

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting -- June 6, 1978

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

Present

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

Also Present

Evelyn Butler, Supervisor Current Planning
Elly Malone, Planner
Marie Gaines, Planner
Betty Baker, Planner
Maureen McReynolds, Director of the Office
of Environmental Resource Management
John Meinrath, Legal Department
Ouida W. Glass, Senior Secretary

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

The staff recommends to deny "C" Commercial but recommends approval of Plan One as submitted by the applicant for "A" Residential to the north of the proposed extension of Childress Drive, a 25-foot building setback along the south side of the proposed extension of Childress Drive with no access and the easternmost boundary, followed by 75 feet of "GR" General Retail and the remainder "C" Commercial.

Joyce Frech, 10,033 Childress

C14-78-057 Thomas T. Smith--Contd.

Wayne Kaiser, 10,006 Hampshire
Don Ragsdale, 10,008 Hampshire
Ronald E. Hanna, 10,005 Hampshire
Karen J. Hanna, 10,005 Hampshire
Lee and Shelia Wallace, 10,021 Childress
Andrew Becker, Jr., 802 Floradale
Mary Ragsdale, 10,008 Hampshire
Holly Roi, 901 Chiswick
Larry G. Jones, 10,031 Childress
Mark Hollock, 10,002 Hampshire
Debbie Hollock, 10,002 Hampshire
Robert F. Hughes, 801 Floradale

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Mrs. Roger Feathers, 902 Floradale

COMMISSION ACTION:

Applicant discussed meetings with the neighborhood since the last hearing and stated no real agreement had been reached. He stated he felt the area appropriate for commercial development. He discussed Plan One and pointed out he felt this area to be perfect for commercial development, the plan protects the neighborhood and he felt residential use to be less appropriate. Area residents again discussed the fact that this would downgrade property values, pointing out the traffic that would be created and the need for buffering. There was discussion of extending Childress as a through street rather than being a cul-de-sac. It was again pointed out that this was a single-family neighborhood and area residents were opposed to any change in zoning. Mr. Jagger stated he felt the neighborhood needs to be protected and that the applicant has not done anything to consider their concerns.

COMMISSION VOTE:

Mr. Danze moved to deny "C" Commercial that Childress go through to Middle Fiskville Road; to grant "A" Residence, 1st H & A on the north and south of proposed Childress Drive, the tier of lots to the south to a depth of 135 feet with a 6-foot privacy fence; to grant 35 feet of "A" Residence, 1st H & A on the eastern boundary with a 6-foot privacy fence and the remainder to grant "C" Commercial, 1st H & A. Mr. Vier seconded the motion.

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

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

<u>C14-78-054</u>	<u>City of Austin</u>	<u>Interim "A" Residence.</u>
	Bounded to the south by Martin Luther King Blvd., to the west generally by Springdale Road, northeast Drive, Manor Road, and bounded to the east by Ed Bluestein (Loop 360).	<u>"GR" General Retail,</u> <u>"LR" Local Retail, "C"</u> <u>Commercial, "B", & "BB"</u> <u>Residence, 1st H & A to</u> <u>APPROPRIATE ZONING</u>

Marie Gaines of the Planning Department presented the staff report. She stated the Planning Commission had instructed the Planning Department to study the subject area at the request of the Pecan Springs Neighborhood Association in December of 1977. On May 5, 1978, the Planning Department sent out preliminary notices to all property owners within the study area. The following guidelines govern this study: (1) to identify changing conditions and general land use trends in the study area; (2) to recommend permanent zoning for lands which are presently zoned Interim "A" Residence; (3) to suggest a rational approach to land use and zoning which will minimize the number of zoning cases; and (4) to suggest a zoning plan which will maintain existing neighborhood development and sustain as yet undefined neighborhood development.

AREA FOR CONSIDERATION

The area study boundaries include Ed Bluestein Boulevard on the east; Martin Luther King Boulevard on the south; and Springdale Road and Manor Road on the west. Thus study area covers approximately 760 acres or 1.2 square miles.

GENERAL LAND USE AND ZONING

Land use within the study area falls into three categories: undeveloped land, single-family residences and more intensive uses consisting of commercial, retail, office, or apartments. The majority of the developed land is single-family residences fronting Loyola Lane in the northern portion and along MLK Boulevard in the southern portion. All are zoned Interim "A" Residence. Undeveloped land occupies a majority of the study area. The greatest part of undeveloped land lies between the subdivisions of The Bluff of University Hills, Springdale Hills, and Crest Hills, which were developed between 1965 and 1971. Smaller tracts of undeveloped land are located north of Turner Lane in "GR" General Retail and Interim "A" Residence. Land to the west of Springdale Road is undeveloped within the study area boundary with the exception of a nursing home, gasoline station, and offices in "BB", "B", "LR", and "GR" use districts. Up to this time it has been determined that four legal non-conforming uses within the study area exist along Springdale Road; a welding shop, a telephone switching plant, a riding stable, and a junkyard. Zoning and land use in areas outside the study area include single-family residences in "A" and Interim "A" Residence to the west. The Pecan Springs Neighborhood Association includes this area. There are accompanying neighborhood retail facilities in "LR" Local Retail and "GR" General Retail. Winn Elementary School is located northwest and Morris Williams Golf Course is southwest of the study area. Undeveloped land in "GR" General Retail, "O" Office, and Interim "A" Residence is located east of Ed Bluestein Boulevard. The Crystal Brook, Las Cimas, and Cavalier Park single-family subdivisions, and LBJ High School are also located at the east in Interim "A" and undeveloped land and single family residences in Interim "A" are located south of MLK.

C14-78-064 City of Austin:--Contd.CHANGE OF CONDITIONS

A number of changes in condition need to be highlighted when considering possible zoning plans for the Pecan Springs study area. When the Major Arterial and Expressway Plan was approved in 1969 it encompassed plans for Springdale Road to be a major expressway on a 200-foot right-of-way. Action by the Planning Commission and City Council in 1977 for the Springdale Road Capital Improvements Project to make the roadway a 44-foot street with sidewalks, curb and gutters, and a bikeway in effect amended the plan from MLK to Hycreek. Accompanying street improvements for the U.S. 183 interchange along Springdale from Hycreek Drive north to U.S. 183 are also a scheduled CIP project for FY 1977-78. These amended changes make Springdale Road a major arterial as opposed to a major expressway. The proposed extension of East 51st Street has been given a low priority in past City of Austin Public Works projects because of the lack of developmental pressures and the lack of traffic.

Annexation of this area took place between 1963 and 1972. A majority of the lands zoned other than Interim "A" Residence have less restrictive zoning from six to 16 years and remain undeveloped. The three sites owned by the Austin Independent School District have remained undeveloped. Development of the AISD land is undefined as school sites remain uncertain.

ZONING POLICY

Out of the area's zoning history over the past 15 years the following policies emerge: (1) Local and General Retail has been recommended and approved for three intersections along Springdale Road. Recommendation of less restrictive zoning at major intersections is a Commission and Council endorsed policy throughout the City; and (2) conversion from Interim to permanent zoning is encouraged wherever possible.

