

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

The special called meeting of the Planning Commission was called to order at 5:45 p.m. in the City Council Chambers, 301 West Second Street.

Present

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

Also Present

Evelyn Butler, Supervising Planner  
Marie Gaines, Planner  
Aliece Minassian, Planner  
Ouida Glass, Senior Secretary  
Sheila Finneran, Legal Department

Absent

Leo Danze  
Freddie Dixon

Planning Commission - Austin, Texas

May 2, 1979

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ZONING

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

C14-79-073    First City National Bank of Houston  
                   (by Holford & Carson)  
                   8422-8524 Balcones  
                   3501-3513 Cima Serena

From: BB, 1st H&A  
 To:    O, 1st H&A

C14-79-009    D. Y. Nichols  
                   (by Dan T. Stathos, Jr.)  
                   1300 South Congress Avenue  
                   also bounded by James Street

From: C, 2nd H&A  
 To:    C-1, 2nd H&A

COMMISSION VOTE

Mr. Vier moved to approve the requests listed above in accordance with staff recommendations. Mrs. Schechter seconded the motion.

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

THE CONSENT MOTION PASSED BY A VOTE OF 6-0.

C14-77-053      State National Bank of El Paso, Trustee: Revision to  
                   and Independent Executor                      Restrictive Covenant  
                   (by Jerry Saegert)  
                   600-604 Davis Street, also bounded  
                   by Red River Street

Marie Gaines presented the staff report and discussed the amendments to the original site plan. She noted that the department had reviewed the suggested changes and had no objection to the proposal as outlined by the attorney in his letter. She discussed that zoning in the southwest corner of the tract must be accomplished to permit the parking as proposed. This proposal is included in a zoning case which follows this item on the agenda.

PERSONS APPEARING IN FAVOR

Jerry Saegert

PERSONS APPEARING IN OPPOSITION

None

C14-77-053 State National Bank of El Paso, Trustee (continued)

## COMMISSION ACTION

Jerry Saegert, representing applicant, discussed the history of the request and presented a copy of the present restrictive covenant when the original "C" Commercial zoning was received. He explained that they now have actually purchased the property and discussed the changes that are now proposed. The building has now been constructed and is near completion. The City has requested the site plan be changed. He explained that insofar as Tract 1 is concerned, it is almost the same; the changes then from the original site plan are minor ones but are necessary changes. He discussed the proposed changes and the relationship to Tract 2, as well as the trade that is involved with the zoning request that also will be heard at this meeting. He discussed the tract on the west and stated that a trade had been negotiated with the adjoining lot owner in an attempt for him to gain the right to use his property. A short form subdivision will be filed at a later date.

## COMMISSION VOTE

Mr. Jagger moved approval of the request to amend the site plan with the proviso that the site plan to be approved with or without the Tract 3 being involved. If Tract 2 is acquired, that the restrictive covenant applying to Tract 1 will be placed on Tract 2 at the time it is acquired. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-042	Knights of Columbus Home Assn.: Interim "A", 1st H&A to (by Don Bird) "C-2", 1st H&A (Tract 4) 2305-2333 Columbus Drive and "O", 1st H&A (Tracts 1 and 3)
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Marie Gaines presented the staff report and explained that it had been heard originally on Mar. 7, 1979, and the Planning Commission granted "A" Residential, 1st H&A zoning. It then went before the City Council on March 29. The City Council at that time voted to refer the case back to the Planning Commission. She noted that included in the Commission's packet was a conceptual site plan that has been submitted by the applicant as well as minutes from the previous Planning Commission hearing.

## PERSONS APPEARING IN FAVOR

Don Bird, attorney for applicant

C14-79-042 Knights of Columbus Home Assn. (continued)

## PERSONS APPEARING IN OPPOSITION

Beth Sebesta, 2600 Rockingham  
Mary Ann Neely, South Austin Democrats  
Don Libby, 2124 Barton Hills Drive  
Ann D. Orzech, 2901 Oakhaven Drive  
Sally Wittliff, We Care Austin  
Betty Brown, 2607 Barton Skyway  
Mary E. Ley, 801 Avondale Road  
Jean Mather, 1611 Alameda  
Dorothy Richter, 3901 Avenue G  
Jack Evans, 4104 Avenue F  
C. Herndon Williams, Jr., 1800 Cresthaven Drive  
Barbara Nobles, League of Women Voters  
Jackie Myers, 2007 Barton Parkway

