residential character, therefore, the staff recommends that "C" Commercial be denied, but that "O" Office be granted.

C14-78-048 June S. Oliver, et al (continued)

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

June Oliver, 132 Frederick, applicant

Henry W. Ault, 132 Frederick

PERSONS APPEARING IN OPPOSITION

Betty Phillips, Save University Neighborhood Association

Bill Swanson, 2500 Nueces

Carl Sawyer, 2500 Nueces

Michael H. Owens, 2500 Nueces

John W. Carter, 2500 Nueces

Frances V. Koukal, 2500 Nueces

Virginia Villalobos, 2500 Nueces

Patricia L. Gay, 2500 Nueces

Cyndy Schneider

WRITTEN COMMENTS IN FAVOR

Gordon M. Griffin, Jr., 615 Brown Building

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

Applicant indicated a desire to operate a kitchen and maybe at a later time a restaurant which would serve beer and wine and that they would live on the second floor. Applicant agreed to amend the request to "LR". Betty Phillips, representing Save University Neighborhood Association, stated this is a transition area. Some people felt they were not properly notified and requested postponement. She stated the neighborhood is being improved and restored, there is a trend to preserve and restore the older homes for residential uses. Should the property be zoned "LR", there was a request for deed restrictions that a restaurant of no more than 55 seats be the only LR use allowed on the property; that all business activities conducted on the premises cease by 12 midnight; that restoration plans and any future remodeling be consistent with the early 20th century style of the house; that the signs and painting be in soft natural colors or black and white; that the sign not be illuminated with florescent or blinking lights and that any lights should be turned off at midnight. Applicant agreed to the LR zoning with the stipulated conditions.

COMMISSION ACTION

Mr. Dixon moved to postpone the decision for one week since proper notification was not given to all involved persons. Mr. Snyder offered a substitute motion to deny "C" Commercial, 2nd H & A, but to grant "LR" Local Retail, 1st H & A subject to the following restrictions: that a restaurant of no more than 55 seats be the only LR use on the property; that all business activities conducted on the premises cease.

C14-78-048 June S. Oliver, et al (continued)

by 12 midnight; that restoration plans and any future remodeling be consistent with the early 20th century style of the house; that the signs and painting be in soft natural colors or black and white; that the sign not be illuminated with florescent or blinking lights and that any outside lights should be turned off at midnight; that the property revert to "B" if these conditions are not met. Mr. Dixon seconded the motion.

AYE: Messrs. Danze, Dixon and Snyder.  
Mmes. Schechter and Shipman.

NAY: Mr. Guerrero.

ABSENT: Messrs. Jagger, Stoll, and Vier.

THE SUBSTITUTE MOTION PASSED BY A 5-1 VOTE.

C14-78-049 Darle L. and Viola J. Nieneker: Interim "AA", 1st  
9700-9702 Middle Fiskville Road to "C", 1st

Marie Gaines of the Planning Department presented the staff report. She stated the zoning policy along this portion of Middle Fiskville Road is "C" Commercial due to the predominance of existing heavy commercial uses in the area, therefore, the staff recommends approval of "C" Commercial, 1st H & A.

COMMISSION VOTE

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

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

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

THE MOTION PASSED BY A 5-0 VOTE.

C14-78-050 Richard A. Haberman, Trustee: Interim "A", 1st to  
(by Gary Goehrs) "BB", 1st  
4500-5000 Blocks of Spicewood  
Springs Road

Marie Gaines of the Planning Department presented the staff report. She explained the terrain of these tracts is very hilly and the staff feels this not to be suitable for high-density residential development. She pointed out there is low density residential development to the north and east and encouraged applicant to investigate the possibilities of a planned unit development. The general zoning policy along Spicewood Springs Road has been to encourage more intensive developments at the major street intersections and to maintain low density residential between the nodes, therefore, the staff recommends that "BB", 1st H&A be denied, but that "A" Residence, 1st H & A be granted.

