

CITY PLANNING COMMISSION  
Austin, Texas  
Regular Meeting -- July 10, 1979

The regular meeting of the City Planning Commission was called to order at 5:40 p.m. in the City Council Chambers, 301 West Second Street.

Present

Miguel Guerrero, Chairman  
Leo Danze  
Sid Jagger  
Mary Ethel Schechter  
Bernard Snyder  
Bill Stoll  
Jim Vier

Absent

Freddie Dixon  
Sallie Shipman

Also Present

Richard Lillie, Director of Planning  
Evelyn Butler, Supervising Planner  
Walt Darbyshire, Planner III  
Wayne Golden, Planner  
Sheila Finneran, Legal Department  
Maureen McReynolds, Director of OERM  
Richard Ridings, Assistant Director Public Works  
Ed Stevens, Building Inspection  
Jim Gotcher, Building Inspection  
Charles Kanetzky, Water and Wastewater  
Marcus Lester, Travis County Subdivision Engineer  
Tom Green, Austin-Travis County Health Department  
Ouida Glass, Senior Secretary

## Election of Officers

Mr. Snyder moved and Mr. Jagger seconded the motion to reelect all present officers by acclamation, Mr. Guerrero, Chairman; Mr. Stoll, Vice Chairman; Mrs. Schechter, Secretary; Mr. Vier, Assistant Secretary; and Mr. Snyder, Parliamentarian.

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

THE MOTION PASSED BY A VOTE OF 6-0.

## ZONING

C14-79-024      John P. Nieman:      Interim "AA", 1st H&A  
                                  (by Larry Nieman)                      to "GR", 1st H&A

Mr. Lillie discussed the background of this zoning request. A portion of this tract is outside the City limits, and the subject tract is located at a major intersection. The staff would recommend the southeasterly 300 feet to be zoned "GR" and the balance of the tract is recommended for "A", "AA", "BB", "B", "O" with site plan approval by the Planning Commission. He pointed out that "LR" uses would be permitted by special permit because the tract is adjacent to or across the street from land with less restrictive zoning. A minimum lot width of 200 feet is recommended. If a lot width is less than 200 feet, then access must be provided to an interior street, or right turn easement with adjacent parcels and common access driveway. The Texas Highway Department will require 50 feet of land for right-of-way for widening of U.S. 183 and recommended a building setback of 75 feet. It also is recommended that no more than 50 percent of the tract be used for "LR" uses for the "LR" portion of the tract.

PERSONS APPEARING

Larry Nieman, attorney for applicant

### COMMISSION ACTION

Mr. Larry Nieman, attorney for applicant, discussed the specific site plan and the development that is planned for the tract. He discussed the existing zoning and the existing uses in the immediate area. The rear of the property is not zoned and is not in the City limits. Mr. Nieman stated the site plan is designed to proceed as if they were within the City limits. He also stated that 40 feet of right-of-way is all that the Highway Department is requiring and agreed to give the 40 feet. The landscaping is five percent of the total parking area. He discussed the anticipated subdivision of the tract and the uses thereof. At this time Mr. Nieman committed to the building for the Rylanders, to all the parking, the set back, the landscaping and lot configuration as shown on the site plan. Mr. Vier asked if he would be willing to agree with the components of the 183 study. Mr. Nieman agreed to follow in Lot 1 all of

C14-79-024      John P. Nieman--continued

the existing rules and regulations that are at present City law. Mr. Jagger felt that since the site plan was offered as part of the zoning request, the setback and landscaping should be drawn across the lots even though no buildings are shown and Mr. Nieman agreed to do so, as well as sign locations. Mr. Nieman emphasized that this is one of the three potentially biggest inter-sections on North 183 and felt this to be a logical place for this size regional shopping center and felt this to be an appropriate situation for the entire tract to be zoned "GR". Mr. Lillie expressed concern for the area east of Spicewood Springs Road. He explained the shopping center comes back to one tier of lots to Parliament Place and that one tier of lots has approval for townhouse development. When the Nieman subdivision is filed, there will be a Lot 5 having access only to a street across from land being developed for residential use. He pointed out it might be necessary to combine this lot with land on the highway so that the primary access is toward 183. Mr. Nieman discussed the subdivision being in the preliminary stage and that it is owned by Bill Milburn. He anticipated cooperation with and from Mr. Milburn and did not favor the idea of fronting any residential dwelling on Spicewood Springs Road because of the heavy traffic. He discussed a street entry into the middle of a block and stated they would like this lot to front on Spicewood Springs Road.