## COMMISSION ACTION

Don Bird, attorney representing applicant, explained they are in agreement with the staff recommendation except for one item and that is the 100 foot strip of "A". He discussed the tract and explained that the tract is less than 400 feet in depth throughout and the buffer will take up as much as one-third but no less than 25 percent of the entire width of the tract. He discussed this in relationship with the adjoining tract and pointed out that the adjoining Bradfield tract is much larger. To have this much buffer would cause a great deal of trouble in using the tract. He requested a 30-foot strip of "A" buffer would be equivalent proportional in size to the 100-foot strip on the adjacent tract. He felt that 30 feet would amply buffer in accordance with the requested density and height being restricted to one level. He felt that if the 30' buffer could not be recommended, the applicant would probably come back with a P.U.D. request rather than a special permit request which will be filed later. He stated they are willing to accept the C-2 zoning for the Knights of Columbus building only. Mr. Vier stated that if they had "A" Residential on the 100 feet and "O" adjacent, they could go "BB" with a special permit. Marie Gaines stated they could put in "BB" uses but that the density would not change.

It was explained by staff that densities are not transferable through special permit uses. They could build 12 units per acre under the "A" zoning. Mr. Vier questioned what the special permit would do. Marie Gaines explained that it would regulate the kind of development, the location of the buildings, and things of that nature. Mr. Bird explained applicant would be agreeable to this. Mr. Stoll asked why they were asking for "O" on Tract 3 rather than "B" or "BB". Mr. Bird replied this was originally intended to be office uses, depending on what the density would be, would determine the apartment usage. Most of the property owners in the area have decided that office is the best use. Mr. Jamail has hoped to put in a very nice garden type multi-family, duplex, and fourplex mixture. It is very possible the special permit submitted later will resemble this, but will have the density cut back. If this does not prove to be feasible, then applicant

C14-79-042 Knights of Columbus Home Assn. (continued)

will probably come back with a request for two small office buildings. Mrs. Schechter stated that when this was heard on March 7 the motion was to grant "A" on all tracts and that the Planning Commission would be receptive to a zoning change based on the site plan. There are no minutes provided from the City Council and she asked what happened at the Council meeting. Mr. Bird stated "almost nothing." He explained that the site plan is being resubmitted to the Planning Commission and then the Council will not hold but one public hearing. In response to Mr. Snyder's inquiry, Mr. Bird explained that the office would be two-story, or less than 35 feet, or 1st height and area. Mrs. Shipman asked why the Knights were asking for the C-2 zoning since they can continue their operation indefinitely without the change in zoning. Mr. Bird explained that the original idea was to come to the Planning Commission and ask the City to bring them within the confines of the Zoning Ordinance. They recognized they did not need to do it at all, it was really a gesture. She asked if they would like to withdraw the request at this point. Mr. Bird stated they would if the Commission so desired. Mrs. Shipman stated it might be appropriate. There was discussion of the C-2 zoning and the need to serve in the outside area for parties, etc. The Knights have decided to go along with the request for C-2 on the building only. There then was discussion of the need for repairs on the building and the concerns for making such repairs. Mr. Bird stated he had checked with the Building Inspection Department and was told that maintenance and repairs are not structural alterations which are forbidden for nonconforming uses. There are no intentions of making major structural changes and there is no need for a zoning change. The original reason was to have the entire tract zoned. They did not have to have the zoning, and did not expect to be a problem. He stated they would be glad to withdraw the request. Mrs. Shipman emphasized that she could not support C-2 zoning next to Zilker Park, under any circumstances. At this point Mr. Bird withdrew the C-2 request. There was discussion of the last meeting and discussions with Jim Gotcher of the Building Inspection Department regarding remodeling and repairs not being allowed unless the change of zoning was obtained. Mr. Bird replied that he had today received a different answer from the Building Inspection Department and that if it turns out that the structure cannot be repaired, then they would have to come back and ask for conforming zoning in order to bring that building up to standards. There is no intention of structural changes, which is the way the ordinance reads. Jim Bennett told Mr. Bird that maintenance and repair would be no problem. Mrs. Shipman felt this was the overriding opinion at the previous meeting, that so long as a major addition was not undertaken, that it could continue indefinitely. Sheila Finneran of the Legal Department stated that repairs would be fine but structural alterations are prohibited when they are used to expand the use. Mrs. Shipman then asked if the same owner owns the tract to the north fronting on MoPac and the answer was no. She then asked the amount of land surrounding Zilker Park that is privately owned and undeveloped that citizens might think is part of the park. Mr. Jagger asked and Evelyn Butler explained that the Girl Scout camp is part of Zilker park. Mr. Bird accepted the staff recommendation and withdrew the C-2 request.

C14-79-042 Knights of Columbus Home Assn. (continued)

Speaking in opposition, Betty Brown, representing the Barton Hills Horsehoe Bend Neighborhood Association, referred to the zoning hearing for the Bradfield tract adjacent to this property. She stated she realized each case must be judged on its own merits, but the concern for the park certainly is the paramount issue here as it was in the Bradfield case. This land is separated from the park only by a narrow road and is bordered on the south by the Girl Scout camp and are the most vulnerable areas to any negative affects of construction on the tract in question. She discussed their opposition to the "O" zoning on Tracts 1, 2, and 3 and pointed out the impervious coverage of the proposed apartments and the ensuing runoff into Barton Creek.