C14-78-050 Richard A. Haberman, Trustee (continued)

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Gary Goehrs, representing applicant

PERSONS APPEARING IN OPPOSITION

Wofford Denius, 8604 Attus Cove

Bill Martin, 8802 Silverarrow Court

Donald Menken, 8312 Appalachian Drive

Bill Whittenbrook, 8314 Appalachian Drive

H. J. Huth, 8300 Appalachian Drive

Herbert E. Meister, Jr., 8310 Appalachian

Cecile Elfant, 8421 Adirondack

Robert F. Elfant, 8421 Adirondack

Clark L. Jeffries, 9508 Jollyville Road

Dwight Custer, 8405 Appalachian

Carla Custer, 8405 Appalachian

Linda Wittenbrook, 8314 Appalachian

Frank Bernard, 8404 Appalachian

Mary Ann Bernard, 8404 Appalachian Drive

E. F. Matelski, 8503 Andreas Cove

Julia E. Matelski, 8503 Andrea Cove

Allan Nilsson, 8304 Appalachian

Beth Nilsson, 8304 Appalachian

Mrs. Bill So, 8304 Appalachian

Maria H. Huth, 8300 Appalachian

David Bell, 8504 Adirondack

Jean Bell, 8504 Adirondack

Beth Denius, 8604 Altus Cove

William W. Bottorff, 8602 Altus Cove

Barbara W. Bottorff, 8602 Altus Cove

Sandra Keaton, 8523 Adirondack

Ronald T. Long, 4504 Argos Lane

Judith H. Long, 4504 Argos Lane

W. E. Woods, 8510 Adirondack Trail

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

T. C. Simon, 8610 Alverstone Way

Mr. and Mrs. C. V. Lyons, 8411 Adirondack

Betty B. Schmidt, 8417 Adirondack Trail

Bill Williamsbrook, Balcones Civic Association

Theodore Miller, 8413 Adirondack

T. C. and Katherine Simon, 8610 Alverstone Way

Mr. and Mrs. C. O. Lyons, 8411 Adirondack

Thaddeus and Mary McDonald, 8507 Adirondack

C. H. Hartwell, 8407 Appalachian

Donald P. Menken, 8312 Appalachian

H. E. Meister, 8310 Appalachian

Ruth C. Sansing, 8302 Appalachian

Hans J. Huth, 8300 Appalachian

Dwight Custer, 8405 Appalachian

F. H. (Dick) and Joyce Moeller, 8303 Appalachian



C14-78-050 Richard A. Haberman, Trustee (continued)

COMMISSION ACTION

Applicant requested to amend his application to "A" Residential on Tract 1 and "BB" on Tract 2. Mr. Bill Martin of the Balcones Civic Association pointed out there was no site plan and this would constitute rezoning prior to the relocation of Spicewood Springs Road. He questioned building on the slope and pointed out that this was an area of single family homes. It was pointed out that the residents would need buffering. Mr. Hruth questioned whether or not this was the best use for the property since there are no parks in the area and very many apartments. Mr. Denius was of the opinion that apartments would bring in transients, decrease property values since apartments always create further commercial development and it would destroy the natural beauty that no other part of the City has. In rebuttal, applicant stated he had no plan for development, but did request the rezoning for possible sale.

COMMISSION VOTE

Mr. Dixon moved to accept staff recommendations. Mr. Danze seconded the motion.

Mr. Snyder offered a substitute motion to deny "BB" Residence, 1st H&A and to grant permanent "AA" Residential on both tracts. Mrs. Shipman seconded the motion.

AYE: Messrs. Danze, Dixon, Guerrero and Snyder.

Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger, Stoll and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-051 Texas Association of Realtors: Interim "A", 1st  
(by John Van Winkle)  
8416 North I.H. 35, also  
bounded by Barwood Park

Marie Gaines of the Planning Department presented the staff report. She stated this request is consistent with existing zoning policy along the expressway in this vicinity, therefore, the staff recommends "C" Commercial, 1st H & A be approved.

COMMISSION VOTE

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

AYE: Messrs. Danze, Guerrero and Snyder.

Mmes. Schechter and Shipman.

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

THE MOTION PASSED BY A 5-0 VOTE.

