

CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting -- June 6, 1979

The Special Called Meeting of the City Planning Commission was called to order at 5:45 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
Marie Gaines, Planner
Sheila Finneran, Legal Department
Ouida Glass, Senior Secretary

Absent

Freddie Dixon

ZONING

C14-78-022	C.B. Smith, Sr., and C.P. Sanders: 606-611 Kawnee Street 608-611 Sawnee Street	<u>Revision to</u> <u>Restrictive Covenant</u>
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Marie Gaines explained this is a request that an eight-foot privacy fence be changed to allow a building to be placed on the property line.

PERSONS APPEARING IN FAVOR

Sam Perry, representing applicant

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

Sam Perry, representing applicant, explained that the plans were not known when the zoning was granted. Applicant now wishes to revise the provisions of the restrictive covenant to allow a building be placed on the property line rather than an eight-foot privacy fence. He pointed out that this would utilize all of the land and not leave a narrow strip unused. There will be no openings in the building along where the fence was required. There was discussion regarding the fence, the open space, and then a building and it was the feeling of some of the Commissioners that this was a bad situation. Mrs. Shipman and Mrs. Schechter expressed concern for the residence this would back up to.

COMMISSION VOTE

Mr. Vier moved and Mr. Jagger seconded the motion to delete the fence.

AYE: Danze, Jagger, Stoll, and Vier.

NAY: Schechter and Shipman.

ABSENT: Dixon and Snyder.

OUT OF THE ROOM: Guerrero.

THE MOTION PASSED BY A VOTE OF 4-2.

C14-78-044	Bell Avenue Area Study: Interim "AA", 1st H&A to "O", 1st H&A (by City of Austin Planning Department) TRACT 9: North side of U.S. Hwy. 183 Approximately 300 feet east of Bell Avenue
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Mr. Lillie explained applicant had requested an indefinite postponement on this item.

COMMISSION VOTE

Mr. Vier moved and Mr. Stoll seconded the motion to postpone this request indefinitely.

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

ABSENT: Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

Clarke Heidrick, attorney representing applicant, discussed the proposed project, stated it would be quality development and will not injure the surrounding neighborhood. He explained they had met with the South River City Citizens and discussed the agreements they had reached. They intend to vacate that portion of Mariposa which would extend into the tract. Edgar James, architect for the project, discussed the site plan. Mrs. Shipman asked if they could come in with a P.U.D. and not need a change of zoning. Mr. James replied they wish to stay with condominiums which would be the same use as with a P.U.D. Mr. Lillie told the Commissioners that condominiums must have "BB" zoning. Mr. Danze stated he felt a condominium ordinance was needed. Mr. James pointed out that there is other "BB" zoning in the area and that they could have 40 units of duplexes on the tract as it now is and felt this proposal would be much better for the neighborhood. Reverend Lewis stated he had met with the applicant and has withdrawn any objection he had and now supports the request contingent upon approval of the closure of Mariposa Drive. Jerry Hill, representing the South River City Citizens, supported the request contingent upon a restrictive covenant to 40 units

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-087 Lula LaFuate: Interim "A", 1st H&A to "GR", 1st H&A
(by Buck Smith)
7507 and 6513 Circle S Road

Marie Gaines discussed the land uses in the area and stated the staff would recommend approval of "GR" General Retail, 1st H&A for the building only and "O" Office on the remainder of the property. Should the Commission and the Council grant zoning as recommended by the staff, revised field notes will be necessary.

PERSONS APPEARING

Buck Smith, attorney representing applicant

COMMISSION ACTION

Buck Smith, attorney representing applicant, concurred with the staff recommendations. He explained applicant wishes to remodel and explained what was intended.

COMMISSION VOTE

Mr. Danze moved to grant "GR" General Retail, 1st H&A for the building only and to grant "O" Office on the remainder of the property. Mr. Stoll seconded the motion and added that revised field notes are to be provide for the expansion area.

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

ABSENT: Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-088 R.T. Mayfield: Interim "AA", 1st H&A to "GR", 1st H&A
(by John Meinrath)
11130-11158 Research Boulevard

Marie Gaines submitted a corrected staff map and explained this is incorporated with a tract on 183. The applicant has submitted a site plan including the subject tract. Based on the recommendations contained in the U.S. 183 study the staff would recommend that since subject tracts are not located at major intersections, to recommend "A", "BB", "B", or "O" with site plan approval. "LR" uses would be permitted if "O" is granted because the tracts are adjacent to less restrictive zoning. The staff would recommend that no more than 50 percent of the tracts be used for "LR" uses and a minimum lot width of 200 feet is recommended. If lot width is less than 200 feet, then access must be provided with adjacent parcels and a common access driveway. The Texas Highway Department will require 50 feet of land for right-of-way for widening U.S. 183 and the staff recommends building setback of 75 feet.

