

CITY PLANNING COMMISSION
Austin, Texas

Special Called Meeting -- July 2, 1979

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

Present

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

Also Present

Richard Lillie, Director of Planning
Betty Baker, Planner
Ouida Glass, Senior Secretary

Absent

Freddie Dixon
Bill Stoll

ZONING

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

<u>C14-79-104</u>	<u>H.C. McGary</u> 606 West Applegate Drive also bounded by Motheral Drive	From: Interim "AA", 1st H&A To: "A" Residence, 1st H&A RECOMMENDED
<u>C14-79-113</u>	<u>Clifford J. Woerner</u> (by Robert C. Penrose) 7517-7425 IH-35 9506-9424 Middle Fiskville Road	From: Interim "AA", 1st H&A To: "C", 1st H&A RECOMMENDED
<u>C14-79-122</u>	<u>Featherlite Corporation</u> (by Jay Frank Powell) 8130 North Lamar	From: Interim "A", 1st H&A To: "C", 1st H&A RECOMMENDED
<u>C14-79-121</u>	<u>The Chase Financial Corporation</u> (by Tom Curtis) 711 Wonsley Drive	From: "A", 1st H&A To: "O", 1st H&A RECOMMENDED

COMMISSION VOTE

On a consent motion by Mrs. Shipman, seconded by Mrs. Schechter, the Commission approved the above in accordance with staff recommendations.

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

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

<u>C814-79-004</u>	<u>Theron S. Bradford, Trustee:</u> (by Thomas L. Hodges) Spicewood Springs Road and Chimney Corners	<u>A 108-Unit Residential</u> <u>P.U.D. called, "WILLIAMSBURG."</u>
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Mr. Lillie discussed the request for a P.U.D. on Spicewood Springs Road. The tract contains 18 acres with a proposed density of six units per acre. They discussed the area being retained by the Casners for their residence, the redevelopment of Spicewood Springs Road, and the ingress and egress to the tract.

CITIZEN COMMUNICATIONPERSONS APPEARING IN FAVOR

Harry Carlson, 8001 Hill Rise
Jim Landrum, 4210 Endcliffe
Jean Bringol, representing applicant
Tom Hodges, developer of the project
Jim Landrum, Northwest Hills Association
Harry Carlson, Balcones Hills Civic Association

C814-79-004 Theron S. Bradford--continued

PERSONS APPEARING IN OPPOSITION - None

WRITTEN COMMENTS IN FAVOR

I. Harold Silberg, 4101 Spicewood Springs Road

WRITTEN COMMENTS IN OPPOSITION

E.D. and Gail R. Thomas, 3902 Petra Path

COMMISSION ACTION

Jean Bringol, representing applicant, discussed the proposed plans for the tract. She stated they had met with representatives of the Northwest Hills Civic Association and that the plans have been altered to meet their concerns. They also have met with the Balcones Hills Civic Association, who supports this project. She read into the record a letter from Mr. Hodges to the neighborhood association in agreement with this request. Tom Hodges, developer to the project, discussed the buffering and stated since there is no development to the east and west they have not provided for much buffering in that direction. Mrs. Schechter asked if they would be willing to do so, if necessary, and Mr. Hodges agreed to additional buffering if it was found to be needed, explaining that additional buffering would take away from the interior and the amenities of the project. Jim Landrum, chairman of the zoning committee of the Northwest Hills Association, discussed the agreements that had been made with the developer and requested that a curb be put across Chimney Corners emergency exit rather than a chain. There also was discussion of a parksite in the immediate area. Harry Carlson, Balcones Hills Civic Association, stated the neighborhood felt this would be beneficial to the neighborhood and they had voted unanimously in support of the proposed P.U.D.

COMMISSION VOTE

Mrs. Shipman moved to approve the request. Mr. Danze seconded the motion and offered a friendly amendment that there be a curb across the Chimney Corners emergency exit rather than a chain.