C14-78-052 Jennie Fee Davis: "A", 1st to "O", 2nd  
(by W. A. McCormack)  
1010 Daniel Drive, also bounded by  
Dawson Road

Marie Gaines of the Planning Department presented the staff report. She explained the applicant is seeking accessory parking for a new restaurant site, however, the proposed zoning is an intrusion into a residential neighborhood. The staff recommends that "O" Office, "2nd" H & A be denied.

#### CITIZEN COMMUNICATION

##### PERSONS APPEARING IN FAVOR

W. A. McCormack, for applicant

##### PERSONS APPEARING IN OPPOSITION

Pete Szilagyi, 908 Post Oak

Holly Szilagyi, 908 Post Oak

##### WRITTEN COMMENTS IN FAVOR

None

##### WRITTEN COMMENTS IN OPPOSITION

Petition - 8 signatures

#### COMMISSION ACTION

Applicant stated he would like to build a parking lot for a new restaurant. Area residents felt this to be an intrusion into a residential neighborhood.

#### COMMISSION VOTE

Mrs. Schechter moved to deny "O", Office, 2nd H&A. Mr. Guerrero seconded the motion.

AYE: Messrs. Dixon and Guerrero.  
Mmes. Schechter and Shipman.

NAY: Messrs. Danze and Snyder.

ABSENT: Messrs. Jagger, Stoll and Vier.

THE MOTION PASSED BY A 4-2 VOTE.

C14-78-054 Cotton Texas, Ltd., et al: Interim "A", 1st to  
(by Ras Redwine) "O", "C" and "GR",  
U.S. Highway 183, 1st and 2nd  
Jollyville Road,  
Loop 360, Great Hills Trail  
and Great Hills Parkway

Marie Gaines of the Planning Department presented the staff report. She stated this application covers a total of 197.78 acres of land in northwest Austin at the northwest corner of the intersection of U.S. Highway 183 and Loop 360. The tracts were annexed March 22, 1978. The conceptual plan for the development of Great Hills was considered by the City several years ago. Intensive development was proposed for

C14-78-054 Cotton Texas, Ltd., et al (continued)

land in this application. Zoning for office use is requested on Tracts 1, 2, 7, and 8, "C" Commercial on Tract 3, "GR" General Retail for a regional shopping center on Tracts 4, 5 and 6, "O" Office for a hotel on Tract 9. All access is intended from Great Hills Trail with no access planned via Loop 360. Zoning consideration by the Commission should include the Lake Austin Standards, the impact of traffic on existing and planned roads, the significant impact on adjacent land development which is possible if this application is approved. Consideration should be given to scaling-down or buffering at the edges of this application. Strip development along Loop 360 should be discouraged. Zoning permitting 60-foot structures should be planned and specifically located rather than approving blanket 1st H&A zoning. The following zoning pattern is recommended: To grant "A" Residence, 1st H & A, on Tracts 1 and 7; "O" Office, 1st H & A on Tract 2; "C" Commercial, 1st H & A on Tract 3; "GR" General Retail, 1st H & A on Tracts 4 and 5; "GR" General Retail, 1st H & A on Tract 6 except for 200 feet of "A", 1st H & A, along Loop 360 up to the easternmost boundary of the "GR" General Retail use district on the south side of Loop 360; "O" Office, 1st H & A, on Tracts 8 and 9 except for 200 feet of "A" Residence along Loop 360.

## CITIZEN COMMUNICATION

## PERSONS APPEARING IN FAVOR

Ras Redwine, attorney representing applicant and developer  
Roy Bechtol  
Woodrow Sledge, Austin Independent School District  
Bill Cotton  
James D. Gregory  
Ric Alberts  
Chester Dorman  
Bill Martin

## PERSONS APPEARING IN OPPOSITION

Wallace Pellerin, Balcones Civic Association  
William Bottorff, 8602 Altus Cove  
Sandra L. Keaton, 8524 Adirondack

