

CITY PLANNING COMMISSION
Austin, Texas
Regular Meeting -- June 5, 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
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Bill Stoll
Jim Vier

Also Present

Evelyn Butler, Supervising Planner
Walt Darbyshire, Planner III
Aliece Minassian, Planner
Sheila Finneran, Legal Department
Ouida Glass, Senior Secretary

Absent

Sid Jagger

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ZONING

C14-79-086 Barrington Oaks Joint Venture: "O", 1st H&A to "A", 1st H&A
(Bryant-Curington, Inc.)
12230-12288 U.S. 183
12005-12027 Barrington Way

On a consent motion by Mrs. Schechter, seconded by Rev. Dixon the Commission granted staff recommendation and to roll back subject zoning on tract to "A", 1st H&A.

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

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

C14-79-090 James D. and Eunice H. Jennings: "MH", 1st H&A to "O", 1st H&A
3702 South Second St.
805 South Center St.
3704 South Second St.

Betty Baker discussed the land uses and zoning in the area. The staff recommends to grant "O" Office, 1st H&A save and except for a five-foot strip along South Center Street to be zoned "A" Residence, 1st H&A.

PERSONS APPEARING IN FAVOR

J.D. Jennings, owner of the property
Howard Pyle, 708 Rio Grande, representing Communication Workers of America
M.B. French, 809-11 South Center
Eunice H. Jennings, 805 S. Center St.
Glynn Reed, 3718 S. Second
Linda Busby, 12904 Ben Milam
Paula W. Campbell, 1115-A West 11th
Lynn McCray, 1115 West 11th
Richard Arriola, 2513 Wilson
Ralph Casey, 1803 U.S 183 East, No. 1108
Don E. Anderson, Rt. 2, Box 89E, Manor
Mary Kay Roberts, 2105 Falcon Hill
Florence Clopton, Rt. 4, Box 223
Deane Armstrong, 708 Rio Grande
Mae Malm, 312 E. Croslin, #101
David M. Howard, 5706 Garden Oaks Drive
W.L. Wood, 11309 Hilltop
Jerry L. Bukowsky, 4704 Philco Drive
C. L. Pearce, 1108 Rio Grande
Charlene Kramer, 1109 Village Green
Tom Coburn, 2607 Parkview

C14-79-090 James D. & Eunice H. Jennings (cont'd.)

PERSONS APPEARING IN OPPOSITION

Loyal Freeman, 1302 Cinco, Apt. 237

COMMISSION ACTION

Mrs. Schechter asked why the request to change to "O". J.D. Jennings, owner of the property, stated that is what the buyer wanted. Howard Pyle explained this will serve as offices and meeting place for the Communication Workers of American for Southwestern Bell Telephone Company. He agreed to a five-foot buffer strip along S. Center Street. Mrs. French, owner of the property to the west, expressed agreement with the zoning change but did request a privacy fence when the new construction begins. Loyal Freeman, representing the South Austin Community Board, supported the project but expressed concern for the trees, the need for buffering, parking, and traffic control. Mr. Pyle agreed to meet with the neighborhood and also agreed to a six-foot privacy fence.

COMMISSION VOTE

Mr. Stoll moved to approve staff recommendations and to grant "O" Office, 1st H&A, save and except for a five-foot strip along South Center Street to be zoned "A" Residence, 1st H&A, a six-foot privacy fence, and with the understanding that the applicant will meet with the neighborhood before this goes to the City Council. Mr. Danze seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-095 Wilmath E. Anglin: "A", 1st H&A to "O", 1st H&A
4105 S. First Street

On a consent motion by Mrs. Schechter, seconded by Rev. Dixon, the Commission granted staff recommendations to grant "O" Office, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-096 Lawrence M. Johnson: "B", 2nd H&A to "O", 2nd H&A
(by Randall B. Wood)
1102 and 1102½ West Avenue

Betty Baker discussed the land uses and zoning in the immediate area. She stated the staff would recommend to grant "O" Office, but would recommend denial of 2nd H&A and approval of 1st H&A. The 2nd H&A District is over-zoning in an established 1st H&A District.

COMMISSION ACTION

Mrs. Shipman asked if historic zoning for the house had been investigated. Mrs. Shipman felt that "O" Office might be appropriate, but stated she would hate to see this be torn down and an office building put there. She pointed out that this would be an "O" in the middle of "B". She requested staff to respond if there is any historical significance to this before a recommendation is made and instructed the staff to explore this possibility.

