

CITY PLANNING COMMISSION
Austin, Texas
Regular Meeting -- April 3, 1979

The Regular 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
Freddie Dixon
Sid Jagger
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Bill Stoll
Jim Vier

Also Present

Evelyn Butler, Supervising Planner
Marie Gaines, Planner
Sheila Finneran, Legal Department
Helen Fermin, Administrative Aide

ZONING

The following cases were heard on a consent motion:

Staff Recommendation

C14-79-048 Modelle Ballard, Robert G. Ballard,
John R. Ballard & Charles W. Ballard
(by John R. Ballard)
10304 North Lamar
803 Neans Drive

From: Interim "AA" Residence,
1st H&A to "GR" General Retail,
1st H&A
RECOMMENDED

C14-79-051 NPC Realty Company
(by James A. Siepiela)
1721-1821 Kramer Lane
10418-10502

From: "BB" Residence, 1st H&A
To: "A" Residence, 1st H&A
RECOMMENDED

C14-79-052 Dr. Lloyd A. and Alyce Doggett
(by Lloyd Doggett)
1402 West Avenue

From: "A-H" Residence-
Historic, 1st H&A
To: "O-H" Office-Historic,
1st H&A. RECOMMENDED

C14-79-056 Nelson Puett, Jr.
(by Rodney Sheppard)
5332 Manchaca Road

From: "GR" General Retail,
1st H&A
To: "C-1" Commercial, 1st H&A
RECOMMENDED

C14-79-047 Gary Haldeman
(by Ken Harris)
Front of 1901-1905 Kinney Avenue

From: "BB" Residence, 1st H&A
To: "A" Residence, 1st H&A
RECOMMENDED

C14-79-004 O.G. Anderson
(by Ken Harris)
Rear of 1901-1905 Kinney Avenue

From: "BB" Residence, 1st H&A
To: "C" Commercial, 1st H&A
RECOMMENDED subject to a 6 foot
privacy fence along the
northern, southern and western-
most boundaries of subject
tract.

COMMISSION ACTION

On a consent motion by Mr. Dixon, Seconded by Mrs. Schechter, the Commission approved the above cases in accordance with staff recommendations.

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

ABSENT: Stoll.

THE CONSENT MOTION PASSED BY A VOTE OF 8-0.

PERSONS APPEARING IN FAVOR
John Avery, representing applicant

C14-78-190 Bill Milburn--ContinuedPERSONS APPEARING IN OPPOSITION

Ron Shortes, Box 7848
Chris Caran, 3202 Spaniel Drive
K. Raghunathan, 12311 Scribe Drive
Jonathan L. Young, 12331 Danny Drive
Mrs. Scott Bowman, 12310 Scribe Drive
E.J. Kasprzyk, 12308 Scribe Drive
Scott Bowman, 12310 Scribe Drive
Stewart Keil, 12302 Scribe Drive
Les Montgomery, 12212 Scribe Drive
Ronald B. Cass, 12323 Danny Drive
Leonard Yates, 12218 Scribe Drive
Patty Beecroft, 12301 Danny Drive
Karen Yates, 12218 Scribe Drive
Amy Cass, 12323 Danny Drive
Charles Shevlin, 12308 Scribe Drive
Harold Beecroft, 12301 Danny Drive

COMMISSION ACTION

John Avery, representing applicant, discussed the land uses in the area and explained that because of the topography and also because of the railroad track that it would be inappropriate to put single-family residences on the tract. They also felt it to be premature for a commercial use at this time and felt duplex use to be the best use for the land, and would provide a buffer between the existing subdivision and the railroad track. They propose to divide the 8.7 acres into 14 duplex lots, which is the same proposal as submitted at the prior meeting. He explained that at a meeting with the neighborhood he had submitted to them a written proposal to divide the tract into 14 duplex lots with approximately 75 feet of width on the proposed cul-de-sac which would be off of Duval Road. There would be no access from the existing subdivision into this tract. The duplex would be one- and two-story and would contain not less than 1600 square feet, 25 percent masonry, and would be of similar construction to the other houses that are in the adjoining subdivision. He stated that restrictions had been provided, only one duplex allowed per lot and no detached housing. It was agreed to remove only those trees that were absolutely necessary in order to construct the duplex on the lot, to put in the street, and whatever is necessary to bring in utilities and drainage. Any tenant living in the duplexes would be prohibited from indiscriminately removing trees and so long as Milburn owned the duplexes there would be no living trees removed without good cause. They felt this to be a legitimate use of the property. Mr. Snyder asked about the possibility of dedicating some of the unusable land to the neighborhood. Mr. Avery discussed the access problem and felt this would be inappropriate. He felt that by providing the buffer and the deed restrictions, this can be accomplished.