## COMMISSION VOTE

Mr. Vier moved to grant "GR" General Retail, 1st H&A subject to the alterations in the site plan showing the landscape buffer, note referencing five percent of the parking lot, adjustment of a couple of the streets; also noting that the applicant agreed to make this development subject to the site plan subject to all of the components of the 183 study. Mr. Snyder seconded the motion.

Mr. Jagger felt that what Mr. Nieman had agreed to was the setback, the landscaping, and the signs. Mr. Nieman stated he would be agreeable to the site plan, subject to the parking, curb cuts, signs, landscaping, setback, right-of-way of the 183 study. Mr. Jagger offered a friendly amendment relating to the setback, landscaping, signs, right-of-way, as well as the site plan. Mr. Vier accepted the amendment to include the right-of-way, curb cuts, sight plan, sign requirements, and landscaping, and setback.

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

THE MOTION PASSED BY A VOTE OF 6-0.

PENDING ZONING CASES

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

<u>C14-77-071</u>	<u>J.M. Richard</u> (by James J. City) 1704 Redwood Avenue	"A", 1st H&A to "BB", 1st H&A TO EXTEND
<u>C14-77-078</u>	<u>Susie E. Gatliff &amp; Roman W. Smith</u> 11585 Jollyville Road 5350-5352 Thunder Creek Road	Interim "AA", 1st H&A to "LR", 1st H&A (As amended) TO EXTEND.
<u>C14-77-133</u>	<u>Don McElwreath, et al</u> 7700-7722 Old Cameron Road 1500-1508 U.S. Highway 183 (East Anderson Lane), also bounded by Cameron Road	Interim "A", 1st H&A to "GR", 1st H&A (as amended) TO EXTEND
<u>C14-77-151</u>	<u>P&amp;H Enterprises, Inc.</u> (by Edgar James) Angus Road, Duval Road and Thunder Creek Road	Interim "AA", 1st H&A to "B", & "BB", 1st H&A (as amended) TO EXTEND
<u>C14-76-013</u>	<u>Newell Salvage Co. of Austin</u> (by R.H. Mercer) 710 Industrial Blvd.	"A", 1st H&A to "E", 1st H&A TO EXTEND
<u>C14-76-020</u>	<u>Hazel Goodnight Starkey, et al</u> (by Will Thurman, Jr.) 4714-4802 South Congress	"C" and "A", 1st H&A to "DL", 1st H&A TO DISMISS
<u>C14-76-027</u>	<u>Steve G. Grinnell, et al</u> 1607-1611 West Avenue 721 West 17th Street	"A", 1st H&A to "BB", 1st H&A (as amended) TO DISMISS
<u>C14-76-080</u>	<u>George Franklin</u> (by Terry L. Belt) 614 West 32nd Street, also bounded by King Street	"BB", 1st H&A to "B", 1st H&A TO EXTEND
<u>C14-76-079</u>	<u>Mrs. Perry L. Jones</u> (by J. Winston Chapman) 2900 Rio Grande Street also bounded by West 29th Street and Salado Street	"C", 2nd H&A to "C-2", 2nd H&A TO DISMISS

## COMMISSION VOTE

On a consent motion by Mr. Vier, seconded by Mr. Snyder, the Commission approved staff recommendations on the above pending zoning cases.

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

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

C12-79-012      Public Services  
Wastewater Approach Main to serve  
the Village of Angus Valley.