C14-79-088 R.T. Mayfield--continued

COMMISSION ACTION

John Meinrath, attorney representing applicant, discussed the history of the tract and explained that a portion of this tract was purchased with the understanding that it was zoned "GR" and that the zoning actually is Interim "AA". He felt this was inadvertently omitted with the "GR" zoning when it was granted. There will be a shopping center on the tract and he requested that this portion also be zoned "GR" in order to fill out the tract and make it more developable. He discussed the site plan and how they had tried to comply with the recommendations of the U.S. 183 area study. He noted that the applicant is the developer of Balcones Woods Drive and they are willing to condition the zoning on all features of the site plan and the recommendations of the 183 study. There was discussion of the curb cuts and applicant agreed to arrange them differently if that is to be a concern. Mr. Meinrath explained that the lessee is interested in putting in a restaurant and this zoning is needed in order to sell alcoholic beverages without a special permit.

COMMISSION VOTE

Mr. Danze moved to grant "GR", General Retail, 1st H&A and to accept the site plan on the two tracts. Mrs. Shipman seconded the motion and offered a friendly amendment that the Urban Transportation Department review the curb cuts.

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

ABSENT: Dixon.

ABSTAINED: Vier.

THE MOTION PASSED BY A VOTE OF 7-0-1.

C14-79-089 Quality Care, Inc.: Interim "AA", 1st H&A to "O", 1st H&A
 (by Hal Finch) (with 120 feet on Jollyville Road and
 11104-11130 Research Blvd. "GR", 1st H&A on balance of tract)

Marie Gaines discussed the land uses in the area and the recommendations contained in the 183 study. The subject tracts are not located at major intersections and the staff would recommend "A", "BB", "B", or "O" with site plan approval. "LR" uses would be permitted if "O" is granted because the tracts are adjacent to less restrictive zoning. The staff also would recommend no more than 50 percent of the tracts be used for "LR" uses and recommended a minimum lot width of 200 feet. If the lot width is less than 200 feet, then access must be provided with adjacent parcels and a common access driveway. The Texas Highway Department will require 50 feet of land for right-of-way widening of U.S. 183. The staff recommends building setback of 75 feet.

C14-79-089 Quality Care, Inc.--continued

PERSONS APPEARING

Phil Mockford, attorney representing applicant

COMMISSION ACTION

Phil Mockford, attorney representing applicant, stated they were willing to amend their request to meet the staff recommendations and will provide field notes. Applicant expressed agreement with all staff recommendations with the exception of the actual zoning classification. He requested "GR" on that portion that faces 183 back 120 feet from Old 183 and stated they would submit a site plan. There was discussion of "O" with special permit as had been granted in other cases in the immediate area.

COMMISSION VOTE

Mr. Danze moved to grant "O" on the entire tract in accordance with all the U.S. 183 staff recommendations. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0-1.

C14-79-091 Hardin House Inc.: "B", 2nd H&A to "O", 2nd H&A
(by Richard G. Hardin)
2215-2217 Rio Grande

Marie Gaines discussed the zoning and land uses in the area and stated the staff would recommend to grant "O" Office, 1st H&A. It is recommended that the subject tract be restricted to accessory parking only. This is the proposed use by the applicant.

PERSONS APPEARING IN FAVOR

Rick Hardin, applicant
E.P. Schoch - no opinion

PERSONS APPEARING IN OPPOSITION

Betty Phillips - conditions

COMMISSION ACTION

Rick Hardin explained that the property presently is used as a parking lot, that part of the tract is not in conformance. He stated he did not intend to build a garage on the tract but did wish to have the zoning needed for the use. He offered a letter stating that this will be used for parking and an agreement to roll back in the event any building permit is applied for. He stated he would like to compromise with the area residents in order that the use would be suitable to them. Mrs. Schechter asked if he would be willing to roll back to First height and area, pointing out that Second height and area not compatible with the neighborhood. Mr. Hardin

Marie Gaines explained the established land use is primarily residential and that the existing commercial zoning was established a very long time ago and should be rolled back in cases where it is not utilized. The staff would recommend to deny "O" Office, 1st H&A because the precedent for more intensive zoning would undermine existing adjacent residential development.