## WRITTEN COMMENTS IN FAVOR

Wm. D. Gaston, et al, 2508 Pecos

## WRITTEN COMMENTS IN OPPOSITION

None

## COMMISSION ACTION

There was discussion of the site, the zoning, and the proposed use for the site. Mr. Redwine suggested an alternative to the 200-foot strip zoned "A" and suggested the buffer could be enforced by covenant. Mr. Bechtol suggested a compromise and that there be a 200-foot set-back from the edge of the pavement. Mr. Sledge, representing the Austin Independent School District, stated that Tract No. 7 would not be used for a proposed Junior High School site, and, therefore "O" Office zoning was appropriate for Tract 7. Mr. Pellerin, representing the Balcones Civic Association, was not totally in opposition but was concerned about

C14-78-054 Cotton Texas, Ltd., et al (continued)

access to Loop 360, also concerned about the amount of zoning that is "O" Office since it cannot be determined at this time how it would be developed. He was not opposed to the shopping center, but was concerned about some of the other sites. Bill Bottorff stated this area is a natural resource unique to Austin and could have a great impact on Austin in the years to come; he felt the proposal was premature at this time. Applicant amended the application to request 1st H & A on Tracts 6, 8, and 9. A determination then could be made when a site plan is submitted if there is a need for 2nd H & A. There was discussion of the subdivisions and when they would be filed. Mr. Snyder was concerned about the zoning of such a large area; he wondered whether or not it should be taken "piecemeal." With the subdivisions coming in later, this is "after the fact." Mr. Dixon felt this was like giving a blank check; more information is needed. There was discussion of traffic and site plan. There was discussion regarding the postponement of the zoning until the subdivisions have been filed. Mrs. Shipman expressed concern about recommending the zoning prior to review and approval by the Commission of both the subdivision and the objectives of the Lake Austin Plan; she suggested review by the Urban Transportation Commission of the traffic impact analysis in conjunction with the zoning recommended for this extensive acreage, giving the applicant the economic incentive to go forth and the Commission the ability to look at the impact of this development and design. Mr. Snyder felt the Commission should go ahead and set some precedents that have not been set in land development in relation to this application. He knew these people to be nationwide, first-class developers and wanted to work with them. He felt approving the zoning subject to review of the subdivision and traffic analysis was a reasonable solution.

## COMMISSION VOTE

Mrs. Shipman moved to grant, as amended, "O" Office, 1st H & A, on Tracts 1, 2, 7, 8, and 9; to grant "GR", 1st H & A, on Tracts 4, 5, and 6; "C" Commercial, 1st H & A on Tract 3; with the 200-foot setback along Loop 360 designated from the paving, including the height as part of the footage, subject to the review and approval by this Commission of both the subdivision and alternative methods suggested to meet the objectives of the Lake Austin Plan, secondly that the zoning also be subject to review by the Urban Transportation Commission of a traffic impact analysis, the results of which will be reviewed by the Planning Commission. Mr. Dixon seconded the motion.

AYE: Messrs. Danze, Dixon, Guerrero, and Snyder.

Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger, Stoll, and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-055      West 34th Street Corporation: "A", 5th to "C", 5th  
(by Bill Carlisle)  
3410-3412 Owen Avenue

Marie Gaines of the Planning Department presented the staff report. She stated the staff considers the requested zoning to be compatible with the established zoning pattern for this area, therefore, the staff recommends that "C" Commercial, 5th H & A be granted.

COMMISSION VOTE

Mrs. Schechter moved to grant "C" Commercial, 5th H & A. Mr. Danze seconded the motion.

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

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

THE MOTION PASSED BY A 5-0 VOTE.

C14-78-057      Thomas T. Smith: Interim "A", 1st to "C", 1st  
(by William Terry Bray)  
Middle Fiskville Road

Marie Gaines of the Planning Department presented the staff report. She stated these tracts front Middle Fiskville Road and surrounding uses include developed single-family residences to the north and east. The policy along Middle Fiskville Road in this area has been the "C" Commercial District, with a scale down to provide buffering for the abutting residential neighborhood. The staff feels low density residential development should front the extension of Childress Drive and recommends "A" Residence on Tract 1. The staff, therefore, recommends to deny "C" on the entire area of Tract 1, but to grant "A" Residence, subject to 60 feet of right-of-way for the extension of Childress Drive, and "C" Commercial, 1st H&A on Tract 2 save and except a 25-foot strip of "A" Residence along the north and east border of Tract 2, subject to from zero to 10 feet of right-of-way for the planned expansion of Middle Fiskville Road to 70 feet.