COMMISSION VOTE

Mrs. Shipman moved to delay action on this request indefinitely until the staff can determine the historic significance of the structure and hear from the applicant personally regarding the need for the zoning change. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-100 L. Jan Turk and Ralph O. Kehle, et al: "0" and "GR", 1st H&A
(by Ron Scharfe) to "0" and "GR", 2nd H&A
4015-4021 Banister Lane
1200, 1204 and 1208 Ben White Blvd.

Betty Baker discussed land uses and zoning in the immediate area. The staff is recommending denial of Second H&A since it would set a precedent for an already intensely zoned area.

PERSONS APPEARING IN FAVOR

Jan Turk, co-owner of the property
Ron Scharfe, applicant

PERSONS APPEARING IN OPPOSITION

Loyal Freeman, 1302 Cinco, Apt. 237

C14-79-100 L. Jan Turk (cont'd.)

COMMISSION ACTION

Jan Turk, co-owner of the property, discussed their proposed plans. He stated they desired to concentrate the buildings in order to save the trees, therefore, the need for the second height. He showed slides of the topography as well as the trees and explained they need only ten feet more than first height since the building will be below grade. There also was discussion of the parking and where it would be placed. Mr. Vier asked applicant if he would be willing to restrict to 53 feet and the applicant so agreed. He also agreed to site plan approval by the Planning Commission. Rev. Dixon asked the basis for the staff recommendation and Betty Baker explained there was no precedent for second height and area. Speaking in opposition, Loyal Freeman requested that the trees be preserved as green space and pointed out that the building will dominate the surrounding area. He discussed the drainage and pointed out that this is near the railroad. He felt the area too intense for apartments, pointed out there are not too many six-story buildings in South Austin, much less apartment complexes. Bill Scudder stated he was not opposed to apartments there, was not opposed to a six-story building. He felt it viable in order to save trees to be able to build on the rough topography. He questioned why applicant did not come in with a P.U.D. or a special permit. He discussed problems of parking lots, saving trees, especially Oaks, and also the ingress and egress. He felt that a special permit request would solve many of the technical details. Mr. Vier felt that the Urban Transportation Department could examine the problems of access and egress. Mrs. Shipman felt the request for second height should be accompanied with a specific site plan and pointed out that this is a country lane type and this would alter the character of that neighborhood. Mr. Guerrero felt it should be handled through the special permit process, and the applicant agreed to do so.

COMMISSION VOTE

Mr. Vier moved to approve subject to the special permit process as agreed to by the applicant. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-101 Capitol City Oil Company: "LR", 1st H&A to "GR", 1st H&A
(by James E. Olson)
2915 South First

Betty Baker explained that the present use at this location would require "C" Commercial zoning. The applicant has requested "GR" and the staff has recommended denial. The zoning should not be intensified because of traffic and the land use is inconsistent with the area.

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C14-79-101 Capitol City Oil Company (cont'd.)

PERSONS APPEARING IN FAVOR

Jim Olson, applicant

PERSONS APPEARING IN OPPOSITION

Loyal Freeman

COMMISSION ACTION

Jim Olson stated he had been operating as a service station and maintenance shop since 1956 and he wanted to get in compliance. This is now leased as a shop and the City told him "GR" was what he needed and he will see that his tenant complies with "GR" uses. Loyal Freeman, representing South Austin Community Advisory Board, expressed opposition to the zoning change and expressed concern for garages along South First Street. He pointed out the nearness to the elementary school as well as additional pollution and runoff.

COMMISSION VOTE

Mrs. Shipman moved that the zoning change be denied for the reasons listed in the staff recommendation. It has been a policy of this Commission to recommend no more intensive land use than LR this close to an elementary school and it also is consistent with the AISD policy to request nothing more intensive than "LR". Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-103 City of Austin Planning Department: Interim "A", 1st H&A
(by Original Zoning)
1703 North Bluff Drive

Betty Baker distributed corrected staff map and recommendation and stated the staff has recommended "AA" Residential for this tract. The Planning Commission had requested permanent zoning be initiated when they recommended historic zoning for the house and cemetery. There is no known use of the property.

