

CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting -- May 29, 1979

The special called meeting of the City Planning Commission was called to order at 5:40 p.m., in the City Council Chambers, 301 West Second Street.

Present

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

Also Present

Richard Lillie, Director of Planning
Evelyn Butler, Supervising Planner
Walt Darbyshire, Planner III
Joe Lucas, Water and Wastewater Department
Sheila Finneran, Legal Department
Maureen McReynolds, OERM
Tom Green, Austin-Travis County Health Department
Ouida Glass, Senior Secretary

Absent

Freddie Dixon

Mike Blackwood, President of the Forest North Neighborhood Association, presented a petition containing 300 signatures in opposition to the commercial zoning of any kind in the area. He discussed the traffic problems and felt that this would intensify the traffic as well as the risk of accidents. He also discussed the drainage and sewage problems, stated they like the rural, urban area as it is and did not want to see it changed. He recommended it be zoned residential. Jerry Leshner showed slides of the drainage problems and stated he felt commercial zoning would increase this problem and recommended duplex or single-family uses. Applicant agreed to a buffer between this tract and the property behind it as well as to limit the businesses to those using a minimum amount of water. Mr. Vier felt the applicant and the neighborhood should meet and try to work out some of the problems.

C14-78-207 Maurice Shafer & C14-78-219 Raymond E. Mitchell, Trustee (continued)

COMMISSION VOTE

Mr. Vier moved to continue the hearing to June 26, that applicant and neighborhood meet and applicant submit a site plan. Seconded by Mrs. Schechter.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-024 John P. Nieman: Interim "AA", 1st H&A to "GR", 1st H&A
 (by Larry Nieman)
 12828-12900 Research Boulevard
 8657 Spicewood Springs Road

Mr. Lillie stated the applicant had requested this item to be postponed to June 26.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to postpone until June 26.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-032 Charles Richard Hamilton, et al: Interim "AA", 1st H&A
 (by W. W. Patterson) to "GR", 1st H&A
 10540-11740 U.S. 183

Mr. Lillie explained that the staff recommendation follows the recommendations of the U.S. 183 report. Subject tracts are not located at major intersections; the staff would recommend "A", "BB", "B", or "O" with site plat approval, and that "LR" uses would be permitted by Special Permit if "O" is granted because the tracts are adjacent to less restrictive zoning; also recommend no more than 50 percent of the tracts be used for "LR" uses; minimum lot width of 200 feet is recommended; if lot width is less than 200 feet, then access must be provided to an interior street or with a common access driveway. The Texas Highway Department will require 50 feet of land for right-of-way for widening U.S. 183 and a building setback of 75 feet is recommended. The staff would recommend the tract be zoned "O" Office.

C14-79-032 Charles Richard Hamilton, et al (continued)

PERSONS APPEARING

W. W. Patterson, representing applicant

COMMISSION ACTION

Mr. Patterson, representing applicant amended the request and stated the applicant is requesting "O" zoning and will provide a site plan. Mrs. Shipman expressed concern for the traffic impact and felt this would be a real problem. Mr. Jagger discussed the possible restrictions of the driveway access to conform with the 183 report.

COMMISSION VOTE

Mr. Jagger moved to approve the staff recommendations and to grant "O" Office, 1st H&A as amended by the applicant. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-044 Bell Avenue Area Study: Interim "AA", Residence, 1st H&A to
(by City of Austin Planning Department) "A", "AA", & "BB",
Tract 1: 12440-12454 U.S. Hwy 183 Residence, "O" Office,
Tract 2: 11905-12011 Bell Avenue & "GR" General Retail, 1st H&A
also bounded by US 183
Tract 9: North side of US 183 approximately
300 feet east of Bell Avenue
Tract 10: 11701 and rear of 11715-11903 Bell Avenue,
also bounded by Jollyville Road
Tract 11: West side of Thunder Creek Road approximately
325 feet north of Jollyville Road
Tract 13: 12004-12102 Bell Avenue
5901-6001 McCoy Avenue
12200 Howlett Court, rear of 6000-6004 McCoy Road
Tract 14: 11877-12005 U.S. Hwy. 183
12000-12004 and 12003-12005 Tweed Court
Rear of 12004-12102 Bell Avenue
6000-6004 McCoy Road, rear of 5901-6001 McCoy Road
Rear of 12200 Howlett Court
Tract 15: 1200 Bell Avenue, 11934-11936 Arabian Trail

