

CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting -- August 6, 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
Jim Vier

Also Present

Richard Lillie, Director of Planning
Marie Gaines, Planner
Charles Graves, Director of Engineering
Sheila Finneran, Legal Department
Ouida Glass, Senior Secretary

Absent

Leo Danze
Freddie Dixon
Bill Stoll

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ZONING

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

C14-79-138	C.B. Smith, Sr. 609 Sawnee Drive	From: A, 1st H&A To: LR, 1st H&A RECOMMENDED
C14-79-136	Eulalio Hernandez 7812 Gault 1301-1303 Anderson Ln.	From: A, 1st H&A To: B, 1st H&A RECOMMENDED
C14-79-145	David B. Barrow, Jr. (by Jeryl Hart) 7028 Wood Hollow Drive	From: GR, 1st H&A To: C, 1st H&A RECOMMENDED C, 1st H&A for building only.

COMMISSION ACTION

On a consent motion by Mr. Jagger, seconded by Mr. Vier, the Commission approved the above in accordance with staff recommendations.

AYE: Guerrero, Jagger, Schechter, Shipman, Vier.

ABSENT: Danze, Dixon, Snyder, Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-77-098 Albert Vanderlee: Interim "AA", 1st H&A to "GR", 1st H&A
 12001 U.S. 183
 12200 Howlett Court
 12100-12102 Bell Avenue
 12000-12004 Tweed Court
 5901-6001 and 6000-6004 McCoy Road

Marie Gaines discussed the subject tracts and the uses in the immediate area. The applicant originally applied for this zoning in 1977 and numerous concerns were raised at that time. A neighborhood plan was generated and adopted by the Planning Commission and City Council. She discussed the original condition and pointed out that a change of condition has taken place, the adoption of the 183 recommendations, which now supersedes all previous recommendations along the U.S. 183 corridor. The staff therefore recommends to deny "GR", General Retail, 1st H&A, but to grant "O" Office, 1st H&A save and except for a 15-foot buffer strip of "A" along the northernmost boundary of Tract 1 and the northwest and northern boundary of Tract 2. Zoning should be conditioned by a site plan to be reviewed by the Planning Commission. The site plan should include driveway, sign, and landscape performance standards as outlined in the U.S. 183 area study.

PERSONS APPEARING IN FAVOR

P. Juarez, attorney for applicant

C14-77-098 Albert Vanderlee (cont'd.)

PERSONS APPEARING IN OPPOSITION

Gerry Roset, 12103 Bell Avenue
Patti Haag Clifford, 12106 Tweed Court
Coyle Buhler, 12107 Bell Ave.
Sheryl Bowers, 12107 Tweed Court
Marie Moore, 12202 Conrad Road
Billy Clifford, 12106 Tweed Court
Michael Crouch, 5902 Burlington Court
Marla Crouch, 5902 Burlington Court

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Petition

COMMISSION ACTION

Phil Juarez, attorney representing the applicant, discussed the history of the zoning application and the reasons for requesting the case bear a 77 case number. He felt they should be considered under the recommendations in 1977 and stated that if "GR" cannot be granted that the request be denied. The applicant does not want "O" zoning. Mr. Juarez explained they now have a user for the tract which will be a restaurant requesting permission to sell alcoholic beverages and felt that the GR is proper zoning. Jerry Roset, representing the Summit Oaks Neighborhood Association, submitted a petition in favor of "O" zoning. He stated they recognized the area would develop but expressed concern for the integrity of the neighborhood. Mr. Roset stated the neighborhood association does not believe the owner of the property is concerned for the welfare of the neighborhood. Myrna Crouch discussed the traffic problems and pointed out this is an old, established neighborhood extremely near 183 and expressed an interest in what is being built so nearby. Michael Crouch stated a great deal of change has taken place in the last two years. The neighborhood supports the U.S. 183 area plan and stated they would like to see it applied. Billy Clifford also urged the Commissioners to follow the U.S. 183 area plan. He stated this is 1979 and 1977 and urged that the rules we are working with now be followed. Marie Moore stated the tract is weedy, dirty, and has horse stalls on it now, and discussed the uses that had been there the past few years. Sheryl Bowers urged the Commissioners to deny the request. Coyle Buhler showed slides of the area and requested a privacy fence with any change of zoning so that there will be separation from the residential area. He felt the need for restraint rather than barrier and supported the "O" zoning. Speaking in opposition, Mr. Juarez stated the applicant is entitled to use his land and again emphasized they wanted the "GR" zoning or requested the application be denied. Mr. Guerrero felt it

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C14-77-098 Albert Vanderlee (cont'd.)

unfortunate that the applicant was caught in this situation and had to hire a lawyer to get zoning. Mr. Snyder felt a site plan should have been submitted; this could be speculative zoning. Mr. Juarez assured the Commission that the zoning would be used within one year.