Mr. Lillie explained this request is for a wastewater approach main to serve the Village of Angus Valley was postponed from June 26, 1979, because the applicant was not present to explain how this approach main would be used. The wastewater approach main would be a total cost to the developer with no cost to the City.

PERSONS APPEARING IN OPPOSITION

Rose Anne Shorey  
Larry Dueser, President of Angus Valley Neighborhood Association

COMMISSION ACTION

Rose Anne Shorey questioned the development that is planned for the area and felt the area should be maintained "AA" Residential. Larry Deuser, President of the Angus Valley Neighborhood Association, discussed platting of the entire area and questioned how the approach main would be used. He also discussed traffic in the area. The Village of Angus Valley is a recorded plat and the owner of this land is still Mr. Roy Thomas. Mr. Stoll asked what Mr. Deuser is asking the Planning Commission to do and Mr. Dueser stated he wanted to know the purpose of this approach main. Mr. Dueser stated he understood the land to the west would be served from another line and should not be included with this specific request, and recommended that the tract remain "AA". Charles Kanetzky of the Water and Wastewater Department stated there are no plans to develop the five acres to the west and recommended no city participation in this project.

COMMISSION VOTE

Mr. Jagger moved to approve the wastewater approach main to serve the Village of Angus Valley with no City participation. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C3-79-001      Water Development Permit  
Appeal of Westlake Crossroads Waterway  
Development Permit No. 79-05-3449.

Mr. Guerrero explained there is a request for a postponement for two weeks on behalf of Dr. Buchanan. Dr. Buchanan is out of town and his attorney is out of town. Mr. Guerrero asked if there was anyone present to speak on this item; the request is for postponement for two weeks.

Adon Sitra was present and explained this is his subdivision, Westlake Crossroads, and encouraged very much for the Commission to go ahead and act on this tonight. He explained he had met many, many times and has tried to meet all requirements, and has done so, he felt, and Mr. Buchanan waited until the very last day to appeal. He explained they had a meeting on January 19 and had received a couple of letters from his attorney saying he did not like it. Mr. Sitra had asked both in writing and verbally if they had a problem to submit it to the engineers so it could be discussed. He stated he had received nothing. They had a meeting on January 19 in the Engineering Department of the City where Mr. Buchanan and his attorney and his engineer Jerry Hill was there and Mr. Sitra was represented by his engineer Tom Carlson and legal counsel Mr. Knalle. From the City, we had Jim Conner, Walt Boettcher, Rich Vaughan, Jay Rankin, and Bruna Grote. He stated he believed Mr. Lillie had received a memo from Mr. Graves that the basis of the appeal is not or has no engineering substance to it. He requested the Commission to go ahead and act on it or to approve the subdivision.

Mr. Guerrero stated the request for postponement is dated today (July 10) and asked the pleasure of the Commission. Mr. Stoll felt the Commission should go ahead and moved that the Commission hold the hearing as scheduled.

The motion was seconded by Mr. Danze.

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

The motion to hold the hearing as scheduled passed by a vote of 6-0-1.

Mr. Guerrero explained that it would be held in its regular order on the agenda.

Mr. Guerrero then called for Item 11, Appeal of Waterway Development Permit.

C3-79-001      Water Development Permit--continued

Mr. Lillie explained the Commission did decide to go ahead with the public hearing and stated that Mr. Adon Sitra is present to discuss the application, a representative from the Engineering Department is here to respond to the application as they have reviewed it and also would respond to the appellant's claim that the ordinance requirements have not been met.

Mr. Vier asked if there was opposition present. Is the other side here? Mr. Lillie replied, "No, there are not here." Mr. Vier then stated he wondered if the Commission could not save an awful lot of time. In reading through the material, he stated he knows how conservative Charlie Graves is and he came out with a letter that pretty much equivocally stated that their position was a strong one. Mr. Vier stated he knew Charlie well enough to know he is not about to say anything that strong unless he is sure of where he stands. Mr. Vier stated he wondered that since the opposition is not here, if there really is any need to go through all the testimony and stated he would lean on Charlie's recommendation on an issue like this anyway. He is the one that would have to defend it.