ANALYSIS

Existing single-family residences within the study area are in need of zoning continuity to establish clearly defined land use districts. "AA" Residence can set a positive precedent, thereby complementing existing single-family development within and outside the study area. In addition, petition rights for rezoning will be established for residents within the study area.

Land at major intersections should continue to be used for less restrictive uses but should be oriented to neighborhood needs like Local or General Retail. Transition zones such as "O" Office between a less restrictive use and single-family residents is a well established policy of the Commission and of the Council.

Zoning beginning at Northeast Drive along Springdale and Manor Roads has been mixed. Retail and Commercial zoning has been recommended for tracts fronting along these streets while apartment zoning has been granted for large tracts adjoining The Bluff of University Hills subdivision. A more recent rezoning to deny "GR" General Retail on Springdale Road suggests a shift in attitude and condition from other previous requests in this vicinity.

C14-78-064 City of Austin--Contd.

Properties which are designated other than Interim "A" Residence, are parcels of land which have continued to remain undeveloped, or partially so. Numerous parcels of land which have less restrictive zoning than "A" Residential have remained undeveloped and have been zoned accordingly for from 6 to 15 years. Existing zoning in this vicinity suggests a point for discussion: Is zoning adequate for present or future needs?

This area study can set a precedent for establishing a framework by which an approved zoning policy is established and maintained. The Commission can choose to exclude any part of the area study but is urged to consider zoning for all Interim zoned land.

STAFF RECOMMENDATION

1. To grant "AA" where Interim "A" exists, from Loyola Lane south to MLK.
2. To grant "LR" at the northeast intersection of MLK and Springdale.
3. To grant "GR" at the northwest intersection of MLK and Ed Bluestein with the continued 20-foot strip of "A" along the single-family residences to the west.
4. To grant "GR" to the tract of land zoned Interim "A" bounded on the west by Springdale Road and on the east by Ed Bluestein.
5. To grant "O" Office, 1st H & A to land zoned Interim "A" south of Turner Lane. This will act as a transition zone between the existing "GR" and single-family residences.
6. The Commission has several options for the balance of land in the area:
 - a. to withdraw permanently zoned tracts from further consideration;
 - b. to recommend zoning consistent with zoning Policy 1 above, or
 - c. to recommend to grant a continuance of the "AA" district as suggested in Recommendation 1,
7. To grant appropriate zoning for identified legal non-conforming uses.

CITIZEN COMMUNICATIONPERSONS APPEARING IN FAVOR

Art Brown, 6405 Hartwick
Eugene Hancock, 4907 Carson Hill Drive
Mrs. J. E. Daman, 3300 Norwood Hill Road
Joy Moden, 6506 Bridgewater Cove
Geren Chapman, 1804 Running Brook
Nancy Cise, 5102 Loyola
Lee Henry, 4712 Carsonhill
Barbara B. Harris, 3403 Loyola
Mary Alice Brown, 7004 Bryn Mawr Cove
Neil Hopkins, 3103 Sunny Lawn Circle
Jessie T. Hopkins, 3103 Sunny Lawn Circle
Connie A. Miller, 4902 Oldford Hill Drive
Nadine M. Whitley, 5215 Basswood Drive
Linda Holloway, 5300 Beechmoor Drive
Merle T. Modern, 6506 Bridgewater Cove
Jane M. Williams, 5412 Tipton Drive
Alan Stearman, 5007 Pecan Springs Road

C14-78-064 City of Austin--Contd.

Michael Garrett, 3102 Berrylawn Circle
David Brown, 4614 Bandy Hill Drive
Joan Bartz, 6713 Tulsa Cove
Merwyn Johnson, 3302 Woodbriar Lane

PERSONS APPEARING IN OPPOSITION

John E. Foster, 8401 Shoal Creek
Odus Crumley, 1406 Koenig Lane
Don Bird, American Bank Tower
Dr. Helen E. Miller, 4800 East MLK Blvd.
Jerry Reed, _____ West Sixth
Eugene Nelson, 2611 Pinewood Terrace
Stella Traweek, 2304 McCullough
Leroy Bush, 2613 South Lamar
J. Vernon Cook, Jr., 6200 Manor Road
Ed Plemings, Jr., 901 Congress Avenue
Larry Niemann, 1210 American Bank Tower
Mildred Sneed, 5101 Loyola Lane
Robert Sneed, 5101 Loyola Lane

WRITTEN COMMENTS IN FAVOR

Terry Bray, 2300 Austin National Bank Tower
Allen W. Miller, James W. Wilson, 4800 East MLK Blvd.
Houston Holmes, 5311 Balcones Drive

L. P. Tabaume, 1010 West St. Mary's, Room 1006
Mrs. Donald P. Harris, 3403 Loyola Lane

WRITTEN COMMENTS IN OPPOSITION

Stella Traweek, 2304 McCullough Street
Thomas W. Glass, 2450 Austin National Bank Tower
Scott Chapman, no address
W. W. Patterson, 1216 American Bank Tower
Donald E. Bird, American Bank Tower
Roger Lawhon, 2002 Singing Brook
Hunter Schieffer, 2001 South Interregional
Walter Carrington, 5609 Adams Street
Albert J. Carlson, 205 Westbrook West

COMMISSION ACTION:

Mr. Danze stated this is a sensitive area. A lot of the zoned area is not developed, and some of the area will not be developed as it is zoned. He felt apartments would be detrimental since it is an integrated area and that single-family should be the use. He was of the opinion that multi-family development would tend to go minority and that would be bad for the city. There was discussion of whether or not to postpone or to continue this due to the late hour (it was called at 12:45 a.m.). Mrs. Shipman felt it appropriate to take action at this time. Mr. Guerrero suggested to listen to the testimony and then take appropriate action.

C14-78-064 Numerous Owners--Contd.

Mr. Johnson, speaking for the Pecan Springs Integrated Neighborhood Association, felt an immediate need for permanent zoning, he stated it would help stabilize the area as well as to help maintain and raise property values for homeowners as well as investors. He felt there was a solid, economic base in this area for development and growth; the schools remain excellent; and it is a naturally integrated area requiring no bussing. He explained that the white flight has declined sharply and that there is excellent access to the city, and they have good parks in the area. This is not a declining neighborhood, felt it needed to be created in a positive way, and there was a need for investors to help develop the area. He discussed the distribution of age groups and also the change in racial balance from 1970 to 1976. Income distribution was discussed.

Jo Anne Bartz, representing the University Hills Homeowners Association, stated zoning should be designated for a specific use, not for speculation against excessive commercial development. She felt there were two issues involved -- Interim "A" is a zoning request and the roll-back issue is entirely different, and that it is wrong to combine the two into one study. She felt that overcommercialism would isolate The Bluffs subdivision, resulting in a ghetto. She questioned why this area was developed residential if commercial development was planned at that time and why prospective home buyers were not told of the potential of being submerged by commercial development planned for the area. She urged approval of the request from Interim "A" to Permanent "A" zoning for the study area and that the University Hills Homeowners Association would be presenting a request for the remainder of the area in the not too distant future. Area residents stated this was an integrated area and they wanted to keep it that way, it should be kept single-family, pointing out that commercial areas are by-products of residential areas. It was also pointed out that it should not be right for real estate speculators to make a profit at the expense of adjacent residential property owners. Nadine Whitley expressed concern with interim zoned land, pointed out that zoning has the possibility of making or breaking this neighborhood. She felt this would make a market for land where there is no market at the present time.