C14-79-092 Jannette Walker McNealy--continued

PERSONS APPEARING IN FAVOR

Marion Winik, 604 Pressler
Marvin Pleasant, 1716 Adina
Jannette McNealy, 1186 Navasota
Andres S. Montemayor, 2300 Guadalupe
Reg Brittain, 1920 East Riverside Drive
Clifford Staton, 1508-B Travis Heights
Olivia Serrano, 2620 East Fourth
David MacNevin, 901 Juniper, No. 201

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

Jannette McNealy, co-owner of the property, explained this is to be sold to the "Y" and operated as a learning center, which, she felt, would be profitable for the children in this area. There was considerable discussion of how this could be done with "O" zoning and Marie Gaines stated that it was the decision of the Building Inspection Department this would require the "O" zoning. Marion Winik discussed this being a school for high school students who have dropped out of the public schools and that the majority of those individuals come from the East Austin area. She pointed out this location is appropriate and very convenient and offered a restrictive covenant that this would revert back to "A" Residential if the school use is discontinued. Mrs. Shipman stated this is not a question of use or the need for the use, but a question of land use. She felt it could be accommodated elsewhere. Mr. Danze felt the applicant should go back to the Building Inspection Department and explain the use.

COMMISSION VOTE

Mr. Danze moved and Mr. Snyder seconded the motion to continue for one week, to obtain a report from the Building Inspection Department if this can be done under "A" zoning or with a special permit.

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

ABSENT: Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-094 J. Mar Fireplace Center, Inc.: Interim "AA", 1st H&A to "C", 1st H&A
(by Jodi G. Williamson)
11575-11581 Highway 183
11518-11520 Angus Road

Marie Gaines discussed the land uses and the recommendations of the 183 study. She explained this 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 across from a less restrictive district. The Texas Highway Department will require 50 feet of land for right-of-way for the

C14-79-094 J. Mar Fireplace Center, Inc.--continued

widening of U.S. 183 and the staff would recommend a building setback of 75 feet. She stated the Building Inspection Department felt applicant needed to have "C" Commercial zoning because of wholesale displays.

PERSONS APPEARING

Jodi Williamson, applicant
Jay Williamson, applicant

COMMISSION ACTION

Jay Williamson, applicant, discussed the need for "C" Commercial zoning for the wholesale portion of his business as had been determined by the Building Inspection Department. He stated these uses will not create any more traffic problems and expressed agreement with all recommendations of the 183 study. Mr. Vier asked if he had worked with the adjacent owner for driveway access and egress and Mr. Williamson agreed to do so. There also was discussion of a site plan being presented before the zoning is granted. Mr. Jagger stated the Commission did not want to establish a precedent for zoning the entire tract "C" Commercial and that a site plan would determine what portions would be necessary for the "C" zoning, also pointed out that the setback problems could be handled through the special permit process. Rose Anne Schorre expressed concerns for the "C" Commercial zoning on Angus Road and felt that "LR" would be more feasible and should be permitted. She felt this would establish a precedent for "C" zoning on Angus Road, discussed the traffic problems and warned of the other things that the "C" zoning would permit.

COMMISSION VOTE

Mr. Vier moved to continue the hearing until such time the applicant presents a site plan with the idea that he pays strict attention to only asking for that zoning that he has to have, that the Planning Department research with the Building Inspection Department to ascertain whether or not "C" Commercial is required or if "GR" could be used. That the applicant also make every effort to secure some kind of common easement with his neighbor to the east to facilitate no more driveway cuts on 183 in accordance with the recommendations of the 183 study. Mr. Snyder seconded the motion. Mr. Danze offered a friendly amendment that the applicant be cognizant of the zoning around him and if "C" is necessary, that he try to get it in an area possibly on the U.S. 183 side rather than on Angus Road.

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

ABSENT: Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

THE MOTION PASSED BY VOTE OF 8-0.

C14-79-099 Richard Flow: "D", 3rd H&A to "A", 1st H&A
201 Springdale Road

Marie Gaines discussed the land uses in the area and stated the staff does not feel residential zoning should be encouraged in an industrial area. The lending institution is requiring the zoning change and the staff would recommend denial of the request.

PERSONS APPEARING

Richard Flow, applicant

COMMISSION ACTION

Mr. Guerrero felt that an outdated Master Plan is still being used. Mr. Stoll asked about land use and the Comprehensive Plan. Mr. Lillie explained this is an industrial and heavy commercial and there are very few residential uses in the area. He felt it to be a question of which use was intended to be maintained -- residential and commercial or will an effort be made to encourage the move back to something else. Richard Flow, applicant, stated he did not ask for the zoning to be changed in the first place. He said the City changed the zoning and he now wanted to sell the property and wanted the zoning back like it was. He explained there has been a residence there for over 20 years, is a residence now.

COMMISSION VOTE

Mr. Danze moved and Mr. Stoll seconded the motion to roll the zoning back to "A", 1st H&A.

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

ABSENT: Dixon.