Mr. Guerrero again asked if there was any one present to speak in opposition to this appeal. Mr. Lillie explained that it would be in support of the appeal. There was no one and Mr. Guerrero then closed the hearing and asked the pleasure of the Commission.

Mr. Snyder then moved to deny the appeal. Mr. Stoll seconded the motion based on Mr. Graves' memo.

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

ABSENT: Dixon and Shipman.

ABSTAINED AND OUT OF THE ROOM: Jagger.

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

C20-79-009      Health and Sanitation Ordinance  
Consider making a recommendation to the City Council on amendment to the Septic Tank Ordinance (Chapter 13 of the Austin City Code) regarding evapotranspiration systems.

Mr. Leo Danze, chairman of the Commission's subcommittee studying a recommendation to amend to Septic Tank Ordinance, discussed the three manners in which ET systems can be applied and offered the attached recommendation to the Planning Commission for consideration. He explained the individual lot use, the collective system use, as well as innovative uses and discussed the recommendation following the summary of each. He suggested the LCRA standards be adopted for individual lot systems. There was discussion of the lot size and whether or not slope should be included. Mr. Stoll felt the minimum lot size should be reduced from one acre to three-fourths acre. Tom Green, Austin-Travis County Health Department, discussed the different conditions in the county and pointed out there is clay to the east and limestone to the west, and discussed where he felt the absorption systems could best be used. He urged to go into this slowly and easily since so little is known about these systems. Maureen McReynolds discussed systems that might fail as well as the public health implications of failing systems. She felt there is not too much known about ET systems now, discussed the rainy season and the need to increase the size of the evaporation beds. Ken Manning felt the real concern should be to limit the number of ET systems. He felt the critical time would be the winter months. ET systems should be an alternative to septic tanks and used in exceptional situations rather than as a general rule. He discussed the minimum lot size and did not feel that one-half acre should be considered in the initial ordinance. Mr. Vier felt this could be handled through the design process that lots of one acre minimum and two-acre average would be workable, and endorsed action of the committee. He felt the 50 percent limit too high and warned against abusing it. Jack Holford saluted the efforts on the ET systems, felt this a step in the right direction and felt it should be developed for use in the hill country area. He expressed concern for the lot size and felt that something should be added that will reach the existing lots and/or platted lots that are not utilized.

#### COMMISSION VOTE

Mr. Danze moved the report of the subcommittee by accepted in its entirety and that Item 1 be changed to allow an average lot size of one acre in lieu of two acres, that Item 2 be amended to provide for three-fourths acre in lieu of one acre, and that Item 3 be amended to provide for 30 percent of lots in lieu of 50 percent. Mr. Stoll seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.



SEPTIC SYSTEM SUBCOMMITTEE  
PLANNING COMMISSION

July 10, 1979

TO: Chairman Miguel Guerrero and Planning Commissioners

FROM: Subcommittee Members - Sally Shipman  
Bernard Snyder  
Leo Danze (Chairman)

SUBJECT: Recommendations to ammend the existing Septic Tank Ordinance  
as regard to the use of E-T systems.

The subcommittee has met with numerous citizens and groups and city, county, and state personnel on numerous occasions in recent months to ascertain the needs of the City of Austin in regard to the use of Evapotranspiration Systems. Mr. Fred Rodgers and his staff and Dr. Maureen McReynolds were of particularly great assistance to the subcommittee during these meetings.

It was determined by the subcommittee that three basic uses of E-T must be addressed by an ordinance ammendment. The three uses are the Individual Lot System, the Collective System, and the Innovative System. Each one is reviewed below. The recommendations follow each review.

I. INDIVIDUAL LOT USE

The question in regards to individual lot use ultimately revolves around soil conditions, vegetation, and topography and how they relate to lot size, and the number of lots requiring E-T in any area (subdivision). The subcommittee gained especially great assistance from Mr. Locker of the LCRA. LCRA has experience with approximately 400 lots successfully using E-T systems.