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

ABSENT: Dixon, Jagger and Stoll.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-044 Bell Avenue Area Study: Interim "AA", 1st H&A to "A", "BB",
 (by City of Austin Planning Department) & "B", "O", & "GR",
 TRACT 13: 12004-12102 Bell Avenue, 1st H&A
 5901-6001 McCoy Road,
 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

Mr. Lillie discussed the background of the U.S. 183 area and the studies that had been done and explained the set of recommendations had been issued as a result of the moratorium on U.S. 183. He also discussed the usable depth of the lots in this application as well as the uses made of the tracts before annexation. The recommendations of the study are different from the recommendations that had been made by the staff in the past. The staff now proposes that the zoning for this tract should not exceed "O" Office. "O" Office zoning will allow "LR" Local Retail uses through Special Permit if adjacent to or across from "LR" or more permissive zoning. Fifty feet of additional right-of-way will be needed by the State for the widening of U.S. 183 and a building setback of 75 feet rather than 25 feet is recommended with or without a change in zoning. The existing uses may continue as nonconforming.

PERSONS APPEARING

Gerry Roset, 12103 Bell Avenue
 Marie Moore, 12202 Conrad Road
 Don Bird, 202 West 13th
 Philip Juarez, 1209 Parkway

COMMISSION ACTION

Jerry Roset expressed agreement with the recommendations of the U.S. 183 study and felt that "O" would help maintain the integrity of the neighborhood. Maureen Moore emphasized that promises have been made by the land owner and not kept. She would prefer this be zoned "O" Office or something that is compatible with the neighborhood. Philip Juarez representing Mr. Vanderlee, discussed the natural buffer protecting the residential area and stated they were willing to include a buffer area. He discussed having attempted to get this property zoned for two years, had no quarrel with the 183 study, but felt that the original request should be considered and that this tract should be zoned "GR". He requested the "GR" zoning that was recommended by the Planning Commission in 1977 and stated they were willing to abide with the conditions that were set out at that particular time. Mr. Vier asked if there was a planned use for the land, and Mr. Juarez replied in the negative. Don Bird discussed the area studies and some of the problems. He felt too much vacant land is involved along the highway and did not think it was intended to zone the nonconforming uses inconsistent with their use. He asked that the

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

existing nonconforming businesses be given the zoning appropriate for the particular use. Mr. Guerrero felt the applicants should come back with specific site plans for the specific uses. There was discussion of separating this into two separate zoning requests.

COMMISSION ACTION

Mr. Vier moved to postpone both cases with the idea that if one or both applicants wants to come back with a zoning request subject to a site plan and recommendations of the 183 study that they be allowed to do so. Mr. Snyder seconded the motion.

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

NO ACTION TAKEN.

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

Betty Baker stated the staff would recommend that any zoning be deferred until the 1325 study is completed, that the 183 requirements might be applied as an alternate. There are no histories available for the area.

PERSONS APPEARING

John Meinrath, attorney for applicant

COMMISSION ACTION

John Meinrath, attorney for applicant, disagreed with the application of the 183 study to this area. He stated he could not understand why this would apply. He offered a site plan and explained this is consistent with every use that is there now and pointed out there is no opposition. He explained this would developed as a commercial tract. There was discussion of future plans for roadway in the area and what the right-of-way needs might be.

COMMISSION VOTE

Mrs. Shipman moved to delay the request for 30 days and that action would be taken at that time. Mrs. Schechter seconded the motion.

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

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

C14-79-106 James A. Mosley--continued

COMMISSION ACTION

Bob Penrose, applicant, explained he was requesting the "LR" Local Retail zoning in order to establish an office and small gift shop, that to build apartments would destroy a very large oak tree. Speaking in opposition, W.E. Hellums, representing the Rosedale Neighborhood Association, expressed opposition to any change of zoning. There was discussion of what the tract could be used for and Mr. Vier pointed out that perhaps "O" might be better than "B" and that the dress shop could be accommodated through the special permit process.