Planning Commission--Austin, Texas

April 3, 1979

C14-78-190 Bill Milburn--Continued

Speaking in opposition, Ron Shortes, represented some of the area residents. He explained they were not in agreement with this proposal exactly the way it now is. He expressed concern that there is no guarantee in the future what will happen to the trees, as well as the buffer. He discussed the traffic and explained that it already is an intolerable situation and would request to see what the City will do with the traffic problem before the zoning is changed. He discussed some misrepresentations to owners of the single-family units by Mr. Milburn, as well as access to the back area of the proposed tract, felt that the dedication of the land should still be a negotiable issue. He requested the zoning remain "AA" until these issues could be resolved. Ronald Cass, speaking for the homeowners of the Walnut Creek Association stated they are not totally in agreement with this zoning change; they are still meeting and debating the issue. Speaking in rebuttal, Mr. Avery explained that the Milburn Company had always proposed to develop this tract either commercially, as "BB", or some intensified use. He felt it naive for anyone to assume that just because they bought during the beginning construction stage of a 700-800 acre project you assume there will not be any other houses ever built. He felt that to be the attitude of a lot of the residents. He felt the misrepresentations to be a matter for the court house and not before the Planning Commission, but that the issue is whether or not this land use is appropriate and just. He requested the zoning request be granted.

COMMISSION VOTE

Mr. Vier stated he felt before that the neighborhood is being unrealistic in their opposition, pointing out that this is not industrial or heavy apartment usage. He felt this to be a realistic use of the land and an excellent buffer and moved to grant "A" Residential, 1st H&A. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-1-2.

C14-78-246	Liberty Insurance Agency, Inc.: 201 East Rundberg Lane	"A" Residence, 1st H&A to "O" Office, 1st H&A
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Marie Gaines explained this request had been heard previously and that the request had been denied. At the meeting of the City Council the applicant requested that it be referred back to the Planning Commission, and the City Council agreed to refer the case back to the Planning Commission. The staff position has not changed and the recommendation is to deny the "O" Office zoning. She explained that a petition had been received for the request as well as a petition against the request.

Planning Commission--Austin, Texas

April 3, 1979

C14-78-246 Liberty Insurance Agency, Inc.--ContinuedCITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Mike Kellam, 201 East Rundberg Lane
Larry D. Wilson, 407 East Rundberg Lane
Carl C. Lambert, 505 East Rundberg Lane
Patsy Chadima, 302 East Rundberg Lane
Oscar Martinez, 409 Rundberg Lane
Carl S. Rundberg, 204-300 Rundberg Lane
Frances Phillips, 2503 Ashdale
Noah M. Phillips, 2503 Ashdale Drive
Laurie A. Rundberg, 204-300 Rundberg Lane
Brenda K. Rundberg, 204-300 Rundberg Lane
Teri Jo Rundberg, 204-300 Rundberg Lane
Richard P. Crawford, 201 East Rundberg Lane
Patricia Martinez, 409 Rundberg Lane
Larry Chadima, 302 East Rundberg Lane
Mrs. Carl C. Lambert, 505 East Rundberg Lane

PERSONS APPEARING IN OPPOSITION

John Battles, 303 East Home Place
Phyllis Battles, 304 Hackberry
Martin Battles, 304 Hackberry
Margaret Battles, 303 East Home Place
Myrtle Wofford, 9103 Georgian Drive
Roy C. Sanders, 8909 Georgian Drive
Mrs. Homer Johnson, 9010 Georgian Drive
Buddy Borg, 208 Florence Drive
Tom Cook, 305 Fawnridge Drive
Homer B. Johnson, 9010 Georgian Drive

WRITTEN COMMENTS IN FAVOR -- Petition

WRITTEN COMMENTS IN OPPOSITION -- Petition

COMMISSION ACTION

Mike Kellam explained his primary reason for wanting to come back for another hearing is that there were some errors in the history of the staff report. He explained he had requested postponement prior to the first hearing before the Planning Commission in order to present additional information to the Commission. He discussed the corrected history that had been submitted, pointing out the segment of Rundberg Lane between Lamar and I. 35, and explaining the traffic patterns thereof. He pointed out those residences along Rundberg Lane which were owner occupied and those which were not, and stated this tract had been purchased for the purpose of moving his insurance office to this location. He explained the property is not eligible for F.H.A. finance because of the heavy traffic along Rundberg Lane and the changing nature of the neighborhood.

