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CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting -- January 2, 1979

The special called meeting of the City Planning Commission was called to order at 5:50 p.m. in the City Council Chambers, 301 West Second Street.

Present

Miguel Guerrero, Chairman
Freddie Dixon
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Jim Vier

Also Present

Tom Knickerbocker, Assistant Director of Planning
Marie Gaines, Planner
Betty Baker, Planner
John Meinrath, Legal Department
Sheila Finneran, Legal Department
Charles Graves, Director of Engineering
Ouida Glass, Senior Secretary

Absent

Leo Danze
Sid Jagger
Bill Stoll

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ZONING

The following cases were heard on a consent motion: Staff Recommendation:

C14-78-234	David W. Drapela (by Gerald Kucera) 2527-2605 Western Trails Blvd.	From "BB", 1st H & A to "O", 1st H & A RECOMMENDED to deny "O", 1st H & A but to Grant "O", 1st H & A with density limitation of 15 units per acre and a 15-foot "A" buffer adjacent to the residential sub- division.
C14-78-235	James L. Lozier 1106 East 31st Street	From "A", 1st H & A to "C", 1st H & A. RECOMMENDED.
C14-78-236	Donald S. Thomas, Trustee (by Tom Curtis) 13740-13746 N. Highway 183	From Interim "AA", 1st H & A to "GR", 1st H & A. RECOMMENDED
C14-78-237	Mary Beatrice Hill (by Billy J. Fellows) 11207-11215 Jollyville Road 11051-11165 Jollyville Road	From "A", 1st H & A to "O", 1st H & A. RECOMMENDED.
C14-78-238	Clyde Troutman & Forrest M. Troutman 9529-9607 North Interrregional Hwy. 9600-9608 Middle Fiskville Road	From Interim "AA", 1st H & A to "C", "C-1", and "C-2", 1st H&A. RECOMMENDED.
C14-78-240	Marvin M. Henry, Trustee 2008 Koening Lane	From "A", 1st H & A to "O", 1st H & A. RECOMMENDED with 10' of right-of-way agreed by applicant to be dedicated.

COMMISSION VOTE

On a consent motion by Mr. Snyder, seconded by Mrs. Shipman, the Commission approved the requests listed above in accordance with staff recommendations.

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

ABSENT: Danze, Dixon, Jagger and Stoll.

(The record will show that Mr. Vier abstained on C14-78-237.)

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

THE MOTION PASSED BY A VOTE OF 6-0.

THE MOTION TO DENY THE REQUEST PASSED BY A VOTE OF 6-0.

Marie Gaines presented the staff report and discussed the surrounding land uses. She explained the staff would recommend to deny "O" Office since it would encourage strip development along William Cannon and would set a strong precedent for less restrictive zoning. The staff does not feel this is a major intersection.

Marie Gaines presented the staff report and discussed the land uses in the area. She explained that there has been no change of condition which would warrant rezoning and the staff, therefore, would recommend to deny the application.

C14-78-226 C.H. McCoy & W.G. McClain--continued

PERSON APPEARING IN FAVOR
Charles McCoy, applicant

PERSONS APPEARING IN OPPOSITION
Norman Brown, President of Neighborhood Association

COMMISSION ACTION

Mr. McCoy stated the present zoning is LR and a gasoline service station is to be built on the tract. He wanted to include an auto wash facility and needed the "GR" zoning for this. Speaking in opposition, Norman Brown stated he had not had an opportunity to meet with the newly formed neighborhood group but felt they would wish to preserve the residential character of the neighborhood and requested the change in zoning be denied. He pointed out this is a residential area consisting of apartment complexes, duplexes, and single-family units and they did not want commercial zoning in the area. He felt there would be a strong possibility of pollution of Town Lake and also felt it would increase traffic in the neighborhood.

COMMISSION VOTE

Mrs. Shipman moved to deny "GR", 1st H & A. Mrs. Schechter seconded the motion. Mr. Snyder stated this has been approved in other areas with special permits. Mr. Vier asked applicant if he would be willing to come in with a special permit and the Commission postpone the request in order that Mr. McCoy can submit a site plan with a special permit, work with the neighborhood and generate their support. Mr. McCoy indicated he would be willing to do this.

Mr. Vier then offered a substitute motion to continue the request indefinitely in order that applicant might submit a special permit with a site plan. Mr. Snyder seconded this motion. The Commission then voted on the substitute motion.