COMMISSION VOTE

Mrs. Schechter moved and Mr. Danze seconded the motion to deny the request in accordance with staff recommendations.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-110 A.C. Bryant, Inc.: "C" 1st H&A to "C-1", 1st H&A
 (by Sterling F. Koester)
 Rear of 2711 Exposition
 locally known on building as
 2719 Exposition

Betty Baker stated this request is located within the Casis Shopping Center on Exposition and is incompatible and inconsistent with the surrounding developed area. The Casis Elementary School is located across the street, three churches in the immediate area, as well as housing for the state school and private residential housing. The staff would recommend to deny the "C-1" zoning request. She also informed the Commission that "C" zoning was granted for this shopping center in January, 1950 and Casis Elementary School opened in August, 1950.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Sterling Koester, representing applicant

PERSONS APPEARING IN OPPOSITION

Betty Walton, 3404 Red River
Sharon Heironimus, 1701 Sharon Lane
Jacqueline Bloch, 3709 Gilbert Street
Connie Hannon

WRITTEN COMMENTS IN FAVOR - None

C14-79-110 A.C. Bryant, Inc.--continued

WRITTEN COMMENTS IN OPPOSITION

Wm. A. Moellendorf, Director of New Construction, AISD
Jim and Sharon Heironimus, Casis P.T.A. Presidents
Norman M. Whisenant, Sr., Principal, Casis School
Petition

COMMISSION ACTION

Sterling Koester, representing applicant, stated he felt the issue is not one of prohibition or any moral aspect. This is a small shopping center and the tenant wishes to comply with all regulations pertaining to this zoning change to enable him to compete with a much larger business. He pointed out the grocery store already sells packaged beer and wine and have been so doing for a number of years without any detriment to the neighborhood. Failure to grant this request would restrict competition in favor of the larger chain. To grant this change would make a complete shopping center, a one-stop center. He pointed out they are not requesting on-premises consumption. Speaking in opposition, Sharon Heironimus, president of the Casis P.T.A., requested the zoning request be denied. She submitted a petition containing approximately 250 signatures and stated they are obtaining more in opposition to the request. They are opposed to a liquor store so near the school. There was discussion of traffic being a problem and stated it very upsetting to have a liquor store. She discussed safety problems, traffic problems, and moral influences. Jacqueline Bloch requested the zoning change be denied and discussed the existing school board policy. She discussed the strong influence this would have with the teenagers and the problems that might be created. Betty Walton felt the clientele to a package store would be different from those going into a grocery store and pointed out that it would be too easy for young people to go in and buy a bottle. She discussed the residential area and stated that at least 85 percent of the residents are against this request. Connie Hannan stated they had been trying to set and to maintain a standard in the neighborhood. This would jeopardize that. She felt there could be a more suitable tenant to occupy that space and requested the neighborhood integrity be maintained.

COMMISSION VOTE

Mrs. Shipman moved and Mr. Danze seconded the motion to deny the zoning request and to support the policy of the school district.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-111 Bobby G. Boyd: "A", 1st H&A to "BB", 1st H&A
6904 Meador

Betty Baker stated this is a Community Service action target area, and the staff would recommend to deny "BB" Residence, 1st H&A. Mr. Lillie explained that through the C.I.P. funds have been provided to upgrade this area. St. Johns is a community to be protected from traffic and an application of this nature is in conflict with the commitments made to this neighborhood.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Bob Boyd, applicant

PERSONS APPEARING IN OPPOSITION

Jimmy Williams, 7004 Meador
Junious E. Scott, 707 Blackson
Sarah Hendricks, 7519 Bennett
Mrs. C.L. Brown, 7411 Carver
Calvin L. Brown, 7411 Carver

WRITTEN COMMENTS IN FAVOR

Julia Sawyer

WRITTEN COMMENTS IN OPPOSITION - None

COMMISSION ACTION

Bob Boyd explained he wanted to build a four-plex. The area needs development, not any more tearing down, and discussed development in the immediate area. Speaking in opposition, Jimmy Williams of the St. John's Advisory Committee, stated that no interest was shown until this was designated a target area, pointing out that since LaCosta is going in, more interest has been generated. They want this to remain a residential area and requested the zoning be denied. Julian Scott, president of the neighborhood association of the St. John's area, requested this to remain residential.

COMMISSION VOTE

Mrs. Shipman moved and Mr. Danze seconded the motion to support the recommendation of the staff and to deny "BB", 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 6-0.