She stated there is no ordinance to control the urban development for Barton Creek and questioned what happened to the one proposed following the application for the Bradfield property. She felt special care should be taken with zoning which may affect the water quality of Barton Creek and questioned the capacity of the sanitary sewer. Has the capacity of the sewer already been allocated? There then was discussion of the traffic and the estimated number of trips per day should this tract be developed as proposed, as well as the street system. There being upgraded, which would attract more traffic, and there is no place for Columbus Drive to go except into Zilker Park. She emphasized that Columbus Drive is the only entrance and exit to this tract. She discussed the driveways as shown on the site plan in relation to the Sunshine Camp. To make Columbus Drive a busy street would jeopardize the camp which is used for underprivileged and mentally retarded children and would be hazardous for the children.

She also pointed out that the Girl Scout camp would experience problems from the proposed construction, especially from the clearing of the land and the resulting erosion through their campsite. She felt this would be a general intrusion into the park and asked that the zoning request be denied.

Mrs. Shipman asked about the status of the Barton Creek study, and Evelyn Butler explained that it had been delayed, but did not have a definite answer. There was discussion of the wastewater capacity and Mrs. Butler explained this is normally done in connection with the special permit or subdivision process and would be researched at that time. She stated that if the capacity is not there, even if the zoning should be granted, the applicant would not be able to proceed. Mrs. Shipman then asked about Urban Transportation Department responding to the anticipated traffic flow. Mrs. Butler discussed traffic for proposed apartment development and office complex and did not have a report from the Urban Transportation Department. She pointed out that this would be taken care of when the subdivision comes in and there would be a problem with the area between this property and MoPac. The applicant does not own the property and they could not provide the widening of that section. She had requested that the right-of-way be researched, but did not have a report at this time. There was discussion of leaving Columbus Road and being unable to go north from this site without going through Zilker Park or double back on MoPac.

C14-79-042 Knights of Columbus Home Assn. (continued)

Mary Ley, representing the Travis Audubon Society, opposed the zoning request and expressed appreciation for the Knights having withdrawn the request for the C-2 zoning. She urged that the zoning for this area be restricted because of its proximity to the park and the negative affects it could have on the park because of the traffic problems that have been pointed out and are so clearly apparent, as well as the proximity of the Girl Scout camp. She requested the zoning be restricted either to SR or AA with a minimum of a 30-foot buffer which is to be conservation easement with no construction. She stated the citizens have been very clear about how they feel about the park and the creek area and this restrictive zoning would protect the park and the creek. She requested the Planning Commission to do whatever it can to speed up the process of developing some controls for the Barton Creek watershed, pointing out that the entire area is under attack and constant pressure for intensive zoning that is not appropriate for the area. She felt everyone's job would be a lot easier and the results a lot more beneficial for the entire community if some controls could be developed for the Barton Creek watershed.

Jean Mather, representing the Austin Neighborhood Council, expressed opposition to any zoning in excess of SR or AA on this property. She saw no reason for any other zoning so near Zilker Park and that there should be a buffer along Columbus Drive and along the southern edge of the park that would be a conservation easement with no buildings in it. She felt the density with "A" would be excessive, she felt that since the City Council had sent it back to the Planning Commission, the Commission would take this opportunity to think twice about the zoning before it is approved. Dorothy Richter spoke as a citizen, and referred to a recurring bad dream to come back to discussed the zoning of this land. She discussed Columbus Drive and what would be needed; she questioned where the run-off would go, pointing out that the by-pass that is now in Barton Springs is not sufficient. She requested the area be left as it is and urged "not to fool with Mother Nature", pointing out that this area is very sensitive and will be used for generations to come and felt that surely there are other places to develop rather than this particular spot. She hoped for a moratorium on any future zoning out there until a good study on the Barton Creek floodplain and the entire area can be completed. Jack Evans, representing the Hyde Park Neighborhood Association, emphasized that this area cannot be treated lightly. He felt Zilker Park the outstanding model for all parks in the City of Austin, and felt it incredible to have an environ like this so near the center of a city and yet feel as though you are in the country. He cautioned you cannot be too careful with the way the surrounding properties are developed and felt that the current zoning on the property would allow a reasonable development and a development which would offer a good return to the developer. He felt this to be an invaluable and irreplaceable asset, and recommended that development within the immediate environs of Zilker Park be held in the strictest possible limits and that all consideration be done to protect and to preserve the heritage of Austin for the generations that will follow. Herndon Williams urged careful consideration to any change