Speaking in opposition, Robert Sneed, representing Richard Seiders, explained this is difficult terrain to developed, pointed out that owners cannot continue the economic burden of the land, stating there is no alternative but to put the land on the market since there was no other way for it to be developed. He felt there was not enough time of the zoning study, and requested time to meet with the staff to determine what could be done to come up with an answer, agreed there is a problem, but was of the opinion there should be a different approach. He discussed costs of developing and financing in this area as opposed to Northwest Austin. He stated lot prices have doubled in other areas and something needs to be done about this; felt the problem is economic and not social. He expressed the opinion that to develop jobs would raise the economic level; if jobs are available in the area, people will move into the area. He stated this is a roll-back situation and is entirely erroneous without the consent of the owner; pointed out

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that interim zoning is no different from any other except for the right to petition and warned that this could create a serious precedent. He suggested to take the matter under advisement, give interested persons the right to come in with a planner and see what can be worked out. He would accept Interim "A" to "A" but would not recommend his client accept "AA".

Don Bird stated this is not a study; it is a formal zoning case and felt it was not necessary to file a zoning case in order to have a study. He objected to the zoning being rolled back and felt that property should not be tied up while making a study. He suggested to drop properties that do have permanent existing zoning, stating that the two questions are different, withdraw the zoning cases until the study can be completed, separate the two items by deleting the roll back areas from the study.

Mildred Sneed stated she did not want to be involved in a roll back. Her property was zoned "O" and she requested exemption on an individual basis and did not want to be a part of this. Larry Neimann pointed out that this involves the economic health of the City, stating it would damage the City and damage it badly. Property was purchased at zoned prices and this would devalue it. He felt this to be very frightening to investors; pointing out the instability to the financial health of the community, stating that it would be unwise to request roll back without consulting property owners.

Ed Fleming felt this to be an unfair use of city mailing privileges, stating this is a lobbying or pressure group. Mr. Cooke stated he purchased property at "GR" prices, paid "GR" tax rates, felt the City had an obligation to protect property rights. There was discussion of area residents that property had been bought at certain prices and taxes paid in the same manner; this would be a terror situation if rezoned "AA". It was pointed out that notification was for an area study and there was resentment of the proposed change in zoning; this would destroy the concept of a residential neighborhood and devalue property even more; endanger living conditions and increase taxes. It was pointed out that property should come in "AA" and that the zoning should be changed at the request of property owners when there is a use for the property.

COMMISSION VOTE:

Mr. Stoll felt there was merit to separate the interim zoning from the permanent zoning, areawide zoning a very good concept, that there was consideration being given to permanent zoning upon annexation. He moved that the interim zoned land be permanently zoned "AA" and that the areas that are now permanently zoned be given further consideration. Mr. Danze seconded the motion.

Mr. Jagger felt there was merit in taking all single-family subdivided Interim "A" and rezone that just one "A" not "AA" that the undeveloped land, give the property owners who want to do some study and to come back an opportunity to do that; that there is no urgency with undeveloped land; the land that is permanently zoned that the City staff should be requested to make a parcel by parcel analysis of that land. He stated that is the zoning is

C14-78-064 City of Austin--Contd..

rolled back and the lenders in this country find out that zoning on developed land and the same thing may be true of undeveloped land, can be rolled back from under you, there will not be another structure built in this city unless an individual has enough money to pay for it out of his own pocket; every closing document has to have a legal opinion that zoning is there. He felt the Commission must be very careful about this; felt that every parcel must be analyzed, that anything that is developed, this would be complete and total disaster. He stated again that every parcel that has permanent zoning must be analyzed individually with an individual report on every parcel before the Commission can make any kind of decision and that the property owners must be consulted with. Mr. Guerrero seconded this motion. The vote on the substitute motion was

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

The substitute motion failed by a 2-3 vote.

The Commission then voted on the original motion that the interim zoned land be permanently zoned "AA" and that the areas that are now permanently zoned be given further consideration. It was agreed to amend the motion to add that consideration be on a parcel by parcel basis as suggested by Mr. Jagger.

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

THE MOTION PASSED BY A VOTE OF 4-1.

C14-78-066 J. Marvin and Janell Basey: Interim "AA" Residence, 1st H & A
8718 Leisure Drive to "A" Residence, 1st H & A

Marie Gaines of the Planning Department presented the staff report. She stated the uses in this area are residential with duplexes to the north and a mobile home is located on a lot abutting the rear of this lot. Applicant is requesting this zoning in order to construct a duplex. The staff recommends that "A" Residential, 1st H & A be granted.

CITIZEN COMMUNICATION
PERSONS APPEARING IN FAVOR
None

C14-78-066 J. Marvin and Janell Basey--Contd.

PERSONS APPEARING IN OPPOSITION

Glenn Van Shellenbeck, 8705 Leisure Drive
Jennings Columbus, Jr., 8787 Leisure Drive
Willard J. Cochran, 8703 Leisure Drive
Rebecca Van Shellenbeck, 8705 Leisure Drive

COMMISSION ACTION:

There was discussion regarding other real estate in the area that could be used for this type development and the request that the area remain as it is. It was pointed out that the lot is not large enough to have anything except a single-family residence according to deed restrictions.

COMMISSION VOTE:

Mr. Stoll moved to deny "A" Residence, 1st H & A. Mr. Dixon seconded the motion.

AYE: Messrs. Danze, Dixon, Stoll and Vier.
Mrs. Schechter.

NAY: Messrs. Guerrero and Jagger.
Mrs. Shipman.

ABSTAINED: Mr. Snyder.

THE MOTION PASSED BY A VOTE OF 5-3-1.

C14-78-071 Henry S. Miller Realty Trust: "GR" General Retail, 1st H & A
5813 Berkman Drive to "C" Commercial, 1st H & A

Marie Gaines of the Planning Department staff explained this application involves the Sommers Drug store building within the Windsor Village Shopping Centers. The applicant has requested "C" Commercial zoning to sell alcoholic beverages for offsite consumption. The policy for more intense uses within shopping centers has been to rezone only the building. The sale of alcoholic beverages for offsite consumption has been consistently recommended at similar sites within the confines of a shopping center. The staff recommends "C" Commercial, 1st H & A.

COMMISSION VOTE:

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

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

OUT OF THE ROOM: Mr. Snyder.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-071 Henry S. Miller Realty Trust: "GR" General Retail, 1st H & A
5813 Berkman Drive to "C" Commercial, 1st H & A

Marie Gaines of the Planning Department staff explained this application involves the Sommers Drug store building within the Windsor Village Shopping Centers. The applicant has requested "C" Commercial zoning to sell alcoholic beverages for offsite consumption. The policy for more intense uses within shopping centers has been to rezone only the building. The sale of alcoholic beverages for offsite consumption has been consistently recommended at similar sites within the confines of a shopping center. The staff recommends "C" Commercial, 1st H & A.