C14-78-246 Liberty Insurance Agency, Inc.--Continued

He showed slides of structures along Rundberg Lane from Lamar to I.35. Carl Lambert stated he felt Mr. Kellam had made a concerted effort to work with the Georgian Acres Association, would provide a buffer zone and fencing, etc., and expressed favor with the granting of the request if it were used strictly for an insurance agency. Area residents expressed favor with the "O" zoning and pointed out there is no way this can be used for residential purposes, pointing out the traffic problems, especially since Rundberg Lane has been widened. They requested the land be put to the use that it is good for.

Tom Cook, speaking in opposition and for the Georgian Acres Neighborhood Association, stated that there was only one person who lived within the boundaries of the neighborhood association who spoke in favor of the request. He explained they did not oppose the Safeway Store going in on the corner of Rundberg Lane and North Lamar since it was not located within the boundaries of the neighborhood association. He discussed the median breaks and the City codes that are required when property is to be converted from a residence to an office building. They expressed the same opposition as presented in the previous hearing. Homer Johnson felt they were trying to get rid of the residences in order to increase the price of the property. He stated their main concern is for Hackberry Street since it is highly residential and wanted to keep it that way. There was discussion of the high volume of traffic and problems entering I. 35 during rush hours.

Speaking in rebuttal, applicant explained they planned to widen the existing driveway, to route cars around to the back, and have a parking area in the back yard. The back yard would have a privacy fence around it. He stated their insurance business is conducted primarily over the telephone, would have a maximum of three employees at any one time and an estimated less than three customers a week. He did not feel this could create any more of a traffic hazard than a renter being in the house. He stated he felt the City by its action in widening the street and opening it up to the Quail Creek area had diminished the values of the property along this stretch of Rundberg Lane and asked that the Planning Commission allow the highest and best use of the property by granting their request. There was discussion of the driveway so as not to encourage parking in the front. There was discussion of the number of persons in opposition living on Rundberg Lane or their back yards backing up to Rundberg Lane. Mr. Vier asked and applicant agreed to deed restrict the use to an insurance office only, agreed to buffering and a six-foot privacy fence and restrict the curb cut on Rundberg Lane to the Requirements of the Urban Transportation Department.

COMMISSION VOTE

Mrs. Shipman reaffirmed the motion made on this request a month ago and moved that the zoning be denied. Based on the hearing tonight it is spot zoning; it is in the middle of the block and the Planning Commission has consistently denied spot zoning. Mrs. Schechter seconded the motion. Mr. Vier made a substitute motion which was the same as before. He stated he still felt it unrealistic that this is a valid single-family or even duplex residential street based on the traffic count. Based on the fact

C14-78-246 Liberty Insurance Agency, Inc.--Continued

that the applicant is willing to deed restrict it to insurance office under "O", not park in front, privacy fence, he moved to grant "O" Office, 1st H&A. Mr. Snyder seconded the substitute motion. The substitute motion failed by a 3-4 vote and the Commission then considered the original motion to deny the "O" Office zoning request. Mr. Jagger stated this is not a unique situation, pointing out there are several streets that there is no question about their not being fit for normal single-family living. He did not know what the solution is but there should be a solution. He felt the houses should never have been built on a street that is 90 feet wide, but they are. He wondered if the Planning Department could make a study of this kind of an area and come up with a specific recommendation as to how this problem could be prevented and this not be done as an individual case. He suggested a recommendation with what should be done with Rundberg Lane between Lamar and I. 35. He felt that spot zoning there would have a negative impact. Mrs. Shipman stated she did not feel that just because through engineering processes the City makes a street a major arterial does not obligate the land to become commercial usage. Mr. Vier felt that small offices along a street of this nature would be much better than high density apartments; that would compound the entire traffic issue.