COMMISSION VOTE

Mrs. Shipman moved to support the staff recommendation and to deny "GR" General Retail, 1st H&A but to grant "O" Office subject to a site plan and all of the requirements of the U.S. 183 study. Mrs. Schechter seconded the motion.

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

ABSENT: Danze, Dixon, Jagger, Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-044 Bell Avenue Area Study: Interim "AA", 1st H&A to "O", 1st H&A
 (by City of Austin Planning Department) (as amended)
 Lots 6, 7, 8 and 9 of Block G, Summit Oaks Subdivision

Marie Gaines explained that the attorney for the applicant had requested postponement until September 4.

PERSONS APPEARING IN FAVOR

Sheryl Bowers, 12107 Tweed Court
 Marla Crouch, 5902 Burlington Court
 Michael Crouch, 5902 Burlington Court
 Billy Clifford, 12106 Tweed Court
 Gerry Rosett, 12103 Bell Avenue

PERSONS APPEARING IN OPPOSITION

Patti Haag Clifford, 12106 Tweed Court
 Marie Moore, 2202 Conrad Road

COMMISSION ACTION

There was discussion of the policy for postponement of zoning requests and the length of time an applicant would be required to wait before filing another application.

COMMISSION VOTE

On motion by Mr. Vier, seconded by Mrs. Schechter, the Commission postponed the zoning request to September 4. Mr. Snyder requested Mr. Lillie to send a letter to the neighborhood explaining the postponement ruling.

C14-79-044 Bell Avenue (cont'd.)

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-133 Cotton Texas, Ltd.: "AA", 1st H&A to "BB", and "O", 1st H&A
 (by William B. Cotton)
 8900-9006 Great Hills Trail
 5101-5205 Bluffside Drive

Marie Gaines explained that the applicant had submitted a letter amending the request insofar as it applies to Tract 1. The Applicant is now requesting a zoning change for such tract from "AA", 1st H&A to "BB", limited to six units per acre. At such time that the ordinances of the City of Austin relating to the regulation of condominiums is amended permitting condominiums to be built in "A" Residential areas, that this tract be rolled back and zoned "A" Residential.

PERSONS APPEARING:

Robert Sneed, attorney for applicant

COMMISSION ACTION

Robert Sneed, attorney for the applicant, discussed the request to eliminate Tract 2 from commercial uses and to limit it to office uses, and that they desired to develop as condominiums when the zoning can be changed.

COMMISSION VOTE

Mr. Snyder moved to grant "O" Office, 1st H&A on Tract 2 and to grant "BB" 1st H&A on Tract 1 as amended by the applicant. Tract 1 will be subject to six units per acre and a rollback to "A" at such time the City of Austin ordinance is amended to allow condominiums in "A". Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-141 John A. Joseph: Interim "AA", 1st H&A to "GR", 1st H&A
 11643 Research Blvd.

Marie Gaines presented the staff report and discussed the land uses in the immediate area. The staff would recommend to grant "GR" General Retail,

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C14-79-141 John A. Joseph (cont'd.)

1st H&A subject to the recommendations of the 183 study, including site plan approval by the Planning Commission, sign control and driveway performance standards. The staff also would recommend five feet of right-of-way dedication to raise Thunder Creek to standard urban street width.

PERSONS APPEARING

John Joseph, applicant
Ron Starke, U-Totem, 612 E. St. John

COMMISSION ACTION

John Joseph discussed the need to replace the store that is now on the tract and what is proposed. There was discussion of "LR" meeting the needs. Applicant agreed to amend the request to "LR" and to submit a site plan. Ron Starke, representing U-Totem, discussed what they proposed to do and submitted a site plan.

COMMISSION VOTE

Mrs. Shipman moved to grant "LR" Local Retail, 1st H&A as amended by the applicant, and that a site plan providing for additional landscaping fronting 183 be submitted in conformance with the provisions of the 183 study.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-143 William F. Munday: Interim "A", 1st H&A to "O" 1st H&A
(by Kenny Dryden)
1000 block to 1400 block of
William Cannon Drive

Mr. Guerrero explained there was a request to postpone this for sixty days.

COMMISSION VOTE

Mr. Vier moved and Mrs. Schechter seconded the motion to postpone this item for sixty days.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-146 Mrs. Maedell Johnson: "A", 1st H&A to "O", 2nd H&A
(by Clara Mitchell)
506 Denson

Marie Gaines presented the staff report and discussed the land uses in the area. No precedent for "O" zoning exists east of Guadalupe. The predominant character of the area is residential and rezoning would set a precedent for intensive zoning along Denson Drive, therefore, the staff would recommend to deny "O" Office, 2nd H&A.