COMMISSION VOTE:

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

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

OUT OF THE ROOM: Mr. Snyder.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-086 Edward and Ted Wendlandt: Interim "AA", Residence, 1st H & A
 (by Avery M. Murrah) to "GR" General Retail, 1st H & A
9401-9423 North Lamar
500-700 West Rundberg Lane

Marie Gaines of the Planning Department presented the staff report. This undeveloped tract of land is located on the northeast corner at the intersection of North Lamar and Rundberg Lane. Applicant is requesting the change for the construction of a new Safeway Store. The staff recommends to change the zoning from I-AA to GR, 1st H & A ten feet of right-of-way on Lamar Boulevard for the future widening will be required when the subdivision is submitted.

COMMISSION VOTE:

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

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

OUT OF THE ROOM: Mr. Snyder.

THE MOTION PASSED BY A VOTE OF 8-0.

THE MOTION PASSED BY A VOTE OF 4-3.

Marie Gaines of the Planning Department presented the staff report. She stated this application covers six acres of undeveloped land in far Northwest Austin and the applicant has requested "A" Residential for the purpose of duplex development. Requests for rezoning and a proposed fire station facility have been strongly opposed by residents in this area. Location of a proposed fire station facility by special permit was denied by the Planning Commission and the City Council. Two zoning cases and a special permit have been processed on the south-east corner tract of Duval and Angus Roads. Commercial zoning has been denied, "LR" Local Retail not recommended and withdrawn, a special permit for a medical clinic denied. The proposed density would be approximately 14.52 units to the acre or a total of 87.12 units. Based on the zoning history and the low-density residential development adjoining subject tract to the east and north, "A" Residential is an inappropriate use district. "AA" Residential is more compatible with this outlying location and the developing density of the neighborhood. The staff recommends to deny "A" Residence, but to grant "AA" Residence, 1st H & A.

Applicant explained the density for single-family residences in "AA" zoning would be 36 units, and this request is for 35 units. Area residents objected to the change in zoning, stating that greater density should not be permitted in that it is incompatible with the

C14-78-088 Raymond E. Thomas--Contd.

existing neighborhood. It was pointed out that a zoning change could leave room for all sorts of deviations, the distance from 183, and the phased-down zoning from the residential area. Joseph Urea requested staff to develop a plan for the area and stated that the owners were attempting to change the character of the neighborhood.

COMMISSION VOTE:

Mrs. Shipman moved to deny "A" Residence, 1st H & A and to grant "AA" Residence, 1st H & A. Mr. Stoll seconded the motion, pointing out he felt this to be high intensity use in the middle of large lots and single-family homes, and he could see no reason to go in now with higher density and duplexes.

Mr. Jagger offered a substitute motion to grant "AA" Residential, 1st H&A (75 feet or not less than 70 feet) on the back side and to grant "A" Residence, 1st H & A on the remainder. Mr. Vier seconded this motion.

The vote on the substitute motion:

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

THE MOTION FAILED BY A 4-4 VOTE.

The Commission then voted on the original motion to deny "A" Residence, 1st H & A and to grant "AA" Residence, 1st H & A.

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

THIS MOTION ALSO FAILED BY A 4-4 VOTE. NO RECOMMENDATION.

C14-78-089	Leon A. Schmidt Children's Trust #1: Interim "A" Residence
	9201-9213 Old 183 1st H & A to "C" Commercial, 1st H & A
	9398-9408 New 183 (as amended)

Marie Gaines of the Planning Department presented the staff report. She explained that significant alterations to the existing intersection and highway are planned. The zoning policy for the land between Jollyville Road and U.S. 183 in this vicinity which has been developed as a result of numerous zoning cases is "GR" General Retail. "C" Commercial uses are commonly approved for limited areas within "GR" when well buffered from adjacent tracts and streets. The staff recommends to deny "C" Commercial, but to grant "GR" General Retail, 1st H & A.

C14-78-089 Leon A. Schmidt Children's Trust #1--Contd.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Robert Schmidt, applicant

PERSONS APPEARING IN OPPOSITION

Don Beyer, Balcones Civic Association

WRITTEN COMMENTS IN FAVOR

Bart Hodges, 5003 Crestway Drive

Herman Waters, Jr., 8705 Shoal Creek Blvd.

Carl D. Meek, 718 Alpine Drive

WRITTEN COMMENTS IN OPPOSITION

Mrs. T. E. Gatliff, 9126 Jollyville Road

F. A. Hildebrand, Jr., 9237 Jollyville Road

COMMISSION ACTION:

Mr. Beyer stated he preferred to keep the zoning lower in the area but did agree to the proposed zoning as recommended by staff for this tract of land.

COMMISSION VOTE:

Mr. Snyder moved to deny "C" Commercial but to grant "GR" General Retail, 1st H & A, as amended. Mr. Stoll seconded the motion.

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

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

<u>C14-78-090</u>	<u>Leon A. Schmidt Children's Trust #1:</u> (by Robert Schmidt, Trustee) 4504 & 4509 Celeta Lane 4502-4500 Celeta Lane 4507 Celeta Lane 10109-10409 U.S. 183 10513-10605 U.S. 183	<u>Interim "AA" Residence, 1st H & A</u> <u>to "GR" General Retail, 1st H & A</u> <u>(depth of 150 feet from Hwy. 183),</u> <u>"C" Commercial, 1st H & A (balance</u> <u>of depth) (As amended)</u>
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Marie Gaines of the Planning Department presented the staff report. She stated that future plans for the widening of U.S. 183 is being considered by the State Department of Highways and Public Transportation and that the applicant should consult with the State Highway Department for possible right-of-way or building setback consideration prior to development of these tracts. The zoning policy along U.S. 183 in this vicinity is "GR" to a depth of 150 feet and "C" Commercial, 1st H & A on the remainder of the tracts.

COMMISSION VOTE:

Mrs. Schechter moved to grant "GR" General Retail, 1st H & A for a depth of 150 feet of the westernmost portion of land fronting U.S. Highway 183 on Tracts 1 and 2, and to grant "C" Commercial, 1st H & A on the remainder of the tracts. Mr. Danze seconded the motion.

C14-78-090 Leon A. Schmidt Childrens's Trust #1--Contd.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-091 Robert T. Mayfield: "LR" Local Retail, 1st H & A to
(by Ray A. Wilkerson) "GR", General Retail, 1st H & A

Marie Gaines of the Planning Department presented the staff report. She explained applicant has requested this change in order to provide sale of alcoholic beverages with a restaurant operation. The rezoning will be for the building only and the requested zoning is consistent with the policy to allow more intense uses in confined areas and set back to discourage strip development. Present zoning in this area is LR and provides uses consistent with the needs of the neighborhoods served by these streets. The staff recommends that GR, 1st H & A be granted.

COMMISSION VOTE:

Mr. Dixon moved to grant "GR" General Retail, 1st H & A for the building only. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-092 Robert L. Hasler: Interim "AA" Residence, 1st H & A
(by E. B. Nail) to "GR" General Retail, 1st H & A
13900 U.S. Hwy. 183
13100 F.M. 620

Marie Gaines of the Planning Department presented the staff report. She stated that this tract which fronts F.M. 620 is bounded by the Cedar Park City limits and undeveloped land which is outside the City limits. The applicant intends to remodel and expand the present site. The policy at major intersections is for more intense use districts and the requested zoning change is consistent with this policy as well as the policy for "GR" zoning along U.S. 183. The staff recommends to grant "GR" General Retail, 1st H & A.

