

CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting - February 7, 1979

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

Present

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

Also Present

Evelyn Butler, Supervising Planner
Marie Gaines, Planner
Tim Matthews, Planner
Betty Baker, Planner
Elly Malone, Planner
Mary Saul, Clerk
Sheila Finneran, Legal Department
Ouida Glass, Senior Secretary

Absent

Bernard Snyder
Bill Stoll

Planning Commission -- Austin, Texas

February 7, 1979

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C14-78-062 Bell Avenue Area Study
Report to Planning Commission
and to consider setting
Public Hearing on March 7, 1979

Marie Gaines of the Planning staff explained the purpose of the Bell Avenue Study is to give permanent zoning in order to have petitioning rights. She explained the area and briefly discussed the recommendations the staff would propose. Mr. Vier suggested that anyone desiring to do so be allowed to apply for the zoning they would like to have if it is other than what the staff would recommend. Judy Walker and Bob Bledsoe pointed out some of the disagreements they would have with the proposed recommendations. After discussion, the Commissioners agreed to schedule the Bell Avenue Area Study for public hearing on March 7, 1979.

C14-79-005 SHIRLEY SLAUGHTER "A" Residence, 1st H&A to
(by Don E. Bird) "O" Office, 1st H&A
1608 West 34th Street also bounded by
Glenview Avenue and Jefferson Street

Marie Gaines presented the staff report.

This property is a residential double-frontage lot located north of West 34th Street in west Austin between Jefferson Street, a major arterial and Glenview Avenue, a minor collector. A residence exists on this lot.

This property was previously heard as zoning case C14-76-068. At that time the request was for "GR" General Retail, 1st H&A for a catering service, a use occurring at the site which violated the zoning ordinance under the "A" Residence use district.

Subject property is currently in violation of the zoning ordinance as a result of continued non-residential uses. The City of Austin has filed charges which are pending until this zoning case is resolved. This present request is for "O" Office zoning for a floral shop.

Surrounding zoning and land uses include residences in "A" to the north, south and west. To the east are numerous converted houses which are now retail shops in "O" Office zoning. There is a transition zone adjacent to the west of subject tract from "A" Residence to "O" Office for the residential lots within the area bounded by Jefferson Street, West 34th, and 35th Streets. This zoning request is consistent with the land uses east on subject tract.

The staff recommends to grant "O" Office, 1st H&A.

C14-79-005 Shirley Slaughter (continued)

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Don Bird, representing applicant
Marvin L. Hackert, 8014 Hillrise Drive

PERSONS APPEARING IN OPPOSITION

Lisa Curry, 3307 Bryker Drive
Michael Curry, 3307 Bryker Drive
Howard Ferguson (Wang) 3102 Beverly Road
H. Stuckey, 3309 Bryker Drive
Betsy Todd, 3306 Glenview

WRITTEN COMMENTS IN FAVOR

David Purcell, 3306 Jefferson

WRITTEN COMMENTS IN OPPOSITION

Jacqueline Bloch, President, West Austin Neighborhood Group
Carl E. Pickhardt, 3311 Bryker Drive

COMMISSION ACTION

Don Bird, attorney for applicant, explained this would allow continuation of the floral arrangement business at this location but the catering operation could not continue. He pointed out that the neighborhood is concerned that further growth of the business would be an intrusion into the neighborhood since the business is conducted in her residence. He explained that she had no intention of doing anything else, would continue to live there and do whatever she can under the "O" zoning, if approved, stating that she is now recuperating from surgery and that this is her livelihood. She felt that the least objectionable portion of her operation would be the floral business and that her only hope of continuing the catering portion would be through the home occupation ordinance. Michael Curry, representing the neighborhood group, explained they had filed a petition at the previous hearing and that this is a request for a commercial operation. He stated the neighborhood group is opposed to any change of zoning and did not feel that a decision should be made until action had been taken on the home occupations ordinance. He explained that she had remodeled and had a store front on Jefferson. They felt that any additional commercialization would have a continued bad impact on the neighborhood which is residential in character. He discussed the domino affect any change of zoning might have, as well as the traffic and noise problem. He felt this request to be irrelevant, but they were concerned for any change and what might happen in the future. Howard Ferguson felt that Mrs. Slaughter had forfeited any rights she might have by her defiance through the remodeling of her house. He was skeptical of what this property might be used for and stated that the zoning change would not legalize her operation, felt that if she wished to continue her floral shop she should have taken the necessary

C14-79-005 Shirley Slaughter (continued)

steps to close the catering service before this case was heard. Lisa Curry felt that Mrs. Slaughter had operated in bad faith and that they did not now trust her. Speaking in rebuttal, Don Bird stated he did not know what she would do if the home occupations ordinance does not help her. Mr. Dixon asked why she had remodeled and Mr. Bird explained to give her more area to work in and make the operation easier for her. He explained she had been waiting at least two years for the home occupations ordinance and felt that this would help her. He stated she was aware of the objection of the neighborhood, but had done this for a very long time and it was her livelihood. He stated she would be willing for a restrictive covenant on the property that before the building is altered, removed, or replaced, that a site plan would be submitted to the Planning Commission. She intends to live there the remainder of her life. Mr. Guerrero stated she had been in violation for some time and had not done anything to attempt to correct the situation. Don Bird explained that she was awaiting decision on the home occupations ordinance; had been doing this for many, many years. He pointed out that uses across the street have changed for commercial and felt that this particular site is not an intrusion into the neighborhood.