AYE: Dixon, Schechter, Snyder, and Vier.

NAY: Guerrero and Shipman.

ABSENT: Danze, Jagger, and Stoll.

THE SUBSTITUTE MOTION PASSED BY A VOTE OF 4-2.

C14-78-227 C.M. Builders, Inc.: "B", 2nd H & A to "LR", 2nd H & A
(by Charles E. Marsh)
1505 West Sixth Street
1507 West Sixth Street
509 Powell

Marie Gaines presented the staff report and discussed the land uses in the area. She explained the change of condition is from "B" Residence to "O" Office in the area along West Sixth Street. The staff felt "LR"

C14-78-227 C.M. Builders, Inc.--continued

Local Retail too intensive and would recommended to deny the application as requested but recommends consideration of "O" Office, 2nd H & A. She pointed out that because of the close proximity of the buildings to the street and the fact that Powell Street is a one-way collector going south, paving it to 30 feet with 40 feet of right-of-way is considered to be adequate, therefore, the dedication of six feet of right-of-way from the applicant is requested to assure adequate traffic circulation. She also stated the applicant had agreed in a letter to the Planning Commission to dedicate the six feet of right-of-way on Powell Street.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Charles Marsh, applicant

PERSONS APPEARING IN OPPOSITION - None

WRITTEN COMMENTS IN FAVOR

Nancy Granger, 605 West Tenth Street

Sol Smith, 815 Brown Building

COMMISSION ACTION

Charles Marsh explained that he is attempting to renovate and would like ultimately to see this as a series of shops, offices, and diverse small businesses. He agreed to "O" Office and agreed to dedicate six feet of right-of-way. Sol Smith, a property owner in the area, concurred with the request, stated he would like to see it rezoned "O" but also would support "C" Commercial.

COMMISSION VOTE

Mrs. Shipman moved to accept the recommendation of the staff, to deny "LR", 2nd H & A, but to grant "O" Office, 2nd H & A and dedication of six feet of right-of-way on Powell Street. Mr. Dixon seconded the motion.

AYE: Dixon, Guerrero, Schechter, Shipman, Snyder, and Vier.

ABSENT: Danze, Jagger, and Stoll.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-78-228 Austin Area Teachers Federal Credit Union: "A", 1st H & A to
(by Robert C. Sneed) "O", 1st H & A
604-608 Denson Drive

Marie Gaines presented the staff report and discussed the land uses in the immediate area. She explained the change of condition has been marginal but that since Highland Mall is directly west of the subject tract and increased traffic along Denson Drive has occurred, the staff does support the application and would recommend consideration of the "O" Office zoning.

C14-78-228 Austin Area Teachers Federal Credit Union--continued

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Robert Sneed, attorney representing applicant
Mark D. Burris, 8036 Purnell, No. 124
Lillian Branner, 7203 Creekside
Bill Bonds, 3505 Windsor Road
Robert Howell
A.J. Amundson, 3301 Werner
Stan Johnson, Jr.

PERSONS APPEARING IN OPPOSITION - None

NO WRITTEN COMMENTS

COMMISSION ACTION

Mr. Sneed discussed what the credit union is and what it does. He felt this would be a convenience for the teachers to be near the main office and pointed out that there would be no traffic after business hours. Stan Johnson, a resident of Vincent Drive since 1954, discussed the traffic situation and explained that it is very noisy, almost impossible to sleep at night. He pointed out that the street is a race track all night and all day. He felt that the house is not suitable for a residence. He expressed concern that the credit union would generate more traffic, stated he was not opposed to the zoning change, but asked clarification that this be a Planning Department policy that if "O" Office if so requested. He felt that everyone should have "O" Office zoning so that they can relocate elsewhere due to the traffic and noise situation or that it not be granted at all. Marie Gaines explained that property owners request the zoning change. She felt that perhaps the Planning Department would support a recommendation from Guadalupe to Lamar, but felt that to the west anyone should feel free to come in and discuss the situation at any time. Mrs. Schechter pointed out that there is a four-way stop at the intersection of Denson Drive and Guadalupe and if this is a race track, the situation should be reported to the Urban Transportation Department to determine the feasibility of a stop light.