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C14-79-114 Emerald Wray: "A", 1st H&A to "O", 1st H&A
 4705 North IH-35

Betty Baker stated a change of condition has taken place for properties adjacent to the single-family subdivision to the east but also having frontage along this portion of the IH-35 access road. The staff would recommend to grant "O" Office, 1st H&A.

COMMISSION ACTION

Mrs. Schechter asked about the buffering and Betty Baker explained that the zoning will require a buffer.

COMMISSION VOTE

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

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-115 Mrs. Evelyn W. Collins: "A", 1st H&A to "O", 1st H&A
 (by Yolanda Martinez)
 1018 Justin Lane
 also bounded by Ryan Drive

Betty Baker stated the staff would recommend to deny "O" Office, 1st H&A. No change of condition has taken place to warrant rezoning of this property. The zoning change would be an intrusion into the neighborhood and would set a precedent for more intensive zoning into a residential area.

PERSONS APPEARING IN FAVOR
Kenneth White

PERSONS APPEARING IN OPPOSITION - None

COMMISSION ACTION

Kenneth White explained his desire to use the existing structure for his chiropractic office. There was discussion of the heavy traffic on Justin Lane.

COMMISSION VOTE

Mr. Snyder moved and Mr. Vier seconded the motion to grant "O" Office, 1st H&A subject to the requirements under "O" Office. Mrs. Shipman felt other uses could come in under "O" and that traffic is not a reason to change the zoning. This is a residential neighborhood.

C14-79-115 Mrs. Evelyn W. Collins--continued

Mrs. Schechter moved and Mrs. Shipman seconded the motion to deny the zoning request. It is an intrusion into the residential neighborhood. Mr. Jagger felt consideration should be given to an amendment to the zoning ordinance allowing doctors offices in residential districts with special permit. The use is not detrimental. The zoning is. The Commission voted to consider the substitute motion, and to consider on July 10 setting a public hearing to allow doctors offices in "A" Residence districts with special permit.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-116 Larry Peel: "O", 1st H&A to "BB", 1st H&A
7630 Wood Hollow Drive

Betty Baker stated the staff would recommend to deny "BB". This request would circumvent the provisions for signs under the "O" Office District. If signs are needed, the applicant might consider a rollback of existing "O" Office on the entire tract which is developed as "BB" Residence.

PERSONS APPEARING

Larry Peel, applicant

COMMISSION ACTION

Larry Peel explained that he is trying to circumvent the sign ordinance.

COMMISSION VOTE

Mr. Jagger moved and Mr. Vier seconded the motion to grant "BB", 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-118 Edd Ogden: Interim "A", 1st H&A to "C", 1st H&A
(by P.K. Staber)
5307-A and 5307-B South Congress Avenue

Betty Baker stated the staff would recommend to to grant "C" Commercial, 1st H&A since a change of condition has taken place for properties having frontage along this major arterial.

PERSONS APPEARING

P.K. Staber, representing applicant

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C14-79-118 Edd Ogden--continued

COMMISSION ACTION

Mrs. Schechter pointed out there is a vacant lot adjoining this tract that is zoned "C-2" and asked if the staff could initiate a rollback. She also asked about buffering. Betty Baker explained the staff would check into the vacant C-2 tract. P.K. Staber, representing the applicant, agreed to a privacy fence or would talk with the neighbors to see what they want to do.

COMMISSION VOTE

Mrs. Schechter moved to approve "C" Commercial, 1st H&A and that the applicant check with the neighbors to see if they would prefer a privacy fence. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-119 Philip Juarez: "A", 1st H&A to "O", 1st H&A
1211 Parkway

Betty Baker explained the staff would recommend to grant "O" Office, 1st H&A.

PERSONS APPEARING

Phil Juárez, applicant

COMMISSION ACTION

Phil Juarez concurred with the staff recommendations.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to grant "O" Office, 1st H&A in accordance with staff recommendations.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-123 Jerry A. Hawkins and Martha Hawkins: Interim "AA", 1st H&A
13409 Research Blvd. to "C", 1st H&A

Mr. Lillie discussed this area and the provisions of the recommendations of the U.S. 183 study. The subject tract is not located at a major intersection, therefore, the staff would recommend to deny "C" Commercial but to grant "O" Office, 1st H&A and that a site plan be submitted as well as the various recommendations of the U.S. 183 study.