PERSONS APPEARING IN FAVOR

Jay Harrison, real estate agent representing owners

C14-79-103 City of Austin Planning (cont'd)

PERSONS APPEARING IN OPPOSITION

Charles A. Blankenburg, 2015 Briarwood, Fredericksburg - concerns
Sylvion and Andy Kivlin, 8311 Hwy. 71 West

COMMISSION ACTION

Mrs. Schechter asked if anyone from the staff had been able to see the property and Mrs. Baker replied they had not. Jay Harrison, real estate agent representing the owners, discussed the background of the tract and stated the Planning Commission had requested that only 50 feet around the house and the cemetery be zoned historic. He stated they would be happy to let anyone from the Department or the Commission inspect the property if they wished to do so. He stated he was not opposed to the zoning of the house and cemetery "A-H", but was opposed to the remainder of the tract being zoned "AA". He discussed a proposed plan for multiple uses of the tract and stated they do not intend to destroy the house. The question is what the structure can be used for. Mr. Vier asked the applicant if he would be willing to provide field notes for the house and cemetery, as well as access to it and he replied that he would be willing to do so. Charles Blankenburg, adjacent landowner expressed concerns for what this zoning would do to this property.

COMMISSION VOTE

Mr. Vier moved to accept the applicant's offer to provide field notes for the house and cemetery within two weeks so the zoning application for "AA" Residential can be instituted for zoning on those tracts and indefinite postponement on the balance of the tract. Second was made by Mrs. Shipman.

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

THE MOTION PASSED BY A VOTE OF 8-0.

HISTORIC ZONING

C14h-77-044 Wolf House: "C", 1st H&A to "C-H", 1st H&A
(by Carol McMichael)
1602 East First Street

Betty Baker stated this item could be considered on a consent motion.
It has been recommended by the Landmark Commission and there is no opposition.

PERSONS APPEARING IN FAVOR:

Sam Carruthers

PERSONS APPEARING IN OPPOSITION:

None

COMMISSION ACTION

Sally Shipman asked if applicant had considered a lesser zoning. Sam Carruthers explained he felt the historic zoning would be enough protection and that it would allow more flexibility.

COMMISSION VOTE.

Mrs. Shipman moved to concur with the Historic Landmark Commission's recommendation and the finding of fact of items "A", "C", "F", "H", "I", "K", "L" and "M". Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

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COMMISSION VOTE

On a consent motion by Rev. Dixon, seconded by Mr. Snyder, the Commission approved historic zoning in accordance with the finding of fact of Items "A", "I", "K", "L" and "M".

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

THE MOTION PASSED BY A VOTE OF 7-0.

On a consent motion by Mr. Danze, seconded by Rev. Dixon, the Commission approved the addition to the existing Rosewood-Zaragosa Community Clinic subject to ordinance requirements and departmental recommendations.

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C14p-74-009 City of Austin (cont'd.)

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-016 Isaac G. Perez: A Bar
1104 East Sixth Street

COMMISSION VOTE

On a consent motion by Mr. Vier, seconded by Mr. Snyder, the Commission approved this request in accordance with departmental recommendations and ordinance requirements.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-017 PERCIFULL-WARING DEVELOPMENT, INC.: A 14-unit Townhouse Project
(by Joseph Waring) called "Spicewood Forest Town-
houses"

Aliece Minassian presented the staff report. This is an application for a special permit to allow a 14-unit townhouse project on a 1.39 acre tract of land located at the Northeast and Northwest corner of the intersection of Spicewood Springs Road and Forest Mesa Drive.

The property is currently zoned "A", 1st height and area. The proposed density is 10.07 units per acre. Ordinance limitations allow a density of approximately 12.44 units per acre based on the requirement of a minimum of 3,500 sq. ft. of total project area per unit.

All 14 structures are to be two story. Access to each unit is proposed from private driveway off Forest Mesa Drive, with all the required parking in front of the units.

The staff recommends approval with the finding of fact subject to ordinance requirements and departmental recommendations.

PERSONS APPEARING IN FAVOR

Joe Waring, applicant

PERSONS APPEARING IN OPPOSITION

Harry Carlson, 8001 Hillrise

C14p-79-017 PERCIFULL-WARING (cont'd.)