PERSONS APPEARING IN FAVOR

Terry Bray, representing applicant

PERSONS APPEARING IN OPPOSITION

Mason Williamson, 10000 Hampshire  
Mark Gaulding, 10024 Childress  
Roger W. Frech, 10033 Childress  
William W. Tippit, 10025 Childress  
Bud Hughes, 801 Florodale  
Dan Birdwell, 10004 Hampshire

C14-78-057 Thomas T. Smith (continued)

C. D. Faught, 10010 Hampshire Drive  
Don Ragsdale, 10008 Hampshire  
Wayne G. Kaiser, 10006 Hampshire  
Mark Hallock, 10002 Hampshire  
Ronald E. Hanna, 10005 Hampshire  
Mary Ragsdale, 10008 Hampshire  
Andrew Gdato, Jr., 901 Floradale  
Max Spillman, Jr., 809 Floradale  
Mrs. Willis B. Chapman, 900 Floradale  
Willis B. Chapman, 900 Floradale  
Lee T. and Shelia R. Wallace, 10021 Childress  
Joyce Scheller Frech, 10033 Childress

## COMMISSION ACTION

There was discussion regarding property uses in the immediate area. The applicant feels this request is appropriate with the kind of development that has been anticipated for many years along Middle Fiskville Road. The property has recently been annexed and the zoning is now needed. Applicant has worked with the staff and has met with neighborhood representatives and has modified the request. Applicant is of the opinion that Childress, as extended, will provide reasonable buffering and requests "B" zoning on the property between Childress and that "C" zoning is appropriate for all of the property south of the extended Childress Street. The applicant felt that the objective must be to achieve reasonable buffering and protection for the residential areas that border this property rather than gradations of zoning which may not achieve that objective, and suggested that "C" Commercial be granted on the property south of Childress but that the following constraints be placed as follows: First, that a 25-foot building setback line be imposed from the right-of-way on Childress and the east property line; further that no ingress or egress be allowed on to Childress; and that a privacy fence be constructed along the east property line. Area residents expressed concern for property values, noise and traffic. They questioned the validity of "C" zoning behind their homes, and requested to keep the "A" Residential zoning. The neighborhood group objected to the extension of Childress Street.

## COMMISSION VOTE

Mr. Snyder moved to approve the staff recommendations. Mrs. Schechter offered a substitute motion to postpone the request for two weeks and then withdrew her motion. Mr. Guerrero moved to deny the zoning request as applied for and as amended by applicant. Mr. Dixon seconded the motion. The Legal Department informed the Commissioners that they were obligated to designate or recommend some sort of zoning for this property rather than a flat denial. Mr. Guerrero then offered an amendment to grant permanent "A" residential. Mr. Dixon accepted and seconded the amended motion. Mr. Snyder moved to table the motion until April 25. Mrs. Schechter seconded the motion. This motion failed and the Commission then

C14-78-057 Thomas T. Smith (continued)

VOTED ON THE AMENDED MOTION by Mr. Guerrero to deny "C" Commercial as amended by the applicant and to grant "A" Residential.

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

THE MOTION PASSED BY A 4-2 VOTE.

C14-78-059 Hannah Williams, et al: Interim "A", 1st to  
(by Dennis Elmore) "GR", 1st  
3817-3825 Dry Creek Drive

Marie Gaines of the Planning Department explained that applicant had requested postponement of this request.

COMMISSION VOTE

Mrs. Shipman moved to continue the hearing until 8 p.m., April 4, 1978, the last item on the agenda. Mr. Dixon seconded the motion.

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

THE MOTION PASSED BY A 6-0 VOTE.