PERSONS APPEARING IN FAVOR

R. H. Droomgoole
Don Schmidt, 502 Denson

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

Mrs. Dorothy Lee Roselle, 504 Denson
Mrs. Pearl M. Acres

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

There was discussion of the traffic and Denson Drive being a major entrance to Highland Mall. Marie Gaines explained that traffic should not be a basis to change zoning; this could be considered spot zoning. R. H. Droomgoole discussed the proposed use for the site, pointing out why he did not agree with the staff recommendation. He discussed the traffic and the noise and explained how that would not matter with the type of business they would operate. Don Schmidt asked what would prevent intensive business from going in should the zoning be changed.

COMMISSION VOTE

Mrs. Shipman explained that the use is appropriate for the location. The question is that of land use and this would open the entire area, therefore, moved to support the recommendation of the staff and to deny the request. Mr. Jagger seconded the motion.

Mrs. Schechter offered a substitute motion to grant "O" Office, 1st H&A as had been agreed to by the applicant and to accept the applicant's amendment to exclude a two-foot strip of "A". Mr. Vier seconded the substitute motion. The vote on the substitute motion failed and the Commission then voted on the original motion to deny the request.

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C14-79-146 Mrs. Maedell Johnson (cont'd.)

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

THE MOTION TO DENY PASSED BY A VOTE OF 4-1.

C14-79-147 Charles Collier Electric, Inc.: "A", 1st H&A to "O", 1st H&A
(by Charles Collier)
411 E. Rundberg Lane

Marie Gaines discussed the land uses in the immediate area and stated the staff would recommend to postpone until the Rundberg Lane area study has been completed.

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

Tom Cook, Georgian Acres Neighborhood Assn.
Homer Johnson, 9010 Georgian Drive
Buddy Borg, 208 Florence Drive

COMMISSION ACTION

Tom Cooke, speaking for the Georgian Acres Neighborhood Association, stated they were opposed to any rezoning and would go along with the postponement. They asked for a moratorium on the area along Rundberg Lane until the study is finished, from Stayton east to the property adjacent to this application. Also, they requested more median cuts on Rundberg Lane and stated they would like to see the study completed before any more zoning changes are made on Rundberg Lane.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to postpone the request until the area study has been completed.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-149 Martin and Short Partnership and Daniel J. Martinka:
 (by W. Lee Choate) Interim "A", 1st H&A to "O"
 1500-1618 Dungan Ln. and "DL", 1st H&A
 9501-9517 Dessau Road

Marie Gaines discussed the area and the land uses surrounding the tract. The staff would recommend approval of the request save and except a 50-foot buffer adjacent to the residential lot on the northwest corner of Tract 2 and along the north boundary of Tract 2. Dedication of 15 and five feet of right-of-way along Dungan Lane and Dessau Road, respectively, is requested.

PERSONS APPEARING IN FAVOR

Lee Choate, applicant

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

Melvin M. Spier, 615 Lookout Drive, San Antonio, or Dessau Road at Dungan Ln.

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

Lee Choate, representing the applicant, discussed how the tract would be developed and requested the 30-foot buffer be reduced to a 20-foot buffer, the zoning be "DL" with a restrictive covenant, landscaped appropriately so this 20 feet could be used for parking.

COMMISSION VOTE

Mrs. Shipman moved to grant "O" Office and "DL" Light Industrial, 1st H&A, in accordance with the site plan as submitted by the applicant to include a 30-foot landscape buffer, a restrictive covenant that the 20 feet of "DL" would be paved for parking only along the north boundary line. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-153 Lamar Mortgage (cont'd.)

PERSONS APPEARING IN OPPOSITION

Robert Carr
Tom Curtis
Milton Smith

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Wayne Dayton, 9200 Burnet Road

COMMISSION ACTION

Jim Hejl, representing applicant, explained this is intended to be a shopping center with a tavern-club in the back corner. Gary Johnson discussed the proposed operation and stated he did not feel it would cause any problems with the already existing uses in the area. Mrs. Shipman asked why the request for "C" on the shopping center and applicant explained this would provide the widest range for tenants. Robert Carr discussed the land he owned in the immediate area. He objected to the traffic--not to the proposed use and requested the Commission to deny the C-2 request. Tom Curtis, attorney representing Dormey Products, a subsidiary of Economy Furniture Company, acknowledged the precedent is set. He discussed the debris, the traffic, and felt this would create more, causing parking on the Economy parking lot. He discussed the traffic and accident report for the last several months and expressed concern for the safety of the employees of the Economy Furniture Company. Milton Smith, president of the Economy Furniture Company, submitted a report from the Police Department regarding accidents in the area and also discussed the traffic problems; concern for his employees, as well as the debris on his tract.