PERSONS APPEARING IN FAVOR

Lel Hawkins, 5118 Waterbrook Drive
 Jerry Hawkins, 5118 Waterbrook Drive
 Martha Hawkins.

COMMISSION ACTION

Martha Hawkins indicated she would be happy with "GR" zoning if granted. She wants to sell the land, does not have a use for it, but does not want to pay any higher city taxes. She stated she had no problems with the recommendations of the 183 study, just wanted to sell the property. The property had been bought to build a residence, however, the taxes are such that now it is not feasible to do so. There was discussion of the uses and what could be done with "O" zoning and Mrs. Hawkins agreed to amend her request to "O" Office.

COMMISSION VOTE

Mr. Danze moved and Mrs. Schechter seconded the motion to grant "O" Office, 1st H&A as amended by the applicant; that applicant will submit a site plan in accordance with the provisions of the 183 study and also has agreed to the recommendations of the 183 study.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-124 C.M. Builders, Inc.: "B", 2nd H&A to "O", 2nd H&A
(by Charles E. Mars
507 Powell

Betty Baker explained the staff would recommend to grant "O" Office, 2nd H&A and that six feet of right-of-way is needed for Powell Street.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Charles Marsh, applicant

PERSONS APPEARING IN OPPOSITION - None

WRITTEN COMMENTS IN FAVOR

James Leslie Davis, 507 Oakland
 Mark E. Spaeth, 1510 West Sixth Street

C14-79-124 C.M. Builders, Inc.--continued

COMMISSION ACTION

Charles Marsh concurred with the staff recommendations except for the right-of-way on Powell Street. He explained that Powell is not a through street and felt the traffic could be handled with one-way north-south streets. He did not feel this would create more traffic and questioned the need for the street to be widened. Mrs. Schechter asked if applicant would be willing to go back to 1st H&A and he agreed to do so.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to grant "O" Office, 1st H&A as amended by the applicant, and that the right-of-way not be dedicated.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-125 Gay Thomas Harris, et ux: "B", 2nd H&A to "O", 2nd H&A
(by Chas. Conner)
806 Baylor

Betty Baker stated the staff would recommend to deny "O" Office, 2nd H&A. No change of condition has taken place for more intensive zoning other than "A" Residence. This request would be spot zoning and would pose significant traffic generation along what is presently a residential collector street.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Charles Marsh, applicant

PERSONS APPEARING IN OPPOSITION

Larry W. Gooch, 1623 Palma Plaza

Mary P. Taylor, 608 Baylor

Daniel Traverso, 700 Baylor

Robert Meisel, 702 Baylor

Paul R. Davis Jr., 804 Baylor

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Daniel J. Traverso, III, 700 Baylor

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C14-79-125 Gay Thomas Harris, et ux--continued

COMMISSION ACTION

Charles Marsh explained that he had bought the property, felt it to be viable as now zoned and that the building is worth salvaging. He discussed making an apartment complex if the "O" zoning is not granted, stated he felt a mixed use is appropriate for this neighborhood but one of the main problems is that of parking. Mr. Jagger pointed out that it would save time if the applicant would agree to withdraw the application. He felt this impact too great in a neighborhood that is trying to upgrade itself. Mr. Marsh agreed to withdraw his request. Mr. Lillie discussed that it would be good to have mixed use zoning and stated he would like to work with the property owners in the area and property owners like Mr. Marsh to look into the entire area.

NO ACTION TAKEN.

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C14-79-126 AP 803, LTD.: Interim "AA", 1st H&A to "GR", 1st H&A
(by Gary F. Brown)
13900-13902 Research Blvd. also
bounded by F.M. 620

Mr. Lillie discussed this tract being located at the 183-620 intersection within the City limits, and the notice requirements for the property outside the City limits. He explained that this small area is a part of a larger tract that is proposed for a shopping center to be located on the corner. The area falls within the subdivision jurisdiction of the City. The staff would recommend "GR" with the provisions of the 183 study to be included.