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-102 L.W. Parker: Interim "A", 1st H&A to "C", 2nd H&A
 (by Donald E. Bird)
 11920-11930 North I.H. 35

Mr. Guerrero explained that applicant had requested an indefinite postponement since the surrounding use of the property has undergone major modifications and it is uncertain at this time exactly what zoning will be necessary. Mr. Parker is out of town and would like to be present when this is considered.

COMMISSION ACTION

There was considerable discussion of whether or not to postpone this request, as well as whether or not to allow the neighborhood to speak in opposition at this time.

C14-79-102 L.W. Parker--continued

COMMISSION VOTE

Mr. Snyder moved to postpone the request indefinitely. Mrs. Schechter seconded the motion. Mr. Jagger offered a substitute motion to allow the neighbors to make a five-minute presentation regarding their feelings on this request and that the Commission indefinitely postpone action. The substitute motion died for the lack of a second. The original motion resulted in a 4-4 tie vote. Mr. Jagger then moved to give the neighborhood five minutes to present their requests and the Commission postpone indefinitely. The motion passed by a vote of 5-3.

Marie Gaines then presented the staff report and discussed the land uses in the area. She explained that the staff would recommend to deny "C" Commercial, 2nd H&A, but to grant "O" Office, 1st H&A. Office or apartment uses are compatible uses to the predominantly single-family development adjoining and surrounding the subject tract.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR - None

PERSONS APPEARING IN OPPOSITION

Charles W. Carpenter, 11907 Pollyanna
Jim C. Glosson, 11911 Pollyanna
Rita Jensen, 11802 North Interregional
Larry Gomez, 11901 Pollyanna
Mr. and Mrs. R.E. Bryan, 700 Sandpiper
Joyce Goldsberry, 11407 Tedford
Mr. and Mrs. L.C. Reid, 11800 Whitewing Avenue
Norma Lee Klaus, 11607 White Wing
Albert L. Thoene, 11800 Pollyanna
John C. Cottingham, 11708 Pollyanna
Mrs. Albert Thoene, 11800 Pollyanna
Tommy Goldsberry, 11407 Tedford

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

J. Stuart and Jeannette A. Gawthroup, 11906 Whitewing Avenue
Mr. and Mrs. George Widmer, 11909 Pollyanna
Charles W. Carpenter, 11907 Pollyanna
Carol M. Sander, 11706 Whitewing
Mr. and Mrs. James M. Demchur, 11602 Whitewing
R. James Zimmer, 11804 Whitewing
Charles and Linda Remmert, 11700 Whitewing
Warren and Betty Ressel, 11707 Oakwood
Mr. and Mrs. Larry Gomez, 11901 Pollyanna
Mr. and Mrs. W.C. Walker, 11903 Pollyanna

C14-79-102 L.W. Parker--continued

COMMISSION ACTION

Don Bird, attorney representing applicant, amended the request to First height and area. Tommy Goldsberry, representing the Walnut Creek Neighborhood Association, discussed the City limits being extended to include this area, the nature of the neighborhood. He pointed out this is a single-family area, an older neighborhood. He read the deed restrictions and expressed concern for commercial uses encroaching into the single-family neighborhood, therefore, he asked that the area remain Interim "AA" Residential.

THIS ITEM WAS INDEFINITELY POSTPONED.

OTHER BUSINESS

C13-79-001 U.S. 183 Area Study
Consider report from Legal Department on
U.S. 183 Northwest Study regarding land
use and traffic.

Mr. Lillie explained this item is in regard to the 183 Study; the moratorium versus the ability of the City to proceed with amending ordinances while reviewing cases at the same time. Sheila Finneran stated the question is whether or not a moratorium is legally required in order to accomplish the recommendations set out in the 183 Study and her answer is no. The amendments to the ordinance are required but do not necessitate a moratorium.

COMMISSION ACTION

There was discussion of how the Commission could proceed to implement the provisions of the 183 study and continue to hear zoning requests at the same time. There also was discussion of how the problems might be handled.

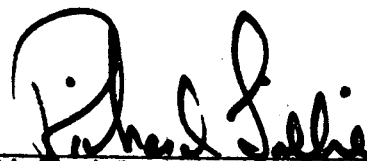
COMMISSION VOTE

Mr. Vier moved to recommend strongly against the moratorium at this time, however, should problems become such that the intent of the 183 Study cannot be accomplished, the Commission reserves the right to request such moratorium at some future date. Mr. Jagger seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

The meeting adjourned at 9:00 p.m.

A handwritten signature in dark ink, appearing to read "Richard R. Lillie", written over a horizontal line.

Richard R. Lillie
Executive Secretary