RECOMMENDATION

Proposed subdivisions which have soil conditions which are considered marginal or unsatisfactory for development with standard absorption systems may be approved with the stipulation that evapotranspiration systems shall be required on those lots where absorption systems would not be satisfactory, subject to the following conditions:

1. The average lot size within a subdivision be at least two (2) acres.
2. The minimum lot size within the subdivision be one (1) acre.
3. In subdivisions with an average lot size of less than two acres, only 50% of those lots over one acre may be approved for E-T systems use.
4. Lots shall be restricted against resubdivision and lots shall be limited to a maximum of two family dwellings per lot until such time as a sanitary sewer collection and treatment system is available to the subdivision.

Page Two  
July 10, 1979

## RECOMMENDATION (Continued)

State Department of Health construction standards for private sewage facilities adopted November 30, 1977 as modified by the Lower Colorado River Authority Supplemental Standards shall apply. A mean pan evaporation rate of 70.0 inches per year is to be used in calculating evaporation bed size.

## II. COLLECTIVE SYSTEM USES

Collective E-T systems are regarded as public systems by the Texas Department of Health and are approved as such. Collective systems uses are viewed as being beneficial in that they reduce costs and necessitate that dwelling units be clustered on only a portion of developed acreage thereby leaving large portions of any developed tract in a more natural state (common areas). The City-County Health Department has no previous experience with collective E-T systems.

### RECOMMENDATION

That the City-County Health officials approve Collective E-T Systems subject to Texas Department of Health approval and review of site plan by Planning Commission as per the PUD ordinance requirements of the City of Austin prior to approval.

## III. INNOVATIVE SYSTEM USES

On site treatment of waste water and sewage should be encouraged because it is ultimately the most environmentally sound and cost efficient method known. An E-T system ordinance should include feasible proven innovative systems. Mr. Sherman Hart of the State Health Department was especially helpful to the subcommittee in pointing out that the Texas Department of Health "encourages feasible innovative designs which are not specifically covered in its construction standard manual." Innovative systems are generally more costly and therefore will usually be used in conjunction with E-T in unusual circumstances.

### RECOMMENDATION

1. That the E-T ammendment relative to innovative designs include the following:
  - a) the statement that, "The use of aerobic or other innovative systems should be encouraged as outlined in Rule .002(b)(2) of the Construction Standards of Private Sewage Facilities of the Texas State Health Department."
2. That submitted innovative designs be drawn to scale relative to site and dwelling in question and that a Registered Engineer's seal be attached to the innovative design drawing and specification.

Page Three  
July 10, 1979

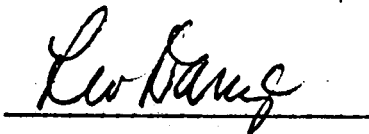
RECOMMENDATION (Continued)

3. Upon completion of the installation of the innovative design a registered engineer's certification be required indicating that the installation has been inspected and installed as per the design drawing and specification.
4. That at such time as deemed prudent by Health officials, based on experience and knowledge, a specific innovative design may then be judged acceptable without either an engineer's seal or certification of installation or both.

Respectfully submitted,

Sally Shipman

Bernard Snyder



Leo Danze  
Chairman

C10v-79-010      Street Vacation  
Manufacturing Blvd. south of  
Ben White Boulevard.

Mr. Lillie recommended this street be vacated subject to departmental requirements.

COMMISSION VOTE

Mr. Vier moved and Mr. Stoll seconded the motion to vacate Manufacturing Boulevard south of Ben White Boulevard subject to departmental requirements.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C10v-79-009      Street Vacation  
Vacation of a portion of Lovell Drive  
West of Manor Road.

Mr. Lillie recommended that the street be vacated subject to departmental requirements.