PERSONS APPEARING IN FAVOR

Gary Brown, applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

Mrs. Shipman felt this application to be premature and pointed out that no site plan has been submitted. Mr. Brown stated that this tract will be taken by the Highway Department for right-of-way purposes, therefore, he has no plans for the site, but was needed to comply with the provisions of the subdivision ordinance. Mr. Vier did not feel it necessary for this strip to be zoned to be included in the plat. Mr. Brown then discussed the need for a sign for the shopping center. Mrs. Shipman again stated she felt the request to be premature, there is no site plan and discussed the zoning would expire within one year if it is not developed. She felt that to grant zoning would be irresponsible on the part of the Planning Commission. Mr. Vier asked and the applicant agreed to submit a site plan showing where the sign would be placed.

COMMISSION ACTION

Mrs. Shipman moved and Mr. Vier seconded the motion that this case be continued until a site plan is included with the request as volunteered by the applicant in agreement with the policy of the Planning Department.

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

ABSENT: Dixon, Jagger, Stoll.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-127 B.L. McGee, Incorporated: Interim "AA", 1st H&A to "GR", 1st H&A
 (by Gary F. Brown)
 13584-13600 Research Blvd.

Mr. Lillie discussed the application. He stated the staff would recommend to deny "GR" General Retail, 1st H&A since the subject tract is not located at a major intersection but would recommend to grant "O" Office subject to the recommendations of the U.S. 183 study, which would include approval of a site plan to include landscape, driveway and sign standards; a minimum of 200 feet in lot width; and an additional 75-foot building setback line. He also recommended one driveway to the highway with common access easement across the three lots.

PERSONS APPEARING IN FAVOR

Gary F. Brown, applicant

PERSONS APPEARING IN OPPOSITION

A.B. Morse, Jr., Acres West Homeowners Association
Joe M. Coffey, 13609 Caldwell Drive
Mary Pharis
David Pharis
Tom Williams

COMMISSION ACTION

Gary Brown, applicant, amended his request for Lots 6 and 7 to be zoned "O" and Lot 8 requested to be zoned "LR". He stated his site plan does not correspond with the 183 study and was prepared to move the building setback to 100 feet from the existing right-of-way. Mr. Vier asked and applicant stated it would be very hard to meet the 183 recommendations right now. Mr. Jagger expressed concern for parking in the front setback and requested a site plan showing how the parking would be handled after the right-of-way has been acquired. Mr. Brown stated the Sonic Drive-In across the street is zoned Interim "AA" and wanted to know why. He stated he had no problem with the fence and the ten-foot buffer on the rear. Speaking in opposition, A.B. Morse, representing the Acres West Homeowners Association read a statement into the record explaining why they felt this to be in violation of their subdivision restrictions. They felt this would be a noxious or offensive activity and would also be an annoyance or nuisance to the neighborhood. He discussed the traffic problems and felt this would add to them, pointed out that Caldwell Drive is the only street to serve this subdivision. There was discussion of the noise and lights being a problem. Mr. Morse stated this subdivision plat is totally incorrect and that it was amended in 1972. He also stated that the White's Auto and Sonic are illegal uses. This is outside the City limits and the people of the subdivision are getting tired of being pushed around. Joe Coffee stated this would be a nuisance at this location, expressed opposition to anything commercial there. He discussed the hours of operation and the problems that the lights, traffic, noise, and litter would create. Dr. Mary Pharis felt this would seriously affect the congenial

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C14-79-127 B.L. McGee, Incorporated (cont'd.)

atmosphere of the neighborhood, and that the children would suffer from the deterioration caused by this fast-food place. Mr. Brown did not feel the use to be out of line with what is already along the highway. He agreed to build a waiting area for the school children and indicated he would work with the neighborhood but did need the usage of the tract.