COMMISSION ACTION:

There was discussion of the traffic in the area, the hazards, and the placement of driveways.

C14-78-092 Robert L. Hasler--Contd.

COMMISSION VOTE:

Mrs. Shipman moved to grant "GR" General Retail, 1st H & A subject to a report by the Urban Transportation Department to look into the driveway access situation and report to the City Council when the case is presented. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

C14-78-094 Claud A. Martin: "O" Office, 2nd H & A to "LR", 2nd H & A
(by John C. Treadwell)
1301 Rio Grande

Marie Gaines of the Planning Department presented the staff report. She explained that the proposed use for this location is to be a veterinary clinic. The site is presently a vacant doctor's office and a special permit is also being processed concurrently with this zoning case. There is no precedent for "LR" zoning in this mixed-use neighborhood. While the proposed use is found in the "O", "B" and "A" use district, a minimum of ten acres is required. "LR" with a special permit is necessary for the operation of a veterinary clinic on a site less than ten acres. Approval of this application for rezoning would set an undesirable precedent for less restrictive zoning. The proposed use district would be incompatible with the established zoning pattern for this area. The staff recommends to deny "LR" Local Retail, 2nd H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

John Treadwell, applicant
Charles R. Blocker
Dr. Claud Martin
Bob Binder
T. G. Bradfield

PERSONS APPEARING IN OPPOSITION

Barbara Hoffman, Mark S. Spaeth Co., 607 West 14th Street

WRITTEN COMMENTS IN FAVOR

C. A. Martin, M.D., 1301 Rio Grande
Buck Sandlin, 602 West 13th

WRITTEN COMMENTS IN OPPOSITION

Allan Zidell
Alvin Zidell

COMMISSION ACTION:

Applicant explained that he wished to have a one-person outpatient facility for small animals and that this building had been a doctor's office for a long time. He agreed to a deed restriction to return the zoning to "O" if the property should be sold. There was discussion of the property uses in

C14-78-094 Claud A. Martin--Contd.

the area and applicant stated he did not feel this would set any precedent; they have already been set. Mr. Blocker, who lived next door, stated he had no problems with the request, felt the intent to be good and expressed the desire to see the structure remain as it is. He felt the homes in the area should be retained. Dr. Martin stated he did not want to sell the structure to someone who would tear it down, explaining that it was built when the capitol was built and that he was the second owner. Barbara Hoffman, speaking in opposition, felt the change in zoning would deteriorate the neighborhood.

COMMISSION VOTE:

Mrs. Shipman moved to deny "LR", 2nd H & A. Mr. Stoll seconded the motion.

Mr. Jagger felt there should be some possibility of coming up with some restriction that would protect the use of the land against "LR" uses in the future and in turn would not materially alter the building. There was discussion of restrictive covenants and deed restrictions.

Mr. Jagger then offered a substitute motion to grant "LR", 2nd H & A subject to a deed restriction that the building would not be torn down or materially altered and that the use would not be changed from a small animal clinic unless the zoning was changed back to "O" Office. Mr. Vier seconded this motion.

There again was discussion of the zoning and the various uses in the area. Mr. Stoll felt this to be spot zoning. Mr. Jagger felt there must be flexibility in order to make this downtown area work. Mrs. Schechter suggested referring this to the Landmark Commission for historic zoning.

The Commission then voted on the substitute motion by Mr. Jagger to grant "LR", 2nd H & A subject to a deed restriction that the building would not be torn down or materially altered and that the use be only for a small animal clinic zoning was to roll back to "O" Office if the site was not developed as a small animal veterinary clinic.

AYE: Messrs. Danze, Jagger, Snyder and Vier; and Mrs. Schechter.

NAY: Messrs. Guerrero and Stoll; and Mrs Shipman.

ABSENT: Mr. Dixon

THE MOTION PASSED BY A VOTE OF 5-3.

<u>C14-78-095</u>	<u>Texas Commerce Bank, et al:</u>	<u>Interim "A" Residence, 1st H & A</u>
	(by Jay C. Tapp)	to "C" Commercial, and "BB" Residence
	Parker Lane, East St. Elmo	1st H & A
	Road, IH 35, Woodward St.,	
	and San Marino Drive	

C14-78-095 Texas Commerce Bank, et al--Contd.

Marie Gaines of the Planning Department presented the staff report and explained the application had been amended to eliminate Tract 5. In the past "C" Commercial has been recommended by the staff along some sections of I.H. 35. There is, however, a policy to recommend a scale-down along I.H. 35 in this area because of existing residential development. "GR" General Retail is an appropriate scale-down to abutting residential development north of Tract 2, and proposed residential units on Tracts 3 and 6. "BB" Residence allows approximately 20 units to the acre, this density is consistent with the residential density north of Tract 6 and south of Tract 4. The staff recommends to deny "C" Commercial, 1st H & A on Tracts 1 and 2; to grant "GR" General Retail on Tracts 1, 2, and 3, and to grant "BB" Residence, 1st H & A on Tracts 4 and 6.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Earl Britton, representing applicant
T. G. Bradfield, 108 West Bee Caves Road

PERSONS APPEARING IN OPPOSITION

Jack Burkett, 1713 Rock Bridge Terrace
Lawrence A. Latour, 1709 Timberwood Drive
John R. Arthur, 1700 Timber Ridge Drive
Barbara B. Duck, 1715 Timber Ridge Drive
Gary Duck, 1715 Timber Ridge Drive
Gardner J. Ayers, 1710 Timber Ridge Drive
Adrian Overstreet, 1722 Timberwood, representing Northwest Mutual Life Insurance Co. and Timber Ridge Homeowners Assn.
Norma Larson, 1717 Timberwood Drive

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Jack W. Steven, 701 Skylane Drive, Uvalde, Texas
Jack K. Williamson, 3104 Catalina Drive

COMMISSION ACTION:

Applicant indicated he concurred completely with the changes as recommended by staff. He explained the proposed use for the "BB" zoning would be housing for that density, apartment or townhouse uses. He is contemplating a small office building and a motel on the "GR" portion. Mr. Overstreet, speaking in opposition, felt the neighborhood would be threatened by this mass commercial development. He pointed out the staff recommendation is different from the notification and there was not time to prepare properly. He suggested Tracts 1 and 2 be zoned "O" Office provided a site plan is approved prior to any change in zoning. He was opposed to Tract 3 being anything other than single-family residential. He pointed out the large amount of single-family dwellings and the possibility of this becoming an apartment neighborhood if approved, stating that this will determine the character of the entire neighborhood. He requested that "O" Office be kept on the freeway and that a site plan be approved before any change is made. Mr. Ayers felt the area should remain residential. There was discussion of commercial coming into a residential neighborhood, the noise and traffic that would be created. He felt the request should be

C14-78-095 Texas Commerce Bank, et al--Contd.

postponed to give residents an opportunity to answer to what was being proposed since this was not as originally requested. Applicant felt the mix of uses to be compatible to the area.