COMMISSION VOTE

Mrs. Shipman moved to grant "O" Office, 1st H & A as recommended by staff. Mrs. Schechter seconded the motion and asked that the Urban Transportation Department look into the possibility of a traffic signal at the intersection of Denson Drive and Guadalupe or to eliminate the race track situation.

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

ABSENT: Danze, Jagger, and Stoll.

ABSTAINED: Mr. Dixon.

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

C14-78-229 Jiles Jackson: "AA", 1st H & A to "O", 1st H & A
11935 Arabian Trail
also bounded by Bell Avenue

Marie Gaines presented the staff report and discussed the land uses in the area. She indicated that this area had recently been approved for "AA". She explained that "O" Office zoning is inconsistent to maintain the area as a single-family area. She discussed the existing uses other than single-family are nonconforming uses and recommended denial of the "O" Office, 1st H & A as requested.

CITIZEN COUMMUNICATION

PERSONS APPEARING IN FAVOR

Jiles Jackson, applicant

PERSONS APPEARING IN OPPOSITION

Rev. Paul A. Weiss, 11901 Hamrich Court
Mrs. A.W. Seiter, Jr., 11903 Hamrich Court
Tina Maki, 11904 Bell Avenue
Voldi E. Maki, Jr., 11904 Bell Avenue

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Voldi and Tinka Maki

COMMISSION ACTION

Jiles Jackson explained that he would like to put a small office type building there and requested "O" Office, but indicated he would amend his request to "BB", if necessary. Speaking in opposition, Reverend Weiss pointed out that the area had just recently been rezoned to "AA" after a long, hard battle. He stated this area is single-family residences except for across the street and they are opposed to any change of zoning. He discussed the deed restrictions that require this to be a residential area. A.W. Seider and Voldi Maki agreed with Reverend Weiss and pointed out their opposition to any change of zoning, that it would be inconsistent with the land uses in the area and against deed restrictions.

COMMISSION VOTE

Mr. Dixon moved to deny "O" Office, 1st H & A. Mrs. Shipman seconded the motion. Mr. Vier asked applicant if he would agree to amend to "A" and to build duplexes. The applicant agreed, and Mr. Vier offered a substitute motion to this effect. The substitute motion resulted in a tie vote of 3-3. The Commission then voted on the original motion to deny the request for "O" Office, 1st H & A.

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

THE MOTION PASSED BY A VOTE OF 4-2.

C14-78-230 David M. Bryant Jr.: Interim "AA", 1st H & A to "C", 2nd H & A
 (by Jeffrey M. Friedman)
 704-706 Corral Lane
 7100-7114 Mustang Trail

Marie Gaines presented the staff report and discussed the land uses in the area. She explained the change of condition has been minimal and that the staff would prefer to recommend "GR" General Retail but could support "C" Commercial, 1st H & A. No precedent for 2nd H & A has been established along this portion of the highway and therefore the staff recommends to maintain 1st H & A along the section of IH-35.

PERSONS APPEARING IN FAVOR

Jeff Friedman, representing property owner

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

Jeff Friedman explained the request for 2nd H & A was intentional and amended the application to 1st H & A but did request the "C" zoning. He explained the anticipate use is for wholesale sales and storage for construction type materials. He felt this not suitable for residential development and requested C-1st H & A. Mrs. Schechter asked about Corral Lane and its use. Mr. Friedman replied the frontage road would be sufficient and there was no need to use this street. Mrs. Shipman felt the "C" use to be entirely incompatible and inappropriate since this is a rural, undeveloped atmosphere.

COMMISSION VOTE

Mr. Dixon moved to grant "C" Commercial, 1st H & A, as amended by applicant. Mr. Snyder offered a friendly amendment to buffer the land on the rear with a six-foot privacy fence, 10 feet of "A" buffer to the west down the fence, and 25 feet of "A" on Corral, with no access on Corral. Mrs. Schechter seconded the motion.

AYE: Dixon, Guerrero, Schechter, Snyder, and Vier.

NAY: Shipman.

ABSENT: Danze, Jagger, and Stoll

THE MOTION PASSED BY A VOTE OF 5-1.

(The record will show that Mrs. Shipman voted against this because of the proximity to the residential neighborhood, the precedent of the land to the south, and the intensity of zoning.)