C14-79-042 Knights of Columbus Home Assn. (continued)

of zoning and expressed opposition to this request and expressed disappointment for the high density being requested. Barbara Nobels, Austin League of Women Voters, referred to a letter submitted for the March 7 hearing and expressed opposition to the request. Jackie Myers discussed gates to the park that were closed in the evenings and pointed out that it is possible to be locked into the park at night, discussed the girl scout operations and cautioned that there would be traffic problems. Paul Lewis pointed out that the population of the City is increasing, there is a need and a necessity for park space and felt that the city should consider using Zilker Park in this connection. He urged that no development be permitted in this particular area and the land to be used in the future as park land, pointing out that if it is developed, it will be lost forever as park land.

## COMMISSION VOTE

Mrs. Shipman moved to deny the request and recommended that this land be zoned "SR". She pointed out that it does not front on any major thoroughfare and that any more intensive land use would be totally irresponsible; it is going into Zilker Park, there is a question of right-of-way to the north that would feed this traffic to MoPac. Mrs. Schechter seconded the motion.

Mr. Stoll offered a substitute motion to deny the request, but to recommend permanent "AA" rather than "SR" on this tract. Mr. Vier seconded the substitute motion. The Commission voted to discuss the substitute motion. Mr. Jagger stated he would abstain for personal reasons. Mr. Stoll discussed that he felt "SR" to be too restrictive and at the same time would provide a little bit of flexibility to the applicant that the "SR" district would provide. He felt that to be the most appropriate recommendation and felt that is the way the land should be used. Mrs. Shipman stated this is unique land, there is no "SR" zoning within the city limits, but pointed out that it was on the books and it can be used. She discussed the density that could be used and the buffering. She was concerned for the park and the traffic that would be generated, as well as for the density. There was discussion of the density under different types of zoning and how the buffer could be handled and what would be appropriate. Mr. Stoll stated he would accept 30 feet of conservation easement adjacent to the park, the southernmost extremity as had been volunteered by the applicant.

The Commission then voted on the substitute motion to deny the request of the applicant, and to grant "AA" Permanent with a 30-foot conservation easement on the southernmost 30 feet of subject property.

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

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



Marie Gaines explained this case was heard on March 7 and denied by the Planning Commission. The City Council referred it back to the Planning Commission for reconsideration. The staff would again recommend to deny "GR" General Retail, 1st H&A but would recommend to grant "O" Office, 1st H&A. While general retail zoning has been established, a downgrading as well as an established boundary for uses other than "A" Residential needs to be established along Rundberg Lane. Because previous zoning cases along Rundberg Lane for any other than "A" Residential have been denied, a downgrading is appropriate. "LR" uses will be permitted through the special permit process.

C14-79-027 Jack E. and Margie Bunch (continued)

## PERSONS APPEARING IN FAVOR

Don Fergurson, representing applicant  
Carl Lambert

## PERSONS APPEARING IN OPPOSITION

Homer Johnson, Georgian Acres Neighborhood Association  
Tom Cook, Georgian Acres Neighborhood Association

## COMMISSION ACTION

Don Fergurson stated they now have a definite use for the property. He withdrew his request for "GR" zoning and concurred with the recommendations of the staff and requested that the "O" zoning be granted. He presented a site plan and discussed the proposed plans for this tract. He felt it not appropriate for "A" Residential, pointing out that we are faced with a change. He felt the "O" would be the best use of the land and requested approval of the request. Mrs. Schechter asked if he would be willing to offer five feet of "A" on the west side to protect the single family dwellings so the "domino" effect could be stopped, as well as a privacy fence down the side and across the back. There was discussion of the different types of buffering and what could be done on this site. Carl Lambert, adjacent property owner, stated he would like to see this zoned "O". He also discussed the buffering and pointed out that the traffic is entirely too heavy now for residential uses. He felt the area would be commercial very shortly. Homer Johnson, speaking for the Georgian Acres Neighborhood Association, expressed agreement with the staff recommendation and requested a buffer of ten feet on the back and five feet on the side. Tom Cook, representing the Georgian Acres Neighborhood Association, stated they do not want encroachment into the neighborhood and requested a restrictive covenant of office uses only. Mr. Fergurson would not agree to the restrictive covenant for office use only and requested approval of the staff recommendation. He agreed to a rear buffer but could see no reason for one on the side, stated he would prefer a six-foot privacy fence rather than landscaping and volunteered a six-foot privacy fence across the back and on the west side.