COMMISSION VOTE:

Mrs. Shipman moved to continue the hearing for three weeks to allow applicant time to meet with the neighborhood in an open type forum; Urban Transportation

Department to respond to offstreet parking and traffic, the existing land use, proposed land use and the park. Mrs. Schechter seconded the motion.

Mr. Danze offered a substitute motion to grant "O" Office on Tracts 1, 2, and 3 and "BB" Residence on Tracts 4 and 6. Mr. Vier seconded the motion. Mr. Snyder offered an amendment to the substitute motion to have Tract 2 line up with the P.U.D. and the balance to be "BB". Mr. Jagger further amended the motion to include a 25-foot strip buffer to retain the trees on the north side of Tract 6, to be left "A" Residential with an environmental easement on it.

Mr. Snyder then withdrew the motion and restated it with all amendments. Mr. Snyder moved to deny "C", Commercial, but to grant "O" Office on Tracts 1, 2, and 3, and to grant "BB" Residence on Tracts 4 and 6 with a 25-foot strip of "A" on the north as an environmental easement on Tract 6, and to amend Tract 6 to line up with the P.U.D. line to the north.

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

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-096 Julia Joseph Sawyer: "C" Commercial, 2nd H & A to
(by Donald H. Grissom) "C-2" Commercial, 2nd H & A

Marie Gaines of the Planning Department presented the staff report.

She stated the subject tract is an existing commercial drive-in grocery and office. Applicant is requesting "C-2" zoning for the development of a lounge below the drive-in grocery store. While a majority of the zoning is "C" Commercial, the actual land uses are Local or General Retail (with the exception of the funeral home to the north). Precedent for "C-2" zoning does not exist along this portion of Congress Avenue. The staff recommends to deny "C-2" Commercial, 1st H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Don Grissom, representing applicant

PERSONS APPEARING IN OPPOSITION

John Amey, 2620 South Congress

John Corry, 2714 Stacy

C14-78-096 Julia Joseph Sawyer--Contd.

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

John A. Spillar, Spillar Welding Shop, 2701 South Congress
Rees' Bar-B-Q, 2728 South Congress
Wilke-Clay Funeral Home, Inc., 2620 South Congress

COMMISSION ACTION:

Applicant explained his proposed use of the area and stated this would not set a precedent for zoning in the area. Mr. Amey pointed out the dangerous flow of traffic now. He stated they did not want a liquor store, bar, and game room serving alcoholic beverages as a neighbor on any side. He stated there was not enough parking now and this would only add to the problem. He felt the area should remain as quiet and tranquil as possible.

COMMISSION VOTE:

Mrs. Shipman moved to deny "C-2" Commercial, 2nd H & A. Mr. Danze seconded the motion.

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

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-097 Martin B. Lively: Interim "A" Residence, 1st H & A to
 (by Dana Hendrix) "GR" General Retail, 1st H & A
 9411 North I.H. 35

Marie Gaines of the Planning Department presented the staff report. She explained the general policy for property oriented next to I.H. 35 free of adjoining residential development is "C" Commercial. When property adjoins residential development, the policy has been for a more restrictive use district as well as buffering. The staff recommends to grant "GR" General Retail, 1st H & A, except for 60 feet of "O" Office, 1st H & A on the easternmost portion of the tract.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

Barbara White

WRITTEN COMMENTS IN FAVOR

Don McElwreath, 4612 Connelly

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION:

Barbara White requested a privacy fence since there was a need for a buffer.

Mr. Stoll moved to deny "GR" General Retail, 1st H & A, but to grant "LR" Local Retail, 1st H & A with 25 feet of "A" Residential, 1st H & A adjacent to the residential development to the south. Mrs. Shipman seconded the motion.

C14-78-098 Thomas G. Bradfield and Paul S. Wakefield--Contd.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-099 A. L. Moyer & Vincent Moyer: "B" Residence, 2nd H & A
1803 West Avenue to "O" Office, 2nd H & A

Marie Gaines of the Planning Department staff presented the staff report. She explained the Historic Landmark Commission has recommended H-Historic zoning for this site which will retain the residential character of the area. The premises are presently utilized as a residence and real estate office. The staff recommends that "O", 2nd H & A be granted subject to approval of Historic zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FA'OR
Lantana Apartments, 1802 West Avenue
Robert Meisel, 702 Baylor
WRITTEN COMMENTS IN OPPOSITION
None

COMMISSION VOTE:

Mr. Dixon moved to grant "O" Office, 2nd H & A. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

C14-78-100 Naomi Simer Welch: Interim "A" Residence, 1st H & A
(by Elizabeth Swenson) to "O" Office, 1st H & A
1710 Fort View Road

Marie Gaines of the Planning Department explained that applicant was unable to attend and had requested postponement.

COMMISSION VOTE:

Mr. Vier moved to postpone this application to July 5. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-101 Lawrence A. Schrader, Jr.: "A" Residence, 1st H & A to
 (by Tom Curtis) "O" Office, 1st H & A
 3404 Exposition

Marie Gaines of the Planning Department presented the staff report. She stated the purpose for the requested zoning is for development of an interior design studio. More intensive zoning has been requested on properties in this vicinity four times since 1958 and in each instance the Planning Commission and City Council have denied the requests. Approval of the "O" Office zoning would be an intrusion into a single-family neighborhood as well as spot zoning, therefore, the staff recommends to deny "O" Office, 1st H & A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Tom Curtis, representing applicant

PERSONS APPEARING IN OPPOSITION

Craig Davis, 3411 Hillview

Bob Beckham, 2705 Warren

Joseph R. Weaver, 3413 Hillview

Mrs. John L. Wier, 2808 Warren

Leonard Peck, 3402 Exposition

Dr. Paul Stubbs, 3410 Hillview

Dan Driscoll, 3416 Hillview

Mrs. Edith Mae Livingston, 3408 Hillview

E. T. Livingston, Jr., 3408 Hillview

Dr. and Mrs. H. L. Harle, 2802 Warren

Mrs. Sara F. Currie, 3305 Jamesborough

Mrs. Dan J. Driscoll, 3416 Hillview

Mark S. Currie, M.D., 3305 Jamesborough

Cory D. Jones, 2107 Robin Hood

WRITTEN COMMENTS IN FAVOR

Frederick Eby, Jr., 3417 Hillview

WRITTEN COMMENTS IN OPPOSITION

Dan Covert

Margaret Seitz, 2706 Carlton Road

E. T. and Edith Livingston, 3408 Hillview

COMMISSION ACTION:

Applicant stated this would be an interior design studio, a one-designer shop and did not feel it to be spot-zoning in a residential area. He discussed the state property and its uses. He agreed to offer a site plan, a restrictive covenant, or zoning roll-back if this individual could use this house for this purpose. Area residents felt this to be spot-zoning in a residential neighborhood and stated it would be an economic detriment. They were opposed to any change.

COMMISSION VOTE:

Mrs. Shipman moved to deny "O" Office, 1st H & A. Mr. Jagger seconded the motion.