C14-78-231 John McPhaul: Interim "A", 1st H & A to "A", "O" and "B", 1st H & A
7903-8003 Manassas Drive
8008-7806 Manchaca Road

Marie Gaines presented the staff report and discussed the land uses in the area. She stated the staff was of the opinion that anything other than "A" Residential would be inconsistent with the area. There has been nothing to warrant a change in conditions. This is currently a single-family residential area and the staff would recommend denial as requested but would recommend "A", 1st H & A for the entire tract.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

John McPhaul, applicant

PERSONS APPEARING IN OPPOSITION

Marilyn Simpson, Whispering Oaks-Cherry Creek Neighborhood Association
Richard Kingsley, 7702 Malvern Hill Court
Diane and Douglas McGiffin, 7900 Manassas Drive
Ned Stinson
Glenn Johnson, 2211 Fancy Gap Lane
Mary Jane and Bob Caudill, 7904 Manassas
Kitty and W.G. Norcross, 8006 Keneshaw
Carl and Tracy Wallingford, 2204 Fancy Gap
Nann and James McCoy, 8007 Keneshaw
John Boston, 2113 Malvern Hill Drive
Ruth and James R. Rogers, 7900 Keneshaw Drive
Pat and Gary Warren, 2214 Fancy Gap
Mr. and Mrs. Elwyn A. Godsey, 8009 Keneshaw Drive
Brant Boozer, 8009 Manassas
Craig & Cindy Horton, 2200 Fancy Gap
Gerald & Paulette Salyers, 2212 Fancy Gap
Debbie A. and James P. Griffin, 8000 Manassas
Karen Reamer, 2111 Malvern Hill Drive
Robert K. and Brenda Hutchings, 7704 Malvern Hill Court
Virginia & Harold G. Wright, 2104 Malvern Hill Drive
Mrs. Eugenia Hobday, 7701 Malvern Hill Court
Jay Feibelman, 7700 Malvern Hill Court
Larry Harrison, 7902 Manassas
Wesley Williams, 2114 Malvern Hill Drive
Reagan and Debbie Lambert, 2202 Fancy Gap Lane
Samuel and Sandra Paul, 8102 Manassas Drive
Wally and Linda Walters Kinney, 8110 Manassas Drive
Roy Cirincione, 8111 Manassas Drive
Carol and Larry R. Cunningham, 2101 Malvern Hill Drive
Phyllis and Darrel L. Stanley, 2007 Malvern Hill Drive
Barbara K. Kvether, 2408 Stone River Drive
Harriet and Lee Castro, 7826 Manassas Drive
Richard A. Moore, 8014 Keneshaw
James D. High, 8012 Keneshaw
Santiago A. Zamora, M.D. 7906 Manassas

C14-78-231 John McPhaul--continued

Arnie Pedersen, 7703 Malvern Hill Court

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Charles R. Caudell, 7904 Manassas Drive
 Larry Harrison, 7902 Manassas
 Jimmie L. DeBerry, 2103 Malvern Hill Drive
 Darrell L. Stanley, 2007 Malvern Hill Drive
 Jay F. Feibelman, 7700 Malvern Hill
 Robert C. Hutchings, 7704 Malvern Hill
 David K. Hobday, 7701 Malvern Hill
 Arnie Pedersen, 7703 Malvern Hill
 Jim and Sandra Caddell, 7820 Manassas Drive
 Richard L. Slone, 2108 Malvern Hill
 James Griffin, 8000 Manassas
 Rosario and Harriet Castro, 7826 Manassas Drive
 Mr. and Mrs. Wesley W. Williams, 2114 Malvern Hill Drive
 Harold G. Wright, 2104 Malvern Hill Drive
 Keith Scott, 2006 Malvern Hill Drive
 Gerald G. Salyers, 2212 Fancy Gap Lane
 Mary M. Stinson, 7731 Manchaca Road
 Ned G. Stinson, 7731 Manchaca Road
 Douglas A. McGiffin, 7900 Manassas Drive
 Mr. and Mrs. Robert D. Gier, 2106 Malvern Hill Drive