## COMMISSION ACTION

Mr. Snyder moved to deny "GR" General Retail, 1st H&A but to grant "O" Office, 1st H&A with a six-foot privacy fence as volunteered by the applicant with five-feet of "A" on the west side, ten feet of "A" on the south side, and the zoning to be subject to the site plan that was presented. Mr. Stoll seconded the motion. Mr. Jagger felt that there should be buffering as well as landscaping; if the applicant is not prepared to do that, then the request should

C14-79-027 Jack E. and Margie Bunch (continued)

be denied. Applicant volunteered to a five-foot landscape buffer with a four-foot privacy fence. Mr. Jagger asked and the applicant agreed to restrict this to apartment use. These items were included as a friendly amendment to the motion. The Commission then voted on the motion by Mr. Snyder, as amended by Mr. Jagger, and seconded by Mr. Vier to grant staff recommendation of "O" Office, 1st H&A subject to a restrictive covenant of five-foot landscape buffer on the west and south sides of the tract and that it be restricted by a restrictive covenant as agreed to by the applicant that there will be no apartment uses on the subject tract.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-057 T. O. Johns: Interim "AA", 1st H&A to "C", 1st H&A  
(by C. & L. Business, Inc.)  
1310 Kramer Lane also bounded  
by Pecusa Drive

Marie Gaines explained this item should have been on the May 1 agenda. The Commission had postponed consideration pending further deliberation of site plans for subject tract. The staff continues to recommend denial of this request. The applicant Mr. T. O. Johns then requested the item to be withdrawn.

COMMISSION VOTE

Mrs. Schechter moved and Mr. Snyder seconded the motion to withdraw the request in accordance with the request of the applicant.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-059 David B. Barrow: "GR", 1st H&A to "GR", and 3rd H&A  
(by David B. Barrow, Jr.)  
3400 Far West Boulevard

Marie Gaines requested this request be postponed until May 22 and notices be sent again or take it up again in the June cycle. Applicant and the neighborhood are not present. The Commission had set this for May 1 and it has appeared inadvertently on the May 2 agenda.

C14-79-059 David B. Barrow (continued)

## COMMISSION VOTE

Mr. Vier moved to continue the request until May 22 and that notices be sent out. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-065 Earl M. McClure, Jr.: "A", 1st H&A to "L" Lake District,  
(by Forest Cook) 4th H&A on Tract 1 and "C" Commercial,  
80 Red River Street 1st H&A on Tract 2

Marie Gaines presented the staff report and explained that the subject tract is approximately 2.48 acres and is located in the Central Business District area with frontage near the Colorado River-Town Lake area. She discussed the land uses in the area and explained this request had been postponed pending the outcome of the Downtown Revitalization Plan. The plan has not officially been adopted by the City, but the staff has recommended "BB", 1st H&A on Tract 1 and "C" Commercial, 1st H&A on Tract 2, based on the existing status of the Downtown Revitalization Plan. The consultant has recommended this particular area for garden unit apartments and the position of the staff is that this would be an appropriate use based on the fact that there has been significant interest generated for the revitalization of the downtown area. The staff feels this would be an appropriate use.

## PERSONS APPEARING IN FAVOR

Forest Cook  
Jerry Saegert

## PERSONS APPEARING IN OPPOSITION

None

## COMMISSION ACTION

There was discussion of the request for 4th Height and Area. Mr. Vier asked if the Commission could take action on Tract 2 and the applicant then present the request for Tract 1.

Mr. Vier moved approval of staff recommendations on Tract 2 and to grant "C" Commercial 1st H&A. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-065 Earl M. McClure, Jr. (continued)

The Commission then considered Tract 1.

Marie Gaines then amended the recommendation of the staff and explained they felt the density limitation under the "BB" zoning could pose significant developmental financial constraints on the applicant and therefore the staff could support the position of "B" zoning restricted to 30 units to the acre.

Forest Cook, representing the applicant, clarified that the subject tract is 2.25 acres and was at one time a larger tract, with a little over one-half acre given to the City for the Hike and Bike Trail addition. He explained there was a proposed user and buyer for this tract at the time the original request was submitted and that the proposed use was a nine-story office building. This contract has now been withdrawn and applicant is not now requesting 4th height and area. He explained the reason for their continued request for the Lake District is to allow the owner the flexibility to develop the property and to sell the property and at the same time still be consistent with the American City Corporation recommendation. He just today has learned that the Planning Department would recommend the "B" zoning with the restriction to 30 units. They now have another proposed buyer who is under contract for this subject tract and is specifically studying apartments, first height and area. He requested the "B" zoning with the restriction to 30 units and withdrew his request for Lake District. He explained they had worked with the Urban Transportation Department regarding the access from Red River Street to the subject tract. There is a short form subdivision being prepared which will delineate this access.

There then was discussion of the access and the density with only one driveway for access. Mrs. Shipman felt that this is a piecemeal application to something that should have been developed on a larger scale, questioned what the Fire Department would have to say about the situation. Mr. Jagger felt this would be a question of when the special permit would come in. Mr. Vier stated that if we are to see revitalization in this area, these things must be considered and it could be handled when the special permit is submitted.