COMMISSION VOTE

Mr. Vier moved to continue the request until the applicant has met with the neighborhood and attempted to work out a solution to the needs and concerns, then to come back with a site plan addressing all characteristics of the 183 study as agreed to by the applicant. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-129 James H. and Jessamine Arnold: Interim "AA", 1st H&A
(by James H. Arnold, Jr.) to "C-1", 2nd and 5th H&A
13118 R.R. 620

Mr. Lillie discussed the tract and the land uses in the immediate area. These tracts are located on 620 near the 183 intersection. The staff would recommend to deny "C-1" since the subject tract is not located at a major intersection, but would recommend to approve "O" Office subject to site plan approval and recommendations of the 183 study.

PERSONS APPEARING

James Arnold, applicant

WRITTEN COMMENTS IN FAVOR

Larry Niemann, 1210 American Bank Tower

COMMISSION ACTION

Mr. Arnold stated he had no problem with the staff recommendation and discussed that this would be used for small retail establishments now and a larger shopping center later. He agreed to submit a site plan.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to continue the request until a site plan has been submitted for consideration as agreed to by the applicant in accordance with the recommendations of the 183 study.

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C14-79-129 James H. and Jessamine Arnold (cont'd.)

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-130 James H. Arnold, Jr.: Interim "AA", 1st H&A to "C", 2nd & 5th H&A
13114 and 13116 R.R. 620

Mr. Lillie discussed the tract and the land uses in the immediate area. This tract is located on 620 near the 183 intersection. The staff would recommend to deny "C" Commercial but would recommend to grant "GR" General Retail, 1st H&A because of the location of the site within 500 feet of the intersection subject to site plan approval and including the recommendations of the 183 study.

PERSONS APPEARING

James Arnold, applicant

WRITTEN COMMENTS IN FAVOR

Larry Niemann, 1210 American Bank Tower

COMMISSION ACTION

Mr. Arnold stated he had no problem with the staff recommendations. He agreed to submit a site plan and stated this would be used for small retail establishments now and that a shopping center is planned later.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to continue the request until a site plan has been submitted for consideration as agreed to by the applicant in accordance with the recommendations of the 183 study.

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

THE MOTION PASSED BY A VOTE OF 7-0.

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C14-79-134 Cotton Texas, Ltd. (cont'd.)

COMMISSION ACTION

Robert Sneed, attorney for applicant, explained that Tract A has been sold to the Triumphant Love Lutheran Church and amended the application to a depth of 600 feet for the westward portion. He discussed plans for Tract 3. The remainder of the tract will be developed in a similar manner. Mr. Snyder requested site plan review. It was pointed out that both uses would require site plan review as well as compliance with the Lake Austin Ordinance. Terry Wadsworth explained the location of the first site in conjunction with the proposed changes.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to grant "O" Office, 1st H&A on Tract 3 to a depth of 600 feet from the front property line and keep the zoning on the other tracts. Sid Jagger offered an amendment to include a site plan with a restriction against apartments.

After discussion, Mrs. Shipman then moved to grant "O" Office, 1st H&A on Tract 3 to a depth of 600 feet from the front property line, to continue the zoning request on Tracts 1 and 2. Mr. Snyder seconded this motion. The staff was instructed to assign new case numbers for Tracts 1 and 2 so they could be considered independently.

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

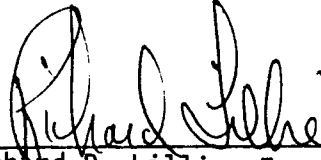
THE MOTION PASSED BY A VOTE OF 7-0.

C7a-79-011 Annexation
Discussion of annexation of
peninsula north of West Lake Hills

Mr. Lillie stated the Council, in consideration of the Davenport M.U.D. request, had instructed the staff to proceed to draft field notes covering the annexation of the peninsula north of Bee Creek including the area within Water District 10. He discussed the M.U.D. contract with the Davenport Ranch people and stated he did not know whether or not the Council would proceed with the annexation now that the contract has been entered into. He then discussed limited purpose annexation, pointing out that the property owner is not taxed and City services are not provided, as well as "SR" zoning and the possibility of using this type zoning in the hill country.

NO ACTION TAKEN.

The meeting adjourned at 11:30 p.m.


Richard R. Lillie, Executive Secretary