The Commission voted on the motion to deny the "O" Office zoning request.

AYE: Dixon, Guerrero, Schechter, Shipman, and Stoll.

NAY: Danze, Snyder, and Vier.

ABSTAINED: Jagger.

THE MOTION CARRIED BY A VOTE OF 5-3-1.

Mr. Snyder then moved and Mrs. Schechter seconded a request that the staff do an area study on both sides of Rundberg Lane between I. 35 and Lamar. This request passed by a vote of 8-0.

C14-79-033 Scott Keller: "C" Commercial and "B" Residence, 2nd and
(by Fred W. Powers, Jr.) 5th H&A to "O" Office, 2nd H&A
1199-1191 Curve Street
1000-1006 Catalpa Street
1001-1013 East 12th Street

Marie Gaines presented the staff report and explained that the staff recommends to grant "O" Office, 2nd H&A. She explained this is to be used for a legal aid office and the staff can support this application because the preliminary site plan has been submitted by the applicant supports the staff's recommendation for no access along Catalpa Street.

COMMISSION ACTION

Mrs. Schechter asked if the request could be postponed since no one was present to answer questions. Mrs. Shipman explained that there are some real problems and is another case where the area is grossly overzoned.

COMMISSION VOTE

There was discussion of the use of the structure, the historic zoning, and the parking problem in the area. Mr. Jagger felt there is a need for a combination of residential and office uses in this area, particularly in order to be able to maintain the existing structure. Clarke Heidrick, attorney for applicant, discussed the zoning requests in the past for this structure and explained the historic zoning request will be heard by the City Council on April 26. He explained that Dr. Gamel was attempting to

C14-79-046 William G. Gamel--Continued

sell the property, but would probably restore the structure on his own if the zoning change is not granted. He felt it an economic sacrifice to zone the property "H" and that this would be a reasonable exchange. Mr. Heidrick stated willingness to accept the recommendation of the staff that any "O" zoning be subject to historic zoning and subject to a restrictive covenant that the "O" zoning be rolled back to "B" either in the event the "H" is repealed or removed. He felt the parking to be ample for the desired uses. He felt this would help to preserve the property and would be in the best interest of the neighborhood. He felt this to be a reasonable compromise and requested that it be accepted.

Speaking in opposition Paul Colbert, Save University Neighborhood Association, felt the point is whether or not what Dr. Gamel intends to do with the building is good for what it looks like and that should be of concern to the neighborhood. He stated their primary concern is for the preservation of the residential character of the neighborhood. He felt this to be a question of whether or not spot zoning for an office should occur. He discussed the needs for residential structures, as well as the need for relatively low-cost, close and convenient student housing. There also was discussion of the problems of traffic in the area. He stated a petition against the request would be ready for presentation at the meeting of the City Council. Bill Stoll stated he felt this request to be most reasonable, it would make use of the structure and preserve the historic designation as well. Mr. Colbert felt that if the neighborhood were continuously put in the position of only getting historic zoning if it is tied to office zoning, there is sufficient sentiment in the neighborhood to oppose historic zoning and attempt to do away with the historic ordinance, rather than let that be used as a means to undermine the usage of a neighborhood. Betty Phillips, Save University Neighborhood Association, stated she was extremely concerned with historic preservation but also was concerned for the preservation of this neighborhood which is in a transition. She stated their concerns were precedent, undesirable office uses, and traffic. She pointed out that many of the property owners in the area are absentee landowners, pointing out that this area is under intensive speculative pressures. The UT area has been designated as one of the 12 best investment sites in the country. She discussed the land uses in the area and stated there should be some sort of restriction to professional offices. She discussed the problem with parking and traffic; expressed concern for the historic value of the property, pointing out that if it were converted to office uses, it would be most unlikely ever to return to residential uses. She requested the office zoning be denied with the thought that an application can be made in the future. If the house is not economically viable with the second height and area, they then will work with Dr. Gamel. She presented several letters in opposition to the request.