C14-78-101 Lawrence A. Schrader, Jr.--Contd.

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

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-103 Morris Lane Partners: Interim "A" Residence, 1st H & A
(by Joe Thompson) to "LR" Local Retail, 1st H & A

Marie Gaines of the Planning Department presented the staff report. She explained this request is compatible to existing zoning at this intersection and the staff recommends to grant "LR" Local Retail, 1st H & A subject to 10 feet of right-of-way on Johnny Morris Road.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Dick Nichols, 512 East Riverside Drive, Suite 205

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION VOTE:

Mr. Dixon moved to grant "LR" Local Retail, 1st H & A subject to 10 feet of right-of-way on Johnny Morris Road. Mr. Stoll seconded the motion.

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

OUT OF THE ROOM: Mr. Snyder.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-78-102 W. W. Patterson, Trustee: Interim "A" Residence, 1st H & A
 829-857 Anderson Lane to "C" Commercial, 2nd H & A
 901-911 Anderson Lane

Marie Gaines of the Planning Department presented the staff report. She explained this tract covers approximately 1.57 acres of undeveloped land on Anderson Lane. There are significant plans for the widening of U.S. 183 which would affect subject tract. When developing the site, the applicant should keep in mind possible right-of-way considerations with the State of Texas Highway Department. The staff recommends to grant "C" Commercial, 2nd Height and Area.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

W. W. Patterson, 1216 American Bank Tower

WRITTEN COMMENTS IN OPPOSITION

None

C14-78-102 W.W. Patterson, Trustee--Contd.

COMMISSION VOTE:

Mr. Dixon moved to grant "C" Commercial, 2nd H & A. Mr. Stoll seconded the motion.

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

OUT OF THE ROOM; Mr. Snyder.

THE MOTION PASSED BY A VOTE OF 8-0.

C14h-78-017	Denny-Holliday House: (by A. L. Moyer) 1803 West Avenue	"B" Residence, 2nd H & A to "B-H" Residence, Historic 2nd H & A
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Betty Baker, of the Planning Department staff, presented the staff report. She stated this structure was built around 1870 as a one-story limestone dwelling. It was purchased in 1898 and the second floor was added in 1906.

COMMISSION VOTE :

Mr. Vier moved to approve historic zoning, "B-H" Residence, Historic 2nd H & A, except for the East 30 feet of the lot, since it was found to have met Items a, b, c, d, e, h, i, k, l, and m of the historic zoning criteria. Mr. Dixon seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 9-0.

SPECIAL PERMITS

C14p-78-029	B.M.L. Consulting Engineer: & General Contractor 2612-2614 South 1st Street 600 Cumberland Drive	<u>Consulting Engineer Office and General Contracting Storage</u>
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Elly Malone of the Planning Department presented the staff report. She explained this is an application for a special permit to allow an engineering office and general contractor's storage yard on a 13,890 square foot tract of land. The City Council denied a request for "C" zoning on the subject tract on April 6, 1978; however, they did grant "GR", 1st H & A subject to a special permit and fencing on the north and west property boundaries. The staff recommends approval subject to ordinance requirements and departmental recommendations and subject to compliance with conditions set with the granting of "GR" zoning.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR
Benny Meneses, applicant

C14-78-029 B.M.L. Consulting Engineer--Contd.

PERSONS APPEARING IN OPPOSITION

Frederick Teingoch, 804 Cumberland Drive

WRITTEN COMMENTS IN FAVOR

Tony Estrada, 2609 South Third

WRITTEN COMMENTS IN OPPOSITION

Albert O. Gould, 2615 Stacy Lane

A. F. White, Sr., 2703 South 2nd

Petition

COMMISSION ACTION:

Applicant discussed the proposed uses and stated he felt this would not downgrade the neighborhood, stated he intended it to improve the property. Speaking in opposition, Mr. Teingoch expressed concern of the types of equipment and materials that would be stored there, pointing out the dangers of hot tar trailers and the heavy use of chemicals. He wanted to see the neighborhood improved, was in favor of office, but felt this could be very damaging. Mr. Kouri felt there had been inadequate notice, expressed concern of the traffic on the schools, the church and the playground. He stated that South First Street is already encircled with commercial zoning and this would depersonalize the neighborhood further, would increase speeding, vandalism, crime, and cause more litter. He questioned the need, pointing out that the size of the street should be considered and requested a general future policy from the City for this area. He suggested consideration be given to rolling back the zoning, requested that signs be changed so that people in the neighborhood can have an opportunity to oppose if desired; felt the city was not communicating with the public now. Applicant stated he did not store kerosene in the yard and felt that the improvements would be an improvement to the neighborhood, expressed his concern for the safety and traffic problem.

COMMISSION VOTE:

Mr. Schechter moved to grant the special permit subject to staff recommendations and ordinance requirements. Mrs. Shipman seconded the motion.

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

Mmes. Schechter and Shipman.

NAY: Mr. Jagger.

THE MOTION PASSED BY A VOTE OF 8-1.

C14p-78-030 Claud A. Martin: A Veterinary Clinic
1301 Rio Grande
606 West 13th Street

Elly Malone of the Planning Department presented the staff report. This is an application for a special permit to allow a veterinary clinic in an existing structure. The staff is recommending denial of the request for a zoning change to "LR" on the basis that it would be spot zoning and an inappropriate use for the area. For the same reasons the staff recommends denying the special permit. She stated that applicant has met with the staff and has attempted to meet all staff requirements.

C14p-78-030 Claud A. Martin--Contd.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

John C. Treadwell, applicant
Charles R. Blocker
Dr. Claud Martin
Bob Binder
T. G. Bradfield

PERSONS APPEARING IN OPPOSITION

Barbara Hoffman, Mark S. Spaeth Co., 607 West 14th Street

WRITTEN COMMENTS IN FAVOR

C. A. Martin, M. D., 1301 Rio Grande
Dr. J. W. Shriver, 1401 Rio Grande

WRITTEN COMMENTS IN OPPOSITION

J. A. Messerole, 600 West 13th
Mark E. Spaeth, 607 West 14th

COMMISSION VOTE

Mr. Jagger moved to grant the special permit subject to departmental recommendations and ordinance requirements and also subject to a deed restriction that the building would not be torn down or materially altered and that the use would not be changed from a small animal clinic unless the zoning was changed back to "O" Office. Mrs. Schechter seconded the motion.

AYE: Messrs. Danze, Guerrero, Jagger, Snyder, and Vier.
 Mrs. Schechter.

NAY: Mr. Stoll.

OUT OF THE ROOM: Mrs. Shipman.

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 6-1.

C14p-78-031 William Longshore: A lounge and gameroom
 (by Donald H. Grissom)
 2700 South Congress Avenue

Mr. Guerrero asked the Commissioners if they wished to postpone this request and they agreed to do so pending action of Council on Zoning request.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Donald H. Grissom, applicant

PERSONS APPEARING IN OPPOSITION

John Amey, Wilke Clay Funeral Home, 2620 South Congress

C14p-78-031 William Longshore--Contd.