COMMISSION VOTE

Mr. Dixon felt this to be an encroachment into the neighborhood and not compatible with the already existing zoning and is an intrusion, recognizing the hardship to Mrs. Slaughter but also it is important to the neighborhood that something be resolved. Mr. Dixon moved and Mrs. Schechter seconded motion to the deny "O" Office, 1st H & A.

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

THE MOTION PASSED BY A VOTE OF 6-0.

SPECIAL PERMIT

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 Mo-Pac Blvd.

C14p-78-063 JLP Development Corporation: A 126-unit apartment dwelling
 (by William E. Jones) group called, "CIMA SERENA VILLAGE APTS."
 Cima Serena Drive
 Bent Tree Drive

Mr. Guerrero explained the staff had recommended postponement to February 27th since the traffic study had not been received.

COMMISSION VOTE

On motion by Mr. Dixon, seconded by Mrs. Schechter, the Commission postponed these two requests until February 27th.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C814-78-005 Allen R. Rundell: A residential PUD 90-units called
 (by Bill Carson) "THE WOODLANDS".
 3901-3913 Steck Avenue
 8001-8101 Kerith Dale
 4100-4124 Spicewood Springs Road

Tim Matthews of the Planning staff explained everything was in order and the staff would recommend a consent motion.

PERSONS APPEARING

Marv Hackard, Balcones Civic Association

COMMISSION ACTION

Marv Hackard of the Balcones Civic Association wanted to be assured that the restrictions mutually agreed on at the last meeting would still be required. Applicant explained the revision was made for public rather than private streets, therefore, the necessity for the hearing.

C814-78-005 Allen R. Rundell (continued)

COMMISSION VOTE

On motion by Mrs. Shipman, seconded by Mr. Dixon, the Commission approved the request in accordance with departmental recommendations and ordinance requirements which include restrictions mutually agreed on at the meeting of August 1, 1978 Planning Commission action p. 2-3 as requested by Mr. Marv Hackard.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14p-78-065 Melton and Associates - A 21 Unit Townhouse Project called
(REVISION) "Parliament Place Townhouses"
8000 Parliament Place

Tim Matthews of the Planning staff presented the staff report.

This is an application for a special permit to allow a 21 unit townhouse project on 1.5247 acre tract of land located in the southeast corner of the intersection of Spicewood Springs Road and Parliament Place.

The property is currently zoned "GR", 1st H & A. The proposed density is 13.77 units/acre.

Although the project is in the Lake Austin study area it does not drain into the Lake Austin watershed and does not have to comply.

Access to the site is proposed from numerous drives off Parliament Place with no driveway access off Spicewood Springs Road proposed.

The staff recommends approval of this project subject to the townhouse ordinance and all departmental requirements and recommendations, to include a 25' building setback for those lots fronting on Parliament Place.

PERSONS APPEARING IN FAVOR

Douglas Stringfellow, representing applicant

C14p-78-065 Melton and Associates (continued)

COMMISSION ACTION

Mrs. Schechter asked if applicant would be willing to cut the density. Douglas Stringfellow, representing applicant, explained they had done so, pointing out this is the third set of plans for the site. He felt this to be the highest and best use for the property.

COMMISSION VOTE

Mr. Danze moved, and Mrs. Schechter seconded the motion, to approve the request subject to departmental recommendations and ordinance requirements.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14p-79-001 Dinerstein Builders, Inc.: A 288-unit apartment dwelling group
(by Claude Arnold)
8300 North I.H. 35

COMMISSION ACTION

On a consent motion by Mr. Danze, seconded by Mr. Vier, the Commission approved this request in accordance with staff recommendations and departmental requirements.

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

THE MOTION PASSED BY A VOTE OF 6-0.

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HISTORIC ZONING

C14h-78-001 Radkey House: "C", 1st H&A to "C-H", 1st H&A
(by Charles A. Betts)
3720 Jefferson

C14h-79-002 Aynesworth-Wright House: "GR", 1st H&A to "GR-H", 1st H&A
(by Charles A. Betts)
11689 U.S. Hwy. 183

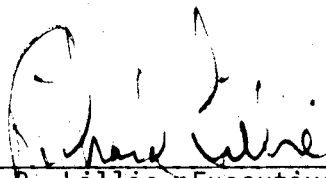
COMMISSION VOTE

On a consent motion by Mrs. Shipman, seconded by Mrs. Schechter, the Commission approved the proposed zoning and concurred with the findings of fact as noted by the Historic Landmark Commission.

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

THE MOTION PASSED BY A VOTE OF 6-0.

The meeting adjourned at 7:00 p.m.


Richard R. Lillie, Executive Secretary