Duane Daniels expressed opposition to the request and discussed crime in the area due to the absence of occupants in the evening hours. He discussed the problem of setting a precedent, the problem of traffic. James Jones also expressed the same concerns, wanted it to remain a residential area. Speaking in rebuttal, Clarke Heidrick felt this to be a situation of the neighborhood

C14-79-046 William G. Gamel--Continued

"wanting its cake and eating it, too." He felt there must be some risk if the historic zoning is to remain on the structure. He felt they were trying to preserve the house and create a use which is not inconsistent with the neighborhood goals. Mrs. Shipman pointed out there is no guarantee the historic zoning will remain since applicant is not seeking historic zoning, but the request is for "O" Office, 2nd H&A, and asked how "O" could be denied later. Mr. Heidrick stated he would be willing to take the "H" if he can get the "O", but does not want the "O" without the "H". Mrs. Shipman felt this to be a speculative situation; Mrs. Schechter expressed the same concerns, as well as being an intrusion into the neighborhood. Mr. Jagger felt the agreement not to proceed with the "O" without the "H" was adequate.

COMMISSION VOTE

Mrs. Schechter moved to deny "O" Office, 2nd H&A. Mrs. Shipman seconded the motion. Mr. Snyder made a substitute motion to deny "O" Office, 2nd H&A, but to grant "O" Office, 1st H&A subject to the approval of "H" Historical zoning and providing adequate parking to be provided at the rear of the site. Also that the applicant has agreed and the staff notes that if the property is ever changed from historic designation, that it would be rolled back to "B". Mr. Stoll seconded the substitute motion.

The Commission then discussed the substitute motion. Mr. Stoll felt that historic zoning with office use could set a pattern that would very much help the neighborhood, pointing out that it is now subject to apartment usage and deterioration. Mrs. Shipman expressed disagreement, pointed out that this area wanted residential housing there. She felt it to be an undesirable precedent and is going against a neighborhood struggle. Mr. Guerrero stated he felt that the Commission had more or less forced an "H" zoning on the structure and that in all fairness he needs a way to go ahead and maintain that designation and make it pay. He felt there must be a compatible compromise between the struggle for historic preservation and neighborhood preservation.

The Commission then voted on the substitute motion.

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

THE SUBSTITUTE MOTION PASSED BY A VOTE OF 6-2.

C14-79-053	C.M. Builders, Inc.: (by Charles E. Marsh) 1507 West 6th Street	"O" Office, 2nd H&A to "LR" <u>Local Retail 2nd H&A</u>
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Marie Gaines presented the staff report and discussed the land uses in the area. The staff recommends to deny "LR" Local Retail, 2nd H&A. Precedent for this type of use district has not been established in the area and more permissive zoning will jeopardize the balance between office and residential uses which presently exist.

PERSONS APPEARING IN FAVOR
Charles Marsh, applicant

COMMISSION ACTION

Mrs. Schechter asked if this zoning was necessary for the erection of a sign and Marie Gaines explained that it was so necessary. Mr. Snyder asked about the sign ordinance and it was explained that they still are under deliberation at this time. Charles Marsh explained that he was attempting to make a general center for small offices and shops and the tenants desired to have a sign specifying the general area that is being developed. Mrs. Shipman asked if applicant would be willing to request 1st H&A and submit a restrictive covenant for the exact height of the sign so that there would not be a precedent established. Applicant so agreed and stated he was interested in keeping the street very clean and presentable. He explained this would be small specialty shops, and offered a restrictive covenant limiting the sign to ten feet in height and would attempt to get a variance to allow the sign clearance to be lowered.

COMMISSION VOTE

Mrs. Shipman moved to grant "LR" Local Retail, 1st H&A, noting that the applicant has volunteered a restrictive covenant limiting the use for a sign not to exceed ten feet in height and will make an attempt to seek a variance from the Board of Adjustment so he can build a sign that is more appropriate to his needs. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-054	C.M. Builders, Inc.: (by Charles E. Marsh) 1509 West Sixth Street also bounded by Powell Street	"B" Residence, 2nd H&A to "O" <u>Office, 2nd H&A</u>
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Marie Gaines presented the staff report and stated the precedent has been established for such zoning and the staff would recommend approval. Dedication of six feet of right-of-way is necessary to accommodate the increase usage generated by the requested zoning along Powell Street.