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Reese's Bar-B-Q, 2728 South Congress

John A. Spillar, Spillar Welding Shop, 2701 South Congress

Wilke-Clay Funeral Home, Inc., 2620 South Congress

COMMISSION ACTION:

Mr. Stoll moved to postpone the request for the special permit until the City Council takes action on the zoning request. Mrs. Schechter seconded the motion.

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

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-78-032 F.M.P.-1 Venture - Dennis O. Freeman: A 16-unit townhome project
(by Michael L. Schoenfeld)
11806-11914 Barrington Way

Elly Malone of the Planning Department presented the staff report. She explained this is an application for a special permit to allow a 16-unit townhouse project on a 1.3077-acre tract. The proposed density is 12.24 units per acre and the ordinance limitations allow a density of approximately 12.44 units per acre based on the requirement of a minimum of 3,500 square feet of total project area per unit. The staff recommends approval subject to ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Mike Schoenfeld, applicant

PERSONS APPEARING IN OPPOSITION

Carl Campbell, 1511 Oak Knoll

Richard Klinger, 11901 Buckingham

WRITTEN COMMENTS IN FAVOR

Howard Brumley, 11714 Buckingham Road

WRITTEN COMMENTS IN OPPOSITION

Michael A. Gula, 11907 Barrington Way

Elma Oatkew, 11806 Buckingham Road

Joe Seale, 11711 Buckingham Road

COMMISSION ACTION:

Applicant reviewed the zoning and the uses in the area and stated they were willing to work with the neighborhood associations. He pointed out an area where paving had been originally planned and explained that Lot 16 would be increased in size and a larger playground area provided. The

C14p-78-032 F.M.P.-1 Venture - Dennis O. Freeman-Contd.

parking spaces provided at the east (north of Lot 16) would be eliminated. Richard Klinger presented a statement signed by some of the neighbors in the area and requested a postponement for one month to give the applicant an opportunity to meet with the property owners and discuss changes in the project. Applicant indicated he was agreeable to the postponement.

COMMISSION VOTE:

Mr. Jagger moved to continue the hearing until 5:30 p.m., June 27 so that applicant and neighborhood association can meet regarding drainage plan, platting plan, and address parking question, as well as the concept and overall appearance. Mr. Vier seconded the motion.

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

ABSENT: Mr. Dixon.

THE MOTION PASSED BY A VOTE OF 8-0

OTHER BUSINESS

C2o-76-008 Chapter 29

Consideration to set a public hearing to amend Chapter 29 of the Austin City Code providing for Lake Austin Watershed Special Development Permit.

Mr. Jagger moved to set the public hearing on June 27. Mr. Guerrero seconded the motion.

AYE: Messrs. Danze, Guerrero, Jagger and Stoll.
Mrs. Shipman.

ABSENT: Messrs. Dixon, Snyder, and Vier.
Mrs. Schechter.

THE MOTION PASSED BY A VOTE OF 5-0.

SUBDIVISIONS

R105-78 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 plat has appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of this plat. The Commission then

VOTED: To APPROVE the following final plat.

C8-78-46 Pflugerville Estates, Sec. One
Dessau Rd.

AYE: Messrs. Guerrero, Jagger, Snyder, Stoll and Vier.
Mrs. Shipman.

ABSENT: Messrs. Danze and Dixon.
Mrs. Schechter.

SHORT FORM SUBDIVISION PLATS--FILED AND CONSIDERED

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

VOTED: To APPROVE the following short form plats.

C8s-78-81 Schnip I
Burnet Rd. & Research Blvd.
C8s-77-247 D.W.P. Addition
Hidden Hollow
C8s-78-123 First Resub. Blk. No. 2, Northfield Annex, No. 2
W. 55½ E. of Guadalupe St.
C8s-78-160 Resub. of Lots 22-26, Blk. R, James Bouldin Estates
S. 6th St. & Brodie St.
C8s-78-112 Tracor Industrial Subdivision
Ed Bluestein Blvd.
C8s-78-156 Deaf Luthern Addition
Newton St. & James St.

AYE: Messrs. Guerrero, Jagger, Snyder, Stoll and Vier.
Mrs. Shipman.

ABSENT: Messrs. Danze and Dixon.
Mrs. Schechter.

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

The Commission then

VOTED: To APPROVE the following short form plat and to GRANT variance required on signature of adjoining owner.

C8s-78-148 The Glass Addition
Terrell Hill Dr. & S. 1st St.

AYE: Messrs. Guerrero, Jagger, Snyder, Stoll and Vier.
Mrs. Shipman.

ABSENT: Messrs. Danze and Dixon.
Mrs. Schechter.

The Commission then

VOTED: To WITHDRAW the following short form plat as requested by applicant.

C8s-78-31 Pflugerville Northwest, Sec. 3
Ramble Creek Dr. & Pflugerville Loop

AYE: Messrs. Guerrero, Jagger, Snyder, Stoll, and Vier.
Mrs. Shipman.

ABSENT: Messrs. Danze and Dixon.
Mrs. Schechter.

The staff reported that the following short form plat has appeared before the Commission in the past and all departmental requirements have not been complied with. One of the problems was that the existing capacity of the sewage plant facility has been committed to subdivisions already recorded. The staff recommended disapproval of this plat.

Hal Finch, attorney for the applicant, discussed the capacity of the plant, 585 units, and stated that the count applicant shows for connections is approximately 519 units, including some units under construction, leaving 60 plus units that can be served. The proposed subdivision would involve 40 units. The applicant requests use of this capacity now rather than holding it for the already platted lots in the area, even though it is not known when they will be built out. There also was discussion of the pending application of additional expansion of the plant.

The Commission then

VOTED: To DISAPPROVE the following short form plat pending Mr. McCullich's putting up a letter of credit guaranteeing the necessary expansion of the plant, or whatever means would be needed to make it enforceable so that the plant will be expanded. This is a technical matter and the public health is a stake. However, if additional information is obtained that would allow this subdivision to be served in a sanitary and healthful manner, then the subdivision could be approved. This disapproval as is based on the information available at this time.

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

C8s-78-72 Spicewood at Balcones Vallage, Section 10
Spicewood Pkwy.

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

SUBDIVISIONS LOCATED IN THE LAKE AUSTIN WATERSHED

FINAL SUBDIVISION PLAT - FILED AND CONSIDERED

The staff reported that the following final plat has appeared before the Commission in the past under River Heights. The applicant has requested name change of this plat. The staff recommends approval of the name change. The Commission then

VOTED: To APPROVE name change to ROB ROY for the following final plat.

C8-78-32 River Heights
St. Stephens Rd. & Bee Caves Rd.

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

SHORT FORM SUBDIVISION PLAT - FILED AND CONSIDERED

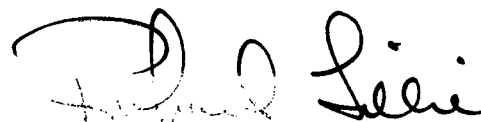
The staff reported that the following short form plat has appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of this plat. The Commission then

VOTED: To APPROVE the following short form plat.

C8s-78-99 Perlitz Subdivision
W. 35th St. & Exposition Blvd.

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

The meeting adjourned at 3:25 a.m.



Richard R. Lillie, Executive Secretary