#### COMMISSION VOTE

Mr. Vier moved approval of "B", 1st H&A subject to 30 units per acre. Mrs. Shipman added a friendly amendment that when the plans for this development come up that Urban Transportation Department submit in writing how the traffic will be affected in that area. Mr. Stoll seconded the motion as amended.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-074      Travis 51, Ltd: Interim "AA", 1st H&A to "DL", 2nd H&A  
(by Donald E. Bird)  
7000 Block of Ben White Blvd.

Marie Gaines gave the staff report and explained that subject tract constitutes approximately 30.72 acres of land with frontage on Ben White Boulevard and discussed the land uses in the immediate area. The staff recommendation is for DL, 1st H&A along the perimeter of the tract with 100 feet of "A" on the back and subject to a P.D.A.

PERSONS APPEARING IN FAVOR

Don Bird, attorney representing applicant

PERSONS APPEARING IN ~~FAVOR~~ AGAINST

None

COMMISSION ACTION

Mrs. Schechter asked if applicant is willing to this agreement. Don Bird, attorney representing applicant, explained they had no problem with the staff recommendation; no problem with the P.D.A. He explained they would have an immediate "C" use on the property; the light industrial use approximately nine to 15 months away. They would like to have the light industrial use until the P.D.A. agreement is completed. Mrs. Shipman felt this was creating a problem and pointed out that the land is being zoned commercial and used industrial, felt a time frame or appropriate zoning is needed. There was discussion regarding how this could be done in order to accommodate the needs of the applicant.

COMMISSION VOTE

Mrs. Shipman moved to deny "DL" Light Industrial, 2nd H&A, but to grant a 100-foot strip of "A" Residence at the rear of this tract and 100 feet of "DL" Light Industrial, 1st H&A around the remaining perimeter; the interior of the tract to be zoned "DL" Light Industrial, 2nd H&A, all subject to approval of P.D.A. as well as restrictive covenant for the "C" use until the P.D.A. is filed. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-083 Bill Milburn, Inc.: Interim "AA", 1st H&A to "C", 1st H&A  
(by John S. Avery)  
12024-12036 Burnet Road

Marie Gaines recommended postponement of this request until the area study has been completed for F.M. 1325 that was requested by the City Council. She explained that there are no histories available for the area and this would set a precedent.

#### PERSONS APPEARING IN FAVOR

John Meinrath, attorney for applicant

#### PERSONS APPEARING IN OPPOSITION

None

#### COMMISSION ACTION

John Meinrath, attorney representing applicant, urged the Commission to recommend permanent "C" zoning for this property. He discussed the land uses in the area and stated that the tract is now being used for agricultural purposes. He felt the change of zoning would be consistent with the plans of the owner of the tract to the south, IBM is located to the south and an auto repair facility to the north, therefore, this would be consistent with these uses. He also pointed out that MoPac will in all probability intersect nearby. He requested this not be postponed any longer, but did state that the applicant has no definite plans at the present time for any specific use on the tract. Mr. Vier felt there should be more industry on 1325 and had no problem with this being commercial. Mr. Snyder felt it appropriate to give the staff time to complete the study. Mr. Guerrero asked if the Council had requested a moratorium on cases in this area and Marie Gaines explained they had not.

#### COMMISSION VOTE

Mrs. Schechter moved to postpone the request for 60 days pending the outcome of the area study. Mr. Guerrero seconded the motion.

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

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

Marie Gaines explained that applicant had requested this item to be postponed.

Evelyn Butler explained there has been a change of ownership and the actual title has been changed to a new name of Mesa Trails, Incorporated. Another change needs to be made in the report prepared by the Environmental Management Office since this is not in the Lake Austin Watershed as they had indicated. She requested to delete Item 2 under the ERM comments. She explained this P.U.D. is a complete revision of a part of a P.U.D. which was approved in 1972 and discussed the section involved. This area consists of 8.68 acres with 47 units proposed for a density of 5.41 units per acre. She discussed the area and the land uses and stated the staff recommends approval subject to ordinance requirements and departmental recommendations as well as withdrawal of the originally approved P.U.D.



C814-79-002 Clarke-Frates Corporation (continued)

## PERSONS APPEARING IN FAVOR

Bill Carson, representing applicant  
Mr. Reynolds

## PERSONS APPEARING OPPOSITION

R. T. Clarke - questions

## COMMISSION ACTION

Bill Carson, representing applicant, explained that this application is completely separate from the previously approved application. He explained this was being redesigned with zero lot line units and stated they do not accept the Urban Transportation recommendation for circles with 24 feet paving around them. He felt that 20 feet of paving would be adequate. He had problems with the 10-foot between building requirements, explaining they wished flexibility in order to save trees. Mr. Clarke asked if the buildings will back to Myrick and also about the landscaping.