PERSON APPEARING IN FAVOR

Charles Marsh, applicant

Bob Wilson

Helena Hardcastle, 1501 West Sixth

COMMISSION ACTION

Mr. Snyder asked if applicant would be willing to consider changing this request to 1st H&A, and he so agreed to amend his request. Mrs. Shipman explained there are no plans to widen the street, the area is overzoned, and this would set a very favorable precedent for the Commission in dealing with other zoning changes in the future. Mr. Marsh felt that it was not what is built, but how it is built and what it looks like. Marie Gaines explained the difference between first height and area and that of second height and area in that it is primarily setback. She felt that due to the lot configuration, the situation should be studied carefully to see how the applicant would be affected in terms of parking, etc., pointing out that if the request is sent to the City Council for first height and area, they could not grant second height and area. Applicant decided to withdraw his amended request for first height and area. Bob Wilson discussed another tract that was being developed and the necessity for the zoning request. Helena Hardcastle felt that to limit the height and area would be a serious handicap to those still in that block that may want to change the zoning. She felt that any roll back would mean non-growth and non-growth means decay. She pointed out the necessity to grow in a planned, orderly way and would recommend not to roll back any of that in the area. It would seriously limit and reduce the value of the property in the immediate area, have been paying taxes for many years as if it were commercial.

COMMISSION VOTE

Mrs. Shipman moved to grant "O" Office, 1st H&A. Motion seconded by Mr. Danze. Mrs. Shipman moved to deny "O" Office, 2nd H&A and to grant "O" Office, 1st H&A, noting that the applicant has not made decision regarding the right-of-way. Mr. Jagger expressed concerns for the right-of-way. Mr. Danze seconded the motion. Mr. Jagger felt it to be more appropriate to approve the request, and that if it does not create any problems that the applicant change his request to first height and area at the Council meeting and made this as a substitute motion. Mrs. Schechter seconded the substitute motion. The Commission voted to consider the substitute motion and Mr. Jagger repeated it and moved to approve the applicant's request for "O" Office, 2nd H&A, subject to the dedication of six feet of right-of-way, however, it is recommend

Planning Commission--Austin, Texas

April 3, 1979

C14-79-054 C.M. Builders, Inc.--Continued

that the staff study the affect of rolling back the second height and area to first height and area. If it has no detrimental affects on the applicant, that the Commission recommend to the Council that the Council request the applicant to amend his application to first height and area.

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

THE MOTION PASSED BY A VOTE OF 9-0.

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

Mr. Guerrero explained applicant had requested a 30-day postponement.

COMMISSION VOTE

Mr. Vier moved to continue the request to 7 p.m. on May 1. The motion was seconded by Mr. Snyder.

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

OUT OF THE ROOM: Stoll.

ABSTAINED: Danze.

ABSENT: Dixon.

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

C14-79-058 Beecave Woods Development Company: Interim "A" Residence,
 (by Ralph Harris) 1st H&A to "BB" Residence,
 2007-2101 Walsh Tarlton Lane 1st H&A
 3200 Block of Tamarron Blvd.

Mr. Guerrero explained there had been a request received from the applicant for an indefinite postponement.

COMMISSION ACTION

Mr. Vier moved to postpone the request indefinitely. Mr. Vier seconded the motion.

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

ABSENT: Dixon

ABSTAINED: Jagger.

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

Robert Wilson, representing applicant, discussed the area and building height. He did not see how this would set a precedent or could be considered spot zoning. He explained the problems that would be encountered and the reasons for requesting the second height and area for the proposed condominium-general retail complex. Speaking in opposition, Mrs. Alan Minter opposed the proposed zoning change, felt the structure would be overpowering and would be an intrusion; would destroy the visual corridor, the integrity of the area, invade the natural light and air, plus aggravate an already intolerable traffic and parking problem. She felt the change might set an unmanageable