SPECIAL PERMITS

C14p-78-016 Thomas P. Francis: A 62-unit apartment project  
(by Edgar James)  
3601-3613 S. First Street  
413-417 Alpine Road and 509-517 Alpine Road

Elly Malone of the Planning staff presented the staff report. She stated this is an application for a special permit to allow a 62-unit apartment dwelling group on a 3.565 acre tract. The proposed density is 17 units per acre and all 10 apartment structures are to be two-story. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

C14p-78-016 Thomas P. Francis (continued)

PERSONS APPEARING IN FAVOR

Oscar James, 3809 South First  
Edgar James, representing applicant.

PERSONS APPEARING IN OPPOSITION

Jan Lundgren

COMMISSION ACTION

Applicant requested the drainage easement required for the 25-year flood plain be waived. There was discussion regarding the easement and the applicant agreed to a 15-foot easement and also to angle Building No. 10 in the same manner as Buildings Nos. 6 and 7. Jan Lundgren, an area resident, discussed the placement of the driveway and requested a privacy fence. Mrs. Schechter was concerned about the residences in the center and to the East and questioned what would be done to buffer them; applicant agreed to growing shrubs.

COMMISSION VOTE

Mr. Danze moved to approve this project according to staff recommendations, clarifying the request by the City Engineering Department to provide a dedicated easement of 15 feet in the 25-year flood plain; Building No. 10 turned approximately 90 degrees from its present orientation, provide shrubs on the east side of Building No. 10, a four-foot fence along the property line on the west side of Building No. 10 adjacent to the residential property as well as adjacent to Building No. 1 where there is also parking. Mrs. Schechter seconded the motion.

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

ABSENT: Messrs. Jagger, Stoll, and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14p-78-017 Curtis N. Sanders, D.V.M.: A veterinary hospital called  
4917 South Congress Ave. "Capital Veterinary Hospital"

Elly Malone of the Planning Department presented the staff report. She stated this is a request for a special permit to allow a veterinary hospital in an existing building which is part of a warehousing complex fronting on South Congress Avenue. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.



Cl4p-78-017 Curtis N. Sanders, D.V.M. (continued)

COMMISSION VOTE

Mrs. Schechter moved to grant approval in accordance with ordinance requirements and staff recommendations. Mr. Snyder seconded the motion.

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

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

THE MOTION PASSED BY A 5-0 VOTE.

Cl4p-78-018 Allan Shivers: A 128-unit apartment project  
(by Emile Jamail)  
1500-1604 North Loop  
5300-5310 Joe Sayers

Elly Malone of the Planning Department presented the staff report. She stated applicant had requested to exclude the area north of the creek from the special permit application, thereby increasing the density to 26 units per acre. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Emile Jamail, representing applicant

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

Dr. Truman N. Morris

Richard Stalhos, 5353 Burnet Road

Preston State Bank Trustee, Dallas

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

There was discussion of what would be built on the tract and the area to be removed from this special permit request.

COMMISSION VOTE

Mrs. Shipman moved to approve this special permit subject to compliance with ordinance requirements and departmental recommendations, deleting the portion of the tract north of the creek as requested by applicant, and increasing the density to 26 units per acre. Mr. Dixon seconded the motion.

C14p-78-018 Allan Shivers (continued)

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

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

SHORT FORM SUBDIVISIONS

The following short form subdivision has appeared before the Commission on March 28, 1978, and was postponed pending a report from the Water and Wastewater Department, covering the problem of extending the wastewater line. There was discussion on the use of the property and the applicant stated that his current expansion would include only warehouse space and felt the cost involved to extend the utility line was excessive.

The Commission then

VOTED: To DISAPPROVE the subdivision pending completion of departmental requirement but voted to approve the variance requested and to request the City Attorney to draw up an appropriate legal document using proper verbage to attach to the subdivision plat to waive the subdivision requirements for the sewer at this time; however, in the event any future change is made on any structure on this subdivision, that they can be required to connect to appropriate City wastewater main.

C8s-77-263 Warren Holmans Subdivision  
Burnet Road (F.M. 1325)

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

The meeting adjourned at 11 p.m.

  
Richard R. Lillie, Executive Secretary