## COMMISSION VOTE

Mr. Jagger moved to approve the P.U.D. subject to staff recommendations, subject to changing the paving on the circles to 20 feet and the building separation minimum to five feet and that all other conditions and requirements of staff be complied with. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

SPECIAL PERMITS

C14p-79-011 Charles Marsh: A 34-unit apartment complex  
(by C. J. Conner, Jr.)  
1600 W. 6th Street  
also bounded by West Lynn Street

Evelyn Butler presented the staff report.

This special permit is located in central Austin and covers 2.064 acres of land. Subject tract is bounded to the south by West 6th Street a major arterial and West Lynn a collector street.

C14p-79-011 Charles Marsh (continued)

The surrounding land use for subject tract is as follows: to the north is the Historic Sheeks-Robertson home and single family residences. To the east are single family residences. To the south are single-family residences and mixed commercial uses along West 5th Street.

The applicant proposes a 34-unit apartment complex constituting 16.47 units per acre. A total of 66 parking stalls are shown on the site plan, 67 parking stalls are, however, required by ordinance. The tract was subdivided prior to the current approved Expressway and Major Arterial Plan. The plan calls for West Sixth Street to be increased to 70 feet in width. West Lynn is classified as a collector street which should have a minimum right-of-way of 60 feet. A P.U.D. was submitted on the subject tract in 1976, at which time the request for additional right-of-way for West Lynn and West 6th Street was being provided. The applicant did not follow through on the project.

The staff recommends approval subject to ordinance requirements and departmental recommendations to include a turn around area at the end of the northernmost drive near the swimming pool. The setback of 30 feet from West 6th Street will provide room for future widening of West 6th Street, but there is no provision made along West Lynn.

## PERSONS APPEARING IN FAVOR

Charles Marsh  
James W. Fox, 610 West Lynn  
Charles B. Dildy, 611 West Lynn - concerns

## PERSONS APPEARING IN OPPOSITION

Ken Carpenter, 706 West Lynn  
Don Lee, 911 West Lynn  
Gregory A. Calvert, 706 West Lynn  
Josephine Viscardi, 1605 Waterston  
David Belknap, 909 West Lynn

## COMMISSION ACTION

Charles Marsh discussed his proposal and stated he would have two access points off West Lynn and that he can meet all of the requirements. There was discussion of the possibility of widening West Lynn, the traffic problems in the area. He expressed opposition to giving footage at this time for right-of-way and stated he did not wish to modify his plan to do anything that would enhance the widening of the street. This will be homes or condominiums rather than apartments. Charles

C14p-79-011 Charles Marsh (continued)

Dildy expressed opposition to the two openings on West Lynn, discussed the traffic problems in the area, and requested there be one opening on West Sixth Street, and that West Lynn not be widened. Josephine Viscardi also discussed the traffic problems in the area and expressed objection to the widening of West Lynn, stating she did not want it to become a thoroughfare. Ken Carpenter expressed opposition to the widening of West Lynn, would prefer no curb cuts on West Lynn and requested the access to be off West Sixth Street. He expressed opposition to the request and discussed the pedestrian traffic as well, pointing out that Matthews Elementary School is nearby, Austin High School, and the University of Texas apartments. He felt the need for West Austin is not for more upper middle class houses; there should be housing for low income people who have been squeezed out of Clarksville. Clarksville is a unique neighborhood, a mix in the community not found elsewhere in Austin. Don Leigh endorsed the comments of Ken Carpenter and expressed opposition to the request. He did not want condominiums going in the community; felt that would not be in character with the community. Mrs. Shipman expressed concern that this area is overzoned.

## COMMISSION VOTE

Mr. Snyder moved to approve staff recommendations on all ordinance requirements and departmental recommendations except that Item 2 under Urban Transportation be deleted. Mr. Jagger seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

Evelyn Butler explained later in the evening that the Commission had failed to establish a finding a fact on this special permit regarding the issue of safety to the motoring public. Mr. Vier moved to reconsider this item and Mrs. Schechter seconded the motion. The motion passed by a vote of 5-0.

Mr. Vier then moved that this case will satisfy the criteria for the finding of fact. Mrs. Schechter seconded this motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14p-79-012     David Drapela: A 92-Unit Apartment Project  
                  (by William T. Schully, Jr.)  
                  South First Street and  
                  Emerald Wood Drive

Marie Gaines explained that the staff would request postponement of this item. The applicant has agreed to go back to the drawing board and come back with a revised site plan. There are some major problems and the staff is not ready to comment at this time. The opposition is present and ready for the hearing. There was discussion of whether or not to hold the hearing. Mr. Snyder suggested to have the hearing tonight and then close the public hearing and take action at a later date. Mr. Guerrero felt the hearing should be held and the Commission then decide whether or not to take action or to postpone and he so moved.