Mr. Lillie stated these tracts were pulled because of frontage on 183 when the moratorium was instituted by the City Council. Applicant on Tract 10 has requested postponement; representative on Tracts 13 and 14 requested 30-day postponement.

C14-79-044 Bell Avenue Area Study (continued)

COMMISSION VOTE

Mr. Jagger moved and Mr. Snyder seconded the motion to postpone Tracts 10, 13 and 14 for 30 days.

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

Mr. Lillie then discussed Tracts 1, 8, 9, 11, and 15. He discussed the land uses and zoning surrounding these tracts, the recommendations of the 183 study as would be applied to these tracts and stated that "LR" uses would be permitted by special permit if "O" is granted. Bob Bledsoe expressed agreement with applicant's request for Tracts 8 and 10. There is a request to postpone Tract 9 until plans can be worked out.

Tract 11 is an interior tract and applicant has requested indefinite postponement for Tract 15. He explained that none of the areas are adjacent to major intersections and the staff recommends more restrictive zoning than "LR" and "GR" and that Local Retail uses could be permitted by special permit if "O" is granted for Tracts 1, 8, 9, 11, 13 and 14 because the tracts are adjacent to or across the street from less restrictive zoning; that no more than half the tract be used for Local Retail purposes and that be done by special permit; minimum lot area width of 200 feet is recommended for Tracts 1, 8, 9, and 14. If lot width is less than 200 feet, then access must be provided to an interior street or right turn easement with adjacent parcels and a common access driveway for areas 9, 14, and 15. The Texas Highway Department will require 50 feet of land for right-of-way for widening U.S. 183 and a building setback of 75 feet is recommended. Mr. Lillie explained the western portion of Tract 8 should be postponed to go along with Area 10. The Commission then made recommendations on each tract.

COMMISSION VOTE

Mr. Snyder moved and Mr. Danze seconded the motion to approve staff recommendations and to grant "O" with site plan for Tract 1.

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

THE MOTION PASSED BY A VOTE OF 7-0.

Mrs. Shipman moved and Mr. Snyder seconded the motion to grant "O" with a site plan for Tract 8.

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

THE MOTION PASSED BY A VOTE OF 7-0.

Mr. Vier moved and Mr. Snyder seconded the motion to postpone Tract 9 until June 26.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-044 Bell Avenue Area Study (continued)

Mrs. Shipman moved and Mr. Danze seconded the motion to postpone Tract 11 indefinitely. Mr. Jagger amended the motion to postpone any action on this zoning request until the applicant requests to be placed on the agenda.

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

THE MOTION PASSED BY A VOTE OF 7-0.

Mr. Snyder moved and Mr. Danze seconded the motion to postpone Tract 15 indefinitely.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-049 Modelle Ballard, Robert G. Ballard, John R. Ballard, and
Charles W. Ballard: Interim "AA" 1st to "C" Commercial,
(by John R. Ballard) 1st H&A
13263 Research Boulevard
13265 Research Boulevard

Mr. Lillie discussed the land uses and zoning in the area. He explained the subject tract is not at a major intersection and the staff would recommend "A", "BB", "B" or "O" with site plan approval by the Planning Commission. "LR" uses would be permitted by special permit if "O" is granted because the tract is adjacent to or across the street from the less restrictive zoning and would recommend no more than 50 percent of the subject tract be used for "LR" uses. A minimum lot width of 200 feet is recommended. If the lot width is less than 200 feet, then access must be provided to an interior street or a right turn easement with adjacent parcels and a common access driveway. The Texas Highway Department will require 50 feet of land for right-of-way for widening of U.S. 183 and a building setback of 75 feet is recommended.