COMMISSION ACTION

John McPhaul explained what he proposed to do with the tract and pointed out that some of the property to the south will be duplex development. He stated he was perplexed and puzzled by the staff recommendation. This is contrary to what is happening along this artery. He discussed the land uses along Manchaca Road and pointed out the businesses in the neighborhood. He felt the request not to be inconsistent with what already exists, felt the "LR" to be justified but had requested "O" Office and requested this be granted. Mr. Dixon asked if he had met with the neighborhood and discussed what he had intended to do with this piece of property. Mr. McPhaul stated he had not. He explained he proposed 96 apartments, with no offices. He felt the 96 units to be compromise and did not think the proper use of the land is for single-family residences. He stated the 5.63 acres would be used as "BB" and so amended his application. Speaking in opposition, Marilyn Simpson of the Whispering Oaks-Cherry Creek Neighborhood Association, stated they had a problem with this zoning request. She discussed the business-type areas already in the area and felt this tract would not have adequate traffic circulation. She state apartments are offensive in a single-family area, pointed out that the area is already over zoned. She felt people needed to get away from commercial development and should be able to do so, could see no reason for this to be developed into offices or apartments. Area residents expressed opposition, pointing out the traffic problem and the decreased property values if apartments were built and requested it to remain single-family residences. Bob Caudell

C14-78-231 John McPhaul--continued

presented a petition containing signatures of 168 homeowners opposing the change of zoning. He explained this tract is completely land-locked with single-family dwellings and this would adversely affect property values, result in increased crime and traffic. They requested this be permanently zoned "AA". W.G. Norcross did not want to see any change. He stated it is not necessary for a major street to be developed in a commercial manner. He felt rental areas can result from high density apartments, can cause crime and reduced property values. Speaking in rebuttal, Mr. Phaul stated he did not feel apartments to be incompatible with single-family residences. He did not feel people should be penalized to live in an apartment and pointed out that apartments act as a buffer for a less intensive uses.

COMMISSION VOTE

Mrs. Shipman moved to support the staff recommendation to grant "A" Residence, 1st H & A. Mr. Dixon seconded the motion. Mr. Vier felt both sides had made excellent points and also felt there was a possibility for a compromise. He requested the developer and the neighborhood meet and work out some suitable land use plan or alternate proposal and then come back to the Planning Commission and he so offered this as a substitute motion. Mr. Dixon wanted to know if the neighborhood would be willing to meet with the applicant since they appeared to be so opposed to the request and the residents indicated they would not be willing to do so. Mr. Vier withdrew the substitute motion. Mr. Snyder moved to table action in order to allow Mr. McPhaul and the neighborhood an opportunity to meet and work out a compromise. Mr. Vier seconded this motion. Mrs. Shipman withdrew her motion and Mr. Snyder then withdrew his motion.

Mrs. Shipman then moved to postpone any action on this request indefinitely until the applicant and the neighborhood group have met. Mr. Vier seconded this motion.

AYE: Dixon, Guerrero, Schechter, Shipman, Snyder, and Vier.

ABSENT: Danze, Jagger, and Stoll.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-78-232 JLP Development Corporation: "BB", 1st H & A to "O", 1st H & A
 (by Wilburn E. Jones)
 3501-3515 Cima Serena Drive
 8416-8522 MoPac Blvd.

Marie Gaines presented the staff report and discussed the zoning in the immediate area. She explained a density restriction is tied to the property from a previous zoning case and would remain in effect if the zoning is approved. The staff recommendation is to consider the application as requested.

C14-78-232 JLP Development Corporation--continued

PERSONS APPEARING IN FAVOR

Bill Carson, representing applicant
Wallace Pellerin, representing Balcones Civic Association
Leonard Lungren - concerns

COMMISSION ACTION

Bill Carson explained their engineers had incorrectly drawn the area of the tract on the original notice. He discussed the proposed change of use and explained that the owners would like to develop a low density office park. They felt this would be much better than 34 apartments as originally planned and felt the use to be appropriate. Wallace Pellerin, representing Balcones Civic Association, expressed agreement with the proposal and pointed out it is not in disagreement with the association's master plan. They were in favor of the office zoning on this tract. He did express concern that the private drive be a condition of the zoning. They did not want a dedicated street opening on to MoPac. He discussed the traffic and expressed concern for the traffic on the balance of the property. Leonard Lungren expressed concern over who will eventually develop the tract. He did not understand why one plat showing the entire proposal could not be submitted at one time. He pointed out that the original agreement was not an easy one and requested to see this as one development and have it approved by the Commission as one proposal so that the street pattern will be definite. He felt that if this proposal is to be developed as three separate areas then the roadways should be established prior to rezoning so the traffic pattern can be established. Speaking in rebuttal, Mr. Carson agreed to the private drive connecting MoPac and the private drive in the cul-de-sac. He stated there are three different applications because of three different uses. Mrs. Shipman requested more information regarding the roadway system. Marie Gaines suggested to continue until January 3 and that the Urban Transportation Department have a representative present to discuss the problem. Mrs. Schechter felt there should be a decision as to whether or not the street would open on to MoPac.