COMMISSION VOTE

On motion by Mr. Vier, seconded by Mr. Stoll, the Commission recommended to vacate a portion of Lovell Drive west of Manor Road subject to departmental requirements.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C7p-79-004      Sale of City Property  
Parcel W-10 near Mt. Barker and  
Crestway Drive, Lot A, Block U,  
Balcones Park.

Mr. Lillie recommended this tract be declared surplus property and be considered for sale to Mr. and Mrs. Johnson. The City would retain an easement for underground water lines and drainage.

COMMISSION VOTE

Mr. Vier moved and Mr. Stoll seconded the motion to sell Parcel W-10 near Mt. Barker and Crestway Drive, Lot A, Block U, Balcones Park to Mr. and Mrs. Johnson and that the City retain an easement for underground water lines for drainage.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C2o-79-008      Subdivision Ordinance  
Consider report of subcommittee on the  
provisions of Chapter 41 of Lake Austin  
Interim Ordinance and Chapter 29 of the  
Austin City Code.

Mr. Lillie reported that the subcommittee does not have a report, therefore, this item is to be pulled from the agenda. A memorandum will be directed informing the City Council that the subcommittee is still dealing with the amendments and that a report will not be submitted for the July 19 Council meeting.

PULLED FROM THE AGENDA.

C2a-79-004      Master Plan Change  
Orchid Lane and Howard Lane

Mr. Lillie stated this is a request to amend the Comprehensive Plan to place an industrial use near a residential area. Wayne Golden of the Planning staff discussed the proposal of Texas Readymix for a cement plant on a ten-acre site which originally was a portion of the Kings Village subdivision. The area originally was developed residential with several businesses and other uses located along Howard Lane. Turbine West Industrial subdivision is located approximately one-half mile to the east. The portion of the original plat proposed for the Readymix use is presently undeveloped. It has been quite some time since homes have been built in the area. The staff cannot support this application because the land was platted to be a residential subdivision and the proposed use is incompatible.

PERSONS APPEARING

Phil Mockford, attorney representing applicant  
Mrs. A. J. Williams

COMMISSION ACTION

Phil Mockford, attorney representing applicant, stated this is a wooded tract with a clear area in the middle. Texas Readymix would like to locate their operation at the rear. He discussed the residential area to the east and stated this area would be protected from any commercial operation on the proposed site. He explained the site plan had been revised as requested by the City staff, that a private drive will be installed and traffic will exit on to Howard Lane, a six-foot chain link fence will be installed around the property so there will be no traffic into the residential area to the east. He did not anticipate any adverse affect on the residential development. There was discussion of the varied uses on Howard Lane and stated he did not feel this area would blossom as a residential area. The plant will be regulated by the Texas Air Control Board and do not feel any activity will be disrupting or obnoxious to the surrounding area. He felt the use is proper and good and requested approval of the plan. Mrs. A. J. Williams, representing interested persons in this particular area, felt it would be good for the community and requested the change to the master plan be approved. There was discussion of reviewing the operation at the end of five years. The burden would be on the City to show any change of conditions. Mr. Mockford agreed to approval of the P.D.A. subject to a revised site plan, no access to Orchid Drive, maintaining buffering, subject to regulation by the Texas Air Control Board, and review at the end of five years.

COMMISSION VOTE

Mr. Stoll moved and Mrs. Schechter seconded the motion to disapprove the Master Plan change. This is a residential area. Mr. Snyder discussed the site plan having been revised at the request of the City staff and also the limited access. Mr. Vier pointed out that controls could be placed on the operation and the permit retracted at the end of five years if need be.

C2a-79-004 Master Plan Change (continued)

Mr. Vier then offered a substitute motion to approve the P.D.A. agreement subject to revised site plan showing access to Howard Lane, six-foot chain link fence as agreed to by the applicant and all characteristics of Air Control Board granting the permit, five-year review, back to the Planning Commission and City Council for reapproval at the end of five years.

Mr. Guerrero seconded the substitute motion and the Commission voted to consider the substitute motion.