COMMISSION VOTE

Mr. Snyder moved to deny the request. There is not adequate parking for what is there now and this would make the situation more severe. Mrs. Shipman seconded the motion and pointed out that the Commission has not made any zoning recommendations on 1325 because of the pending study and the need for a site plan and traffic report. Mr. Vier asked if applicant would be willing to submit a site plan and Mr. Hejl requested postponement until a site plan could be submitted.

Mr. Vier then offered a substitute motion to postpone the request until the applicant submits a site plan. Mr. Jagger seconded the substitute motion and offered a friendly amendment that the Urban Transportation Department comment on the traffic before this is again submitted to the Planning Commission. The Commission then voted on the substitute motion.

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

ABSENT: Danze, Dixon, Stoll.

THE MOTION PASSED BY A VOTE OF 6-0.

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C14-79-157 Cotton Texas, Ltd.: "A", 1st H&A to "O", 1st H&A
 (by Robert Sneed)
 9306-9406 Great Hills Trail

Marie Gaines presented the staff report and explained that the applicant had submitted a request to amend the application to "O" Office, 1st H&A for the front 600 feet and agreed to restrict so that such area shall not be used for residential purposes.

PERSONS APPEARING

Robert Sneed, attorney for applicant
 Ken Manning, Sierra Club

COMMISSION ACTION

Robert Sneed, attorney for applicant, discussed the background of the entire tract and the various requests that have been filed. He explained a restrictive covenant will be filed limiting this to office uses and stated a site plan would be provided. He felt the items of interest contained in a letter Ken Manning had just submitted to the Commissioners from the Sierra Club could be taken into consideration through the site plan.

COMMISSION VOTE

Mr. Jagger moved to grant "O" Office, 1st H&A subject to site plan approval by the Planning Commission and restricted to office uses only. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

SPECIAL PERMITS

C14p-79-027 Criswell Management Co., Inc.: The Hyatt Regency Hotel
 (by Stephen L. Van)
 200 Barton Springs Road

Mr. Lillie explained that the hearing had been closed on July 24 pending reports from the Environmental Board as well as the Parks and Recreation Board. Those reports have now been received and they are in agreement with the proposal.

COMMISSION VOTE

Mrs. Shipman moved approval of the special permit in accordance with the findings of fact. Mr. Vier seconded the motion.

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C14p-79-027 Criswell Management (cont'd.)

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

THE MOTION PASSED BY A VOTE OF 6-0.

Mrs. Schechter pointed out that the Commission does not have a quorum and questioned whether or not the Commission legally could continue and take action. Sheila Finneran of the Legal Department stated they could not. The only action that legally can be taken in the absence of a quorum is to fix the time in which to adjourn, to recess, or to take measures to obtain a quorum.

Mr. Snyder moved that the balance of the agenda be continued at 5:30 on August 7, as the first order of business. Mrs. Schechter seconded the motion. Bleeker Morris felt the persons attending should be taken into consideration and requested postponement for 30 days. The Commission then took the following action:

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
 CONTINUED TO 5:30 p.m. August 7, 1979.

C14-79-127 B.L. McGee, Inc.: Interim "AA", 1st H&A to "GR", 1st H&A
 (by Gary F. Brown)
 13584-13600 Research Blvd.
 CONTINUED TO 5:30 p.m. August 14, 1979, at request of applicant.

C14-79-129 James H. & Jessamine Arnold: Interim "AA", 1st H&A to "C-1"
 (by James H. Arnold, Jr.) 2nd and 5th H&A
 13118 R.R. 620
 CONTINUED TO 5:30 p.m. August 7, 1979.

C14-79-130 James H. Arnold, Jr.: Interim "AA", 1st H&A to "C" 2nd & 5th H&A
 13114 and 13116 F.M. 620
 CONTINUED TO 5:30 p.m., August 7, 1979.

C20-79-008 Zoning Ordinance
 Consider recommendation of subcommittee for a consultant
 to undertake revision to Chapter 45 of the Austin City Code,
 Zoning Ordinance.
 CONTINUED TO 5:30 p.m. August 7, 1979.

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~~-78-018~~
~~C20-79-009~~

Subdivision Ordinance

Consider recommendation to City Council on amendments to Chapter 41 of the Austin City Code, Subdivision Ordinance, regarding street paving widths and drainage.

CONTINUED TO 5:30 p.m. August 7, 1979.

~~C20-79-009~~¹⁰

Zoning Ordinance

To set a public hearing to amend Chapter 45-14(d) of the Austin City Code with reference to annexation of Planned Development Areas (PDA)

CONTINUED TO 5:30 p.m. August 7, 1979.

THE MEETING ADJOURNED AT 8 p.m. DUE TO LACK OF A QUORUM.



Richard R. Little, Executive Secretary