COMMISSION ACTION

Mr. Jagger moved and Mrs. Schechter seconded the motion to postpone this request until the applicant makes a specific request and is present.

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

THE MOTION PASSED BY A VOTE OF 7-0.

Mr. Lillie explained that applicant had requested this be postponed indefinitely.

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C14-79-066 James C. and Helen Butler (continued)

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to postpone this request indefinitely.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-071 Robert Wilson: Interim "AA", 1st H&A to "O" Office, 1st H&A
9232 Jollyville Road

Mr. Lillie discussed this tract and stated it is in conformance with the Balcones Neighborhood Plan. The staff would recommend "O" Office.

COMMISSION VOTE

Mr. Jagger moved and Mrs. Schechter seconded the motion to grant "O" Office, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C12-79-007 Public Services
Wastewater approach main to serve
the Dellana-Peel Tract

Mr. Lillie explained that the Commission had requested more information regarding the sizing of the line and the area of potential service, as well as the extension of the line. He discussed the cost to the City if annexed in one year and stated that the north two-thirds of this area is in Area VI and in jurisdictions of authority by West Lake Hills, Rollingwood and Water District #10 over which the City has no control. Joe Lucas of the Water and Wastewater Department discussed the estimated cost for the proposed line.

COMMISSION ACTION

Messrs. Vier and Stoll felt this to be advanced planning and pointed out that it would cost much more to go in after MoPac has been built. Mr. Vier stated this will not promote growth but will only put a pipe in now that might save the City a lot of money later on.

C12-79-007 Public Services (continued)

COMMISSION VOTE

Mr. Vier moved to approve the wastewater approach main to serve the Dellana-Peel Tract in accordance with recommendations by the Water and Wastewater Department. Mr. Danze seconded the motion.

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

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

R200 Septic Tank Regulations

Consider setting a public hearing to amend Ordinance No. 720928-A of the Code of the City of Austin of 1967, Regulations for Septic Tank System Use in Subdivisions, regarding evapotranspiration systems

Mr. Lillie stated that Mr. Terry Bray had submitted a proposal for an amendment to the Septic Tank Ordinance. The Legal Department and the Environmental Office are looking at the amendment. It will be on the June 12 agenda for consideration if the Commission wishes to do so. He explained that a public hearing is not necessary but would request the Commission send a recommendation to the City Council on any amendment. This proposal will expand the ordinance regarding evapotranspiration centralized systems to assure that future projects who might want to use this centralized type system might have the opportunity to do so.

COMMISSION VOTE

Mr. Danze moved and Mrs. Shipman seconded the motion to hear the recommendation from the subcommittee and take testimony, to set a public hearing at 7 p.m. on June 12.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C20-79-008 Chapter 29

Consider amendments to Chapter 29 Austin City Code; Rivers, Lakes and Watercourses regarding development permits in the Lake Austin watershed.

C20-79-008 Chapter 29 (continued)

Mr. Lillie reported to the Commissioners that work had not been completed by the Legal Department and it would be necessary to postpone this item.

COMMISSION ACTION

Mr. Stoll moved and Mr. Snyder seconded the motion to postpone amendments to Chapter 29 of the Austin City Code regarding development permits in the Lake Austin watershed until 5:30 p.m., June 12, 1979.

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

THE MOTION PASSED BY A VOTE OF 4-0-1.

C814-79-001 O.B. McKnown, Jr., and Associate: A 108-Unit P.U.D.
 (by Terry Bray) called McKnownville II
 F.M. 1826
 South of U.S. 290

Mr. Lillie explained that the public hearing on this P.U.D. had been held on May 22 and it was explained by the legal staff that the Health Department did have the authority to make the review of the centralized evapotranspiration system proposed by the owner. Tom Green with the Austin-Travis County Health Department was available for comment. Sheila Finneran of the Legal Department discussed the State law explaining that the City can choose to adopt more stringent septic tank standards than the State does. She was of the opinion that the City of Austin had chosen to regulate ET systems on an individual lot in a subdivision several months ago and set up standards in that ordinance to regulate those systems. She pointed out there was no ordinance which governed collective ET systems and that since the City had not as yet chosen to regulate collective ET systems, that the Health Office could approve or disapprove a collective ET system by considering the State regulations.