COMMISSION VOTE

Mr. Dixon moved to continue the hearing to January 3 and that Urban Transportation Department have a representative present to discuss the street problem. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-78-233 Rudi Schuch et ux: Interim "A", 1st H & A to "GR", 1st H & A
 (by Tom Curtis)
 6903 Manchaca
 1962-1924 William Cannon Blvd.

Marie Gaines discussed the land uses in the area. The staff recommends the application as requested since there are three intersections which are presently zoned GR.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Tom Curtis, representing applicant

PERSONS APPEARING IN OPPOSITION

Marilyn Simpson, Whispering Oaks Cherry Creek Neighborhood Association

WRITTEN COMMENTS IN FAVOR

Charles H. Morrison, 1616 Austin National Bank Tower

WRITTEN COMMENTS IN OPPOSITION - None

COMMISSION ACTION

Tom Curtis stated this is the fourth of four-corners, three of which are already zoned GR. Mrs. Shipman pointed out that only one corner is developed and discussed the access to this tract because of the location of the median. She felt this to be speculative. Mr. Curtis replied the tract is contract of sale pending subject to the rezoning, and pointed out that a service station will be to the west and an application is pending for a savings and loan on another corner. Mrs. Shipman felt this to be over-intensification of zoning at this intersection. Mr. Curtis felt the precedent already had been established and that the median would be helpful. He was of the opinion it would be unfair not to allow this request. Mr. Vier felt this to be best plan to have this in the neighborhood. Mr. Snyder asked and applicant agreed to a six-foot privacy fence. Speaking in opposition, Marilyn Simpson, representing the Whispering Oaks-Cherry Creek Neighborhood Association, expressed concern for this particular corner. She pointed out that land in the entire area is overzoned for retail. She discussed the GR zoning in the area and pointed out undeveloped tracts. She felt this to be strip zoning and against earlier policies of the Planning Commission. She stated they do not want William Cannon Drive to end up like Ben White. They do not need more service stations and that apartments would add to the traffic problems. She felt this would be a precedent setting case for other cases in the area and requested the Commission consider not allowing this zoning. Mr. Vier asked how she would like to see the tract used, and she replied they would have no problem with duplexes in that area. Mr. Curtis stated the people adjacent are not opposed and pointed out this is a major intersection. He felt this is where GR belongs and that it is appropriate. Mrs. Shipman asked if he would be willing to amend to a lesser intense use and Mr. Curtis replied that the tract cannot be used for the proposed use with lesser zoning.

C14-78-233 Rudi Schuch et ux--continued

COMMISSION VOTE

Mr. Vier moved and Mr. Snyder seconded the motion to grant "GR", 1st H & A with a six-foot privacy fence along the rear property line as agreed to by the applicant.

AYE: Dixon, Guerrero, Schechter, Snyder, and Vier.

NAY: Shipman.

ABSENT: Danze, Jagger, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-1.

C14-78-239 Kenneth McGary: "A", 1st H & A to "BB", 1st H & A
807 Cumberland
also bounded by Oak Crest Drive

Marie Gaines explained this request for rezoning, would be single-family and intrusion into a residential neighborhood, this request constitutes spot zoning, and the staff would recommend to deny "BB", 1st H & A.

PERSONS APPEARING IN FAVOR
Kenneth McGary, applicant

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

Kenneth McGary explained he did not know he was in violation of City rules and regulations, that he was not requesting any changes, but did request to be able to keep the use he now has. He stated this is a triplex which is being rented and is not hurting the neighborhood at all. He explained that nothing has been changed, that he has used the structure in this manner since approximately 1965. Mrs. Shipman wondered if there was some way to deed restrict this so that there would not need to be a change in the zoning. John Meinrath explained that would look like spot zoning in a residential neighborhood. Mr. Snyder pointed out that there was no opposition to the request and asked if applicant would be willing to deed restrict this to this particular use. Applicant so agreed.