Mr. Vier asked about the setback within a certain distance from MoPac, and Marie Gaines felt that 100 feet would be a reasonable request. She explained that a site plan also would be helpful. David Barrow explained they could build the five-story office building with 2nd H&A, that the request is for 10 feet over the requirement for 2nd H&A, and felt the variance might be considered from a practical standpoint. He showed site and elevation plans and requested 2nd H&A if the Commission is not in agreement. There was discussion of cutting the tract to the level of MoPac. Mrs. Shipman pointed out that this would set a precedent for the continued development along MoPac and should be taken very seriously. Mr. Barrow explained that an office building or tower had been in their plans and on their models since 1954 which would serve as a marker to their development. Mr. Vier felt that office use on undeveloped pieces of MoPac is probably a good use, but did not know how to establish what is too high and what is not; he felt each case should be examined on its own merits as opposed to worrying about setting a precedent for a certain zoning classification. Jim Bushala, President of the Northwest Austin Civic Association, did not have opposition to what Mr. Barrow intends to build, but does have questions about the height of the building. He requested a postponement for 30 days so they could work out some of the differences. He explained they do and want to encourage commercial development, they are concerned for the height. Jim Landrum, representing the Northwest Hills Civic Association, expressed concern for establishing a precedent for zoning, as well as for the size of the building. He felt the corner should be used for an office building, but not one of this nature. Speaking in rebuttal, Mr. Barrow expressed no objection to the 30-day postponement if the purpose is identified. Mr. Vier felt that applicant could accomplish what he desired by expanding the width of the building. Mr. Barrow stated they could build a building there in accordance with the requirements for 1st H&A, but felt this to be the best for the area. There was discussion of postponing the request for a recommendation from the neighborhood association or to go ahead with action at this time.

C14-79-060

Horace C. Barnhart, Jr., and Helen Barnhart Wiley--Continued

precedent. Mrs. Rathgeber endorsed the statements of Mrs. Minter and expressed opposition to any change of zoning; she discussed the traffic problem and noted additional tall buildings would overpower what is already there. David Thompson felt the primary objection to this high rise structure must be the impact that it will have on the already extremely heavily traffic situation. There was discussion of the sororities and church activities and the problems encountered, especially with traffic. He requested the zoning change be denied. Speaking in rebuttal, Mr. Wilson noted the area already is zoned "GR" and asked if it would be more desirable to have a residential use in combination with some other use or purely an "GR" uses. He felt they would put some additional residential uses to the property which cannot now be done under the present height and area limitations. He did not see how this would be more overpowering than the Dobie Center or the Jester Center as well as some other university and state office buildings in the immediate vicinity.

COMMISSION ACTION

Mrs. Shipman moved to deny the zoning request, constitutes spot zoning and would set an undesirable precedent for further increasing the densities along University Avenue. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-061

R & R Reinforcing, Inc.: Interim "AA" Residence, 1st H&A to
(by Terra Firma Planning) "DL" Light Industrial, 1st H&A
505-507 Chaparral Road

Marie Gaines presented the staff report and discussed the land uses in the area. The staff recommends to deny "DL" Light Industrial since it would set an undesirable precedent for further intensification of zoning along what is presently a residential collector street. This would preclude the continuance of residential development in the area.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Leslie Miller, 1406 Hether Street
Harold Cain, 405 Chaparral Road
Charles Leverett, 405 Chaparral

PERSONS APPEARING IN OPPOSITION

Mrs. W.J. Leser, 607 Chaparral Road
Wallace J. Leser, 607 Chaparral Road
David H. Evans, 701 Chaparral Road
Joyce Blumeyer, 508 Corral Lane

C14-79-061 R & R Reinforcing, Inc.--Continued

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Bessie S. Warden, 504 Chaparral Road

Mr. and Mrs. W.J. Leser, 607 Chaparral Road

COMMISSION ACTION

Leslie Miller, representing applicant, amended the request to "C" Commercial with a restrictive covenant of rolling back the "C" Commercial when the present use is discontinued. She explained this use had been there since 1973 and the area was annexed into the City in 1976. She discussed their uses and felt that this is a mixed area, rather than a residential area.

Mr. Jagger asked why the zoning request and Leslie Miller explained the purpose of this is to obtain a building permit to build additional storage area on the back portion of the lot in order to have a roof cover for vehicles and equipment. Harold Cain explained there are a lot of businesses in the immediate area and they are getting to be in a run-down shape. He felt that any new construction would benefit the area. Speaking in opposition, Wallace Leser opposed any change in zoning, explaining the property originally was for residential purposes, there a lot of people out there who own their property and have tried to keep it on a residential basis. He discussed the traffic problems with heavy equipment; there is no sewer system. He pointed out there have been no improvements of any kind since the area was annexed into the City. He asked that the zoning change be denied. David Evans explained how industrial development had crept into the area which was originally residential. He strongly opposed the request, pointing out that continued commercialism will wipe out the residential area. Mr. Guerrero asked staff what their recommendation would be on the amended request and Marie Gaines stated the staff would not recommend it on the basis of spot zoning. Mr. Snyder asked if applicant would be willing to install a wood fence and they so agreed if it was desired. Mrs. Shipman pointed out that the area has developed around mixed land uses and felt this would set a most undesirable precedent.