COMMISSION ACTION

Joe Waring stated he would prefer to leave the plans as they are, felt it would not be feasible to change the parking. Mrs. Shipman felt this use appropriate and compatible but expressed concern for the density, pointing out there is a question of safety with that many driveways. Mr. Danze asked if applicant had considered a common drive on the front. Evelyn Butler explained that the ordinance as it now stands does not permit that since only half of the front can be used for drive. There was discussion of amendment to the ordinance to provide this and the time that would be required to do so. Speaking in opposition, Harry Carlson stated the neighborhood not only is opposed to the driveways but also townhouses. They will not blend in with the neighborhood and felt that single family homes or duplexes on these two tracts would be more satisfactory than townhomes. He expressed opposition to front entry garages and would like to see some green area between buildings. The Balcones Civic Association also is opposed to this special permit request. There was discussion of postponing the request pending the amendment to the zoning ordinance. Mr. Vier suggested applicant and neighborhood meet during this time to see if they could work out something acceptable. Mrs. Shipman felt it appropriate to disapprove the request because of the safety factor; it does not meet the criteria for approving a special permit.

COMMISSION VOTE

Rev. Dixon moved to postpone the request with a 90-day time limit. Mr. Danze seconded the motion. Mrs. Shipman offered a friendly amendment that it does not meet Criteria 1.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-018 Byram Properties Development: A lounge at an existing restaurant
(by Garland Evans) called EGO's

Aliece Minassian presented the staff report. This is an application for a special permit to allow a lounge in an existing restaurant, located on South Congress Avenue and south of the intersection of Riverside Drive and South Congress Avenue. Seating capacity will not be modified.

The tract is currently zoned "C-2", 2nd H&A. This special permit is required because the sale of alcoholic beverages exceeded the sale of food. Access to the property currently exists from one driveway off South Congress Avenue.

The staff recommends approval with the finding of fact subject to ordinance requirements and recommendations. There were no appearances.

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C14p-79-018 Byram Properties (cont'd.)

COMMISSION VOTE

Mr. Danze moved approval subject to departmental recommendations and ordinance requirements. The second was made by Mrs. Schechter.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-019 Diversified Development Corp.: A 168-unit Apartment Project
(by John S. Lloyd)
Wickersham Lane

Aliece Minassian presented the staff report. Subject tract consists of 7.36 acres of land located in Southeast Austin on Wickersham Lane south of Sheringham Drive. Applicant proposes a 168-unit apartment project. This project has apartment units (Chevy Chase South, Phase I) to the north. To the south and west is undeveloped land in "BB" zoning.

Site plan indicates a total of 104 one-bedroom units and 64 two-bedroom units. The total parking required is 276 spaces and applicant is providing 323 parking spaces. The tract was approved on March 6, 1973, for a 178-unit apartment project known as Chevy Chase South, Phase II. The proposed apartment project amenities include swimming pool in an open area and two tennis courts.

The staff recommends approval with the finding of fact subject to ordinance requirements, recommendations, and amending the originally approved special permit C14p-73-006 to delete area indicated in the special permit as the two permits are to be under separate ownership and separate lots.

COMMISSION VOTE

Mrs. Shipman moved approval of staff recommendations, noting that staff recommendations and ordinance requirements will be required in the project.

The motion was seconded by Reverend Dixon.
AYE: Danze, Dixon, Guerrero, Schechter, Shipman, Snyder, Stoll, Vier.
ABSENT: Jagger.

THE MOTION PASSED BY A VOTE OF 8-0.

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SUBDIVISIONSC814-78-007 Legends Lane at Onion Creek

Mr. Dixon moved and Mrs. Shipman seconded the motion to consider this as an emergency item.

Mr. Dixon moved and Mrs. Schechter seconded the motion to approve the final plat.

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

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

R105-79 Subdivision Memorandum

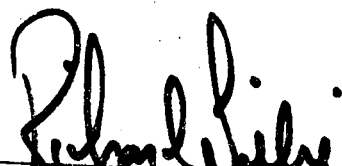
Short Form and Final Subdivisions as listed on the Subdivision Memorandum. Action taken at the meeting.

On motion by Mrs. Shipman, seconded by Mr. Vier, the Planning Commission approved the staff recommendations as indicated on the Subdivision Memorandum.

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

THE MOTION PASSED BY A VOTE OF 7-0.

The meeting adjourned at 9:20 p.m.


Richard R. Lillie, Executive Secretary

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