PERSONS APPEARING

O.B. Mc Kown, Jr., applicant
 Herndon Bailey, engineer

COMMISSION ACTION

There was discussion of the memorandum submitted by the Austin-Travis County Health Department. Mr. Mc Kown, the applicant, felt the first item in the memo to be redundant because the State Health Department has already approved the system. He stated they had satisfied and exceeded the requirements. The State of Texas has

C814-79-001 O.B. McKown, Jr., and Associate (continued)

the authority over central collective systems, and now the City is coming up with more requirements. He stated he was just about out of time. Mr. Danze asked if the City does require more. He stated he had done his very best and is faced with new requirements all the time. Mr. Danze asked Joe Lucas of the Water and Wastewater Department if the collection system is different from what the applicant is proposing to use and why. Joe Lucas explained that this proposal will serve the P.U.D. as a whole and not on an individual lot basis. Tom Green explained they would be required to have a certified water operator and they recommended that the same individual also obtain a wastewater certificate. He discussed the fourth item of the memo and felt Wastewater Department should act in that capacity. Mr. McKown discussed the waterwell easements and explained they had been very carefully laid out. He discussed the alternate locations and the problems they would have with such alternate locations. He explained he wanted to save the trees and could not provide alternate locations. The State does not require the alternate locations and has been very complimentary of this application.

COMMISSION VOTE

Mr. Danze moved approval of the McKownville II P.U.D. subject to departmental recommendations, deleting item one in the Health Department's recommendation because the State does not require this and it would cause a hardship for applicant to locate alternate sewage disposal areas on a tract with many trees and the fourth item requiring City approval will remain. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C13-79-001 U.S. 183 Area Study
Consider report on U.S. 183 NW
regarding land use and traffic

Mr. Lillie explained that the City Council had declared a 60-day moratorium on the processing of zoning applications on U.S. 183 from Burnet Road to FM 620 to allow the City staff time to develop a plan for study for the corridor and a series of recommendations on how the land use and zoning might be handled along this roadway. Luther Polnau discussed the background of the study, the population, and land use characteristics and forecasts. Mike Weaver of the Urban Transportation Department discussed the traffic issue, the increased traffic volumes, the increased number of median breaks, driveway openings and intersecting streets, as well as the problems encountered during the peak periods. Mr. Polnau discussed the basic recommendations which would include a 90-120 day moratorium on zoning in the 183 corridor so the ordinances and policies can be written in a form that can be enforced; to make 183 more safe by widening to six lanes and making the shoulder a traffic lane, to reduce the speed limits, to install more traffic signs as well as additional signals and controls, that a traffic impact and analysis be required with any future zoning and subdivision applications; that the 183 corridor have a highway impact

C13-79-001 U.S. 183 Area Study (continued)

overlay zone. He discussed the buffering and landscaping requirements, the sign control requirements, as well as zoning rollbacks to be actively pursued so that if a parcel is not used for the zoning that has been granted, that a rollback be initiated after one year. He said that driveway standards should be developed, there should be right-turn lanes on parcels which do not have 200 feet of frontage on 183, and that existing driveways should be upgraded when parcels are rezoned. He discussed the proposed median breaks at 1,000-foot intervals and that 183 be redesignated as a freeway in the Master Plan, thereby allowing the city require additional setback. Jollyville Road should be designated as a residential collector street from Great Hills Trail to Spicewood Springs Road; that traffic should be diverted from 183 by stepping up the C.I.P. projects that would improve other roadways; that commercial zoning be limited to parcels within 500 feet of major intersections. He discussed the proposed criteria for any subdivision fronting on U.S. 183 and not within 500 feet of an intersection. Bill Moore, Chairman of the Urban Transportation Commission expressed thanks for a good report. He felt these were long standing problems; problems of degree, not of kind. He recommended the report be endorsed as well as the recommendations contained therein. He expressed concern for future zoning along 183 and discussed why he felt the 120-day moratorium on zoning was needed. Mr. Lillie discussed the report and the recommendations of the Planning Department to postpone additional zoning cases for an additional 120 days so that proper ordinances can be written and implemented.