COMMISSION VOTE

Mrs. Shipman moved to deny "C" Commercial, 1st H&A and to grant "AA" Residential. Mr. Stoll seconded the motion. Mr. Jagger felt it more likely to get rid of the nonconforming use if "A" was granted. Mr. Vier made a substitute motion to disapprove "C" Commercial, 1st H&A, but to grant "A" Residential, 1st H&A. Mrs. Schechter seconded the substitute motion.

The Commission voted to consider the substitute motion.

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

ABSENT: Dixon.

THE SUBSTITUTE MOTION WAS APPROVED BY A VOTE OF 8-0.

THE MOTION PASSED BY A VOTE OF 7-0.

EMERGENCY ITEM: Consider sending a recommendation to the City Council regarding energy options for the City of Austin.

Mr. Snyder requested this item be withdrawn.

NO ACTION WAS TAKEN.

R105-79 Subdivision Memorandum

Short Form and Final Subdivisions as listed on the Subdivision Memorandum. Action taken at the meeting.

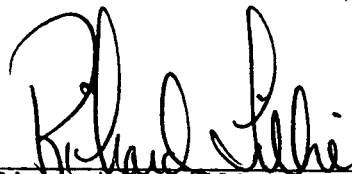
The Planning Commission considered items listed on the Subdivision Memorandum and took the action as indicated.

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

ABSENT: Stoll.

THE SUBDIVISION MEMORANDUM WAS APPROVED BY A VOTE OF 8-0.

The meeting adjourned at 10:25 p.m.



Richard R. Lillie, Executive Secretary

277
21

April 3, 1979

Planning Commission--Austin, Texas

FILE NO.	SUBDIVISION NAME LOCATION	Filed With P.C.	Days Expiration 10	REPORTS RECEIVED -- "X" if OK Footnotes if not OK; explain below																PLANNING RECOMMENDATION	ACTION
				Bldg. Insp.	Elect.	Eng. Dept.	E.R.M.	Health	PARC	Plan.	Public Works	South. Gas	S.W. Bell	County Eng.	Urban Trans.	Water	Waste- water	FISC. Engr./MM			
	OLD FINAL PLATS																				
75	Lost Creek Sec. 2																				
41	Lost Creek Blvd. & White March Valley Wk.	--	--					R	E	C	O	R	D	E	D					Rescind Action of March 27th Meeting for Partial Vacation of Plat - Incorrect plat was Listed on Memorandum due to Administra- tive error.	
77	The Hills of Lost Creek Sec. 2																				
07	Lost Creek Blvd.	--	--					R	E	C	O	R	D	E	D					Request for Partial Vacation - Recommend to Grant	
	OLD SHORT FOR PLATS																				
77	Hilson Raven Subd.																				
75	E. 55th St. & H. & T.C. Railroad	--	--	X	X	X	X	NR	NR	X	NR	X	X	NR	X	X	X	NR		APPROVE	
77	Cleer Hill																				
206	Bradshaw Road & E. M. 1327	--	--	X	X	X	X	X	NR	X	NR	X	X	NR	X	NA	NA	NR		APPROVE	
78	Best Part of Lost Creek																				
260	Fox Chapel Dr. & Quaker Ridge	--	--	X	X	X	X	X	NR	X	NR	X	X	X	X	NA	NA	NR		Confirm action taken at March 27th Meeting - Approve	
79	Zweifel Addition																				
31	W. 34th St. at Kerbey Lane	--	--	X	X	X	X	NR	NR	X	NR	X	X	NR	X	X	X	NR		Consider Problems 19* and 29* - Rec. (a) Approve	
79	Hillview Addition No. 2																				
44	West Ave. at W. 34th Street	--	--	X	X	X	X	NR	NR	X	NR	X	X	NR	X	X	X	NR		APPROVE	

*(19) Variance required on signature of adjoining owner.
(a) Recommend to grant with letter file.

*(29) Variance required on scale of plat.
(a) Recommend to grant.