Later in the evening Mr. Guerrero reported that the applicant and the neighborhood had agreed to a postponement. Since the neighborhood had reluctantly agreed to the postponement, it was felt that a specific time should be set.

#### COMMISSION ACTION

Mrs. Schechter moved to postpone this request to Tuesday, June 5, at 7 p.m.  
Mr. Stoll seconded the motion.

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

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

C14p-79-013     Architectural Development Corporation: A 185-unit  
                  (by Charles E. Gromatzky)                     Garden Apartment Project  
                  11109-11047 U.S. Hwy. 183

Marie Gaines presented the staff report and discussed the land uses in the area. She explained the zoning for this particular tract was approved and the ordinance passed. The Planning Department recommends that six parking spaces be removed from the area near the intersection of the drive and the access drive, as well as a curb cut to the adjoining property on the western boundary. She discussed Santa Cruz Drive was proposed to extend through as well as Stonebridge Drive and explained there is a median break at Balcones Drive and the Highway Department will not approve an additional median break at this point. A subdivision will be required and the owner will be responsible for the full development of Stonebridge Drive and Santa Cruz Drive to urban standards. All access will be oriented to the proposed Stonebridge Drive.

#### CITIZEN COMMUNICATION

#### PERSONS APPEARING IN FAVOR

Charles Gromatzky, representing applicant  
Bill Smyrl

C14p-79-013 Architectural Development Corporation (continued)

## PERSONS APPEARING IN OPPOSITION

Bud Boucher, 4309 Welland  
Bill Dudley, 11101 Valencia Court  
Bob Jacobson, 2222 Guadalupe  
James and Becky Gdula, 11011 Calle Verde Drive  
Jeff Bruce, 11106 Santa Cruz  
Dick Peterson, 4200 Balcones Woods Drive  
Dennis Canner, 4102 Galacia  
Cena I. Millsap, 11102 Balcones Woods Circle  
John Stewart, 4603 Bilboa  
Roby Dollar, 11408 Pyreness Drive  
Mary Ann and John Levering, 11102 Valencia Circle  
Faye Dudley, 11101 Valencia  
Nora and Bob Chambers, 11104 Santa Cruz  
Ernest Anguians, 4503 Bilboa  
Paul A. Gosnell, 4507 Bilboa  
L. D. and Sylvia L. Porpeta, 11108 Santa Cruz

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

John P. Murphy, Jr., 4504 Bolboa Drive  
Harold S. Jay, 4601 Bilboa Drive  
Dr. Tapas Mukutmoni, 11201 Balcones Woods Cove  
Robert and Denise A. McDonald, 4602 Bilboa

## COMMISSION ACTION

Mrs. Shipman asked the status of the 183 study and was told that the staff is now finishing the study and that the Highway Department has hired a consultant to work on the plans for the entire 183 and is moving very fast, but does not have a date as yet. Charles Gromatzky discussed the proposed plans for the project. There was discussion of Santa Cruz Drive and the need for it to be extended. Speaking in opposition, Bill Dudley, representing Balcones Woods Homeowners, expressed opposition to the special permit and strongly requested that it be denied. Bud Boucher, president of the Balcones Woods Homeowners Association, expressed concern for the high density of the apartment project, the extension of Santa Cruz Drive. He also pointed out that the quarry will pose a safety problem for the children. There was discussion of the restrictive covenant that had been imposed by the City Council and how it would apply to this request; the extension of Santa Cruz Drive, and the moratorium on 183. He requested this special permit be postponed until the results of the study are available. He discussed the memorandum from Lee Cooke regarding the traffic problems and accidents on 183. He questioned the adequacy of the traffic study and stated that the safety and welfare, especially for children, would be in danger. He discussed

Marie Gaines told the Commission that the applicant as well as the neighborhood association do not have any problems with the special permit and would like to request a consent motion on this item.

C14p-79-015 Tressmar Incorporated (continued)

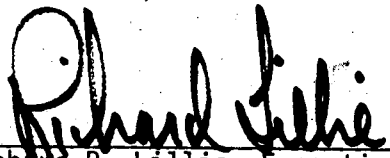
## COMMISSION ACTION

Mrs. Schechter moved and Mr. Vier seconded the motion to approve this special permit in accordance with staff recommendations and ordinance requirements.

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

THE CONSENT MOTION PASSED BY A VOTE OF 7-0.

The meeting adjourned at 10:40 p.m.

  
\_\_\_\_\_  
Richard R. Lillie, Executive Secretary