Mr. Vier discussed the possibility of the Planning Commission considering only those zoning cases along the corridor with a specific site plan and waiting on others until the necessary ordinances have been passed since there had already been a moratorium. Sheila Finneran discussed the legality of the requirements that would have to be added to the zoning applications to implement the recommendations. Mr. Danze stated he felt it would be bad to discontinue governmental processes.

COMMISSION ACTION

Mr. Vier suggested amendments to Items G and H, moved the report be recommended with these two changes, to exclude the moratorium, and that the Council implement the report as quickly as possible. In the meantime, the Planning Commission will examine very carefully the proposed land use, building location, setback, buffering and landscape, sign locations, number and size, access and egress particularly driveway locations. Mrs. Shipman seconded the motion.

There was discussion on whether or not the moratorium was necessary and whether or not it was legal to act on cases without the moratorium. Mr. Jagger felt it was necessary to have a moratorium, did not feel the Commission had the legal authority to selectively consider zoning applications. Sheila Finneran did not feel the Commission could require specific things that the ordinance does not require without amendments to the ordinance. She explained that the ordinance must require the conditions in order to be substantiated. She explained that is the entire purpose of the moratorium. Mr. Danze questioned whether or not the moratorium could be lifted to hear certain cases. Mr. Jagger felt the Commission should say to the Council that the Planning Commission will give a recommendation later as to the moratorium when it has been determined if most of the objectives can be accomplished in the interim by other mechanisms. He felt it necessary to know how much can be accomplished before a decision is made on the moratorium.

C13-79-001 U.S. 183 Area Study (continued)

Mr. Jagger offered a substitute motion to recommend the report, we are not at this point making a recommendation as to the moratorium, would like to have an opportunity to work with the Legal Department to determine whether or not there are ways not to have a moratorium and implement the major aspects of the report and that recommendations would be forwarded as soon as that has been determined. Sheila Finneran stated she could report back on the legality of the moratorium prior to the time this is to go to the Council on June 14, and the recommendation could be made on the moratorium and the balance of the report at the same time.

After discussion, the Commission then voted on the amended motion to withhold making a recommendation on the moratorium until a legal report has been received and to endorse the report with the following changes to Items G and H in the recommendations.

Item G - New industrial or major employment centers should coordinate their construction and operation with scheduled transportation improvements.

Item H - Commercial zoning priority should be given to parcels located within five hundred (500) feet of an intersection. Those parcels which front on U.S. 183 and are beyond five hundred (500) feet of an intersection should be more restrictively zoned at "O", "BB", "B" or "A". Such a policy would encourage objectives promulgated by the comprehensive plan which encourage commercial nodes, as opposed to strip commercial development.

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

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

SUBDIVISIONSC8f-79-38 Shinoak Valley Section II

Mr. Lillie stated this is an emergency item that has been placed on the agenda for consideration. Mr. Stoll moved to declare the item an emergency and the Commission approved this by a vote of 5-0.

Mr. Lillie explained that the subdivision had been filed out of cycle and action by the Commission was necessary to meet the 30-day statutory requirements. The staff would recommend disapproval at this time.

Mr. Danze moved and Mr. Stoll seconded the motion to disapprove Shinoak Valley Section II.

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

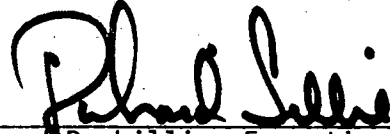
THE MOTION PASSED BY A VOTE OF 7-0.

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The meeting adjourned at 9:40 p.m.



Richard R. Lillie, Executive Secretary