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

THE SUBSTITUTE MOTION PASSED BY A VOTE OF 4-2.

C2o-78-002      Zoning Ordinance

To amend Chapter 45 of the Austin City Code  
pertaining to home occupations

Sheila Finneran of the Legal Department discussed the proposed draft of the home occupations ordinance. She felt that Item (d) under Part 1 would not be enforceable through prosecution in municipal court. There was discussion of day care centers and how that would apply to the proposed ordinance.

## PERSONS APPEARING IN FAVOR

David Bodenman, 5704 Bull Creek Road  
Betty Phillips, Save University Neighborhoods  
Larry Deuser, 11800 Mustang Chase  
Don Bird, 202 West 13th  
Mark J. Hanna

## PERSONS APPEARING IN OPPOSITION

Marilyn Simpson, 2307 Mimosa Drive

## COMMISSION ACTION

David Bodenman discussed the subcommittee and what it tried to do, explained they tried to eliminate as many conflicts as possible. He suggested that if passed, it be reviewed at the end of one year. Betty Phillips, Save University Neighborhoods, stated she is basically in favor but did suggest to delete 45-19(h)(2), listed as Part 5 entirely. She felt that this ordinance should be applicable in "B" zoning. The City has many inner city neighborhoods with "B" zoning. Larry Deuser discussed Item (d) and stated Albert De La Rosa and Mark Hannah felt it would be enforceable. He stated there are valid home occupations and warned against illegal uses and making people disobey the law and at the same time to open a floodgate. He recommended that if Item (d) is deleted, that records be maintained of complaints registered by citizens so that information could be used and worked with, including complaints to the Legal and Planning Departments also. He stated the ordinance will fall apart if (d) is deleted. Don Bird discussed problems with some of the sections and felt (d) to be one of the problems. He discussed many persons who are mobility impaired and the need to carry on home occupations, pointed out the impact of (b) and (h) if taken together. He suggested consideration of modification to allow one outside person from the family and to limit the work time, to limit vehicles, and no advertising. Mark Hannah, representing the Austin Board of Realtors, discussed codes of other cities and how the traffic problem was handled. He discussed how the language might be changed in order that the ordinance could be enforced in court, if necessary. Ed Stevens of the Building Inspection Department told the Commissioners they do not have the personnel to enforce the ordinance. Dorothy Richter discussed the provision of no sale on the premise and felt this would be a problem, using an artist living in Hyde Park as an example. She warned this would create spot zoning in a neighborhood. Marilyn Simpson expressed opposition to the proposed ordinance, felt it would be damaging to neighborhoods and would create an enlargement of home occupations. She felt that traffic would be a problem and that the neighborhoods would have to enforce the ordinance. She also requested that vehicle repair shops be eliminated, felt the ordinance is not enforceable and requested that it be rejected.



C2o-78-002      Zoning Ordinance--continued

## COMMISSION VOTE

Mr. Stoll moved to recommend approval with deletion of Part 5, Mr. Jagger seconded the motion, offered a friendly amendment to recommend approval of the ordinance to include those activities listed in Part 1, (i)(1) of the proposed ordinance as home occupations in "B" and more restrictive districts and to insure that those uses referred to in 45-19(h)(2) fall within the provisions of this ordinance, not as accessory uses in "B". Mr. Snyder offered a suggestion to include a review of the ordinance at the end of the year.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C20-79-007Zoning Ordinance

Consider amendment to Chapter 45 of the Austin City Code related to:

- a. prohibiting apartments in "A" Residence district in special permits;
- b. lot area requirements in "SR" Residence district;
- c. sound recording studios in "O" Office districts; and
- d. permitting health clinics and neighborhood centers in "A" Residence district by special permit