COMMISSION VOTE

Mr. Snyder moved to grant "BB", 1st H & A with a deed restriction stating that the property will not be altered in any manner beyond the present condition in terms of use and physical characteristics as agreed to be the applicant. Mrs. Schechter seconded the motion.

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

ABSENT: Danze, Dixon, Jagger, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

HISTORIC ZONING

C14h-78-045 Risher-Roach Building: "C-2", 4th H & A to "C-2-H", 4th H&A
(by Britt Kennard)
509-513 East Sixth Street

Betty Baker presented the staff report and informed the Commission that the Risher-Roach Building was built around 1870 and appears on the 1873 and 1887 Koch maps and still retains the shapes reflected on those maps. Early ownership, B. A. Risher, G.M. Brass, P. G. Roach, reflects personages who were instrumental in the development of Austin.

The present owner and applicant, Britt Kennard, has restored the three units as town houses and has retained as much of the interior of the original structures as possible. In constructing the new facades he attempted to retain the feeling of the 1870 era and other restored structures on East Sixth.

The Landmark Commission determined that the structure met seven of the criteria for historic zoning. However, because of the new facades, they voted NOT to zone it historic by a vote of 5 - 4, but did commend Mr. Kennard for the work he had done.

PERSONS APPEARING IN FAVOR: Britt Kennard, applicant

PERSONS APPEARING IN OPPOSITION: Blake Alexander, representing the
Landmark Commission

COMMISSION ACTION

Mr. Kennard discussed the reasons why he felt the Landmark Commission did not recommend the historic zoning and stated he felt the brick and dimensions of the arches seem to be the main problem. Representing the Landmark Commission, Mr. Alexander stated that in determining "H" zoning and the value of a building, the degree of its accuracy of reproduction is not the question, but concern of whether or not this is a part of a real historic building. He stated it is true there are historic portions in the building, but expressed concern with the outside and not the inside of the building. He pointed out that what you see here is new -- it is not a historic structure. Mrs. Schechter asked why it came before the Landmark Commission earlier in 1977 and Mr. Alexander explained that it was for a building permit since the structure is in a National Register District. Mr. Alexander felt to zone the structure historic would establish a dangerous precedent. He then discussed the criteria and how he felt it would apply. Mr. Vier felt there was a problem of whether or not the Landmark Commission wanted this historic zoning. He felt the criteria to be nebulous, resulting in a very subjective decision. He cautioned that in his opinion this could destroy the historic zoning ordinance if a harder look is not taken at the criteria and that it should not be used for whatever purpose the Landmark Commission deems appropriate at that point in time. Mr. Kennard replied that he had tried to abide with the wishes of the Landmark Commission, but did not know what to do. He felt he should not be denied the historic zoning.

C14h-78-045 Risher-Roach Building (cont'd.)

COMMISSION VOTE:

Mrs. Shipman moved to support the Landmark Commission in the findings of fact on Items "A", "B", "F", "H", "L" and "M" and to recommend that the structure be zoned "C-2-H", 4th H & A. Mr. Vier seconded the motion.

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

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 taken
at the meeting.

The Planning Commission considered items listed on the Subdivision Memorandum and took the action as indicated.

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

(The record will show that Mr. Vier abstained on C8-78-44.)

The meeting adjourned at 10:20 p.m.


Richard R. Lillie, Executive Secretary

FILE	SUBDIVISION NAME LOCATION	Filed With P.C.	30 Days Expir.	REPORTS RECEIVED -- "X" if OK Footnotes if not OK; explain below																PLANNING RECOMMENDATION	ACTION
				County Eng.	St. Name Approval	Tax Cert.	E. R. M. Bldg. Insp.	Water	San. Sewer	Health	Planning	Eng. *	Dir. P.W.	Parks & Rec.	Urban	Trans.	Gas	Fiscal Eng.			
C8-	OLD FINAL SUBDIVISIONS																				
78 44	Colony Park Sec. 1, Ph. 4-B Decker Lake Road				X	X	X	NR	X	X	X	X	X	X	X	X	X	X	X		
	SUBDIVISIONS LOCATED IN THE LAKE AUSTIN WATERSHED																				
s 78 220	PECOS SQUARE SUBDIVISION Pecos Street & W. 35th Street	--	--	NR	X	X	X	X	X	X	X	X	NR	NR	X	NR	NR	NR	NR		

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

January 2, 1979

Planning Commission--Austin, Texas