Mr. Lillie discussed the proposed amendments to the Zoning Ordinance. It was decided to discuss and take action on each individually. Mr. Vier felt it would be better to have the special permit than to change the zoning in order to have apartments in "A" Residence, felt this would eliminate several options. Mr. Lillie discussed moving condominium development into "A" Residence with a special permit. Mr. Danze stated there is a lot of difference between multi-family and condominium situations. Ed Stevens of the Building Inspection Department discussed problems with a condominium ordinance and pointed out the need for a definition in the ordinance as well as a prerequisite to qualify the ordinance. It was pointed out that condominiums can be rented and are not always sold and the need for the zoning ordinance to define condominiums and apartments. Since the condominium portion was not a part of this agenda, it was decided that would be placed on the July 24 Planning Commission agenda to set a public hearing to consider condominiums in "A" Residence districts by special permit. Marilyn Simpson felt that apartments would destroy buffers and requested that apartments be prohibited. She requested they be kept separate. Dorothy Richter stated she could see a real problem in Hyde Park with the way it is presently allowed and requested that apartments not be allowed by special permit. She pointed out that zoning can be controlled; there is not much control over special permits. Larry Deuser requested to delete that portion that would allow apartments in "A" Residential zoning.

## COMMISSION VOTE

Mr. Jagger moved to recommend that the Zoning Ordinance be amended to prohibit apartments in "A" Residential districts by special permit. Mr. Stoll seconded the motion.

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

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

Mr. Lillie then discussed lot area requirements in "SR" Districts. The City Council, in considering the Davenport M.U.D. request, has requested amendment of the minimum lot size in "SR" Districts which is not now currently in use. It is suggested the Planning Commission consider that minimum lot area in "SR" Districts be increased from 18,000 square feet to one acre and the minimum lot width be retained at 100 feet and that provisions be made for averaging one unit per acre in P.U.D.'s as instructed by the Council. Mr. Lillie pointed out a sentence in the Ordinance had been omitted in the last retyping.

C20-79-007      Zoning Ordinance--continued

Mr. Jagger felt there was merit in trying to do something like this. He felt one-acre lots more appropriate, should not be used widespread, but should be used in the hill country. He felt clustering would be encouraged, as well as more open space. Larry Deuser could see a need for a lot size larger than 5,750 feet but smaller than 18,000 feet. He requested consideration of reduction of the lot size from 18,000 feet and could see a need for this, especially in the fringe areas. Larry Cunningham discussed the low density trend in the City of Austin. He pointed out that water is pertinent to growth and subdivision development and that special consideration should be given to that particular area of growth. Allan Schuester expressed opposition to expanding the lot size from 18,000 square feet to one acre and that this could be done in a new zoning classification. He felt there to be a need for something between 5,750 and 18,000 square feet. He suggested a new zoning classification somewhere between 9,000 and 12,000 square feet to take care of those situations for larger lot sizes and urged not to create a new classification for the hill country. He felt the center city area is a good place for higher density. Jack Holford, Lake Austin Hill Country Neighborhood Association, read a prepared statement in support of the "SR" zoning change and pointed out that the area along the lake front might create a problem. He stated developments will utilize the one-acre minimum with low density standards and that there are residents in the hill country who want one-acre lots. Mr. Stoll felt it crucial to protect what is in the center city and yet protect what is in Travis County. He discussed the cost of one-acre lots and the possibility of it being detrimental to the center city. Dorothy Richter stated that land varies in cost--some can afford and some cannot. Mr. Jagger discussed limited annexation of the West Lake Peninsula and the need to change the lot size.

## COMMISSION VOTE

Mr. Jagger moved to recommend that the proposed amendments be adopted, one-acre minimum lots with 100-foot minimum width except in areas where clustering is permitted by P.U.D. where the averaging would be one acre, and that the house-keeping items in 45-34(b)(2)a be included due to an error in typing. Mrs. Schechter seconded the motion.

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

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

Mr. Lillie discussed the request of Mr. Shields that sound recording studios be allowed by special permit in "O" Office districts. If the Commission so desires, this type of use could be permitted by right under 45-20(a)(4) or subject to special permit under 45-20(a)(16). Mr. Shields stated there would be no sound leakage into any adjacent area, but did express concern for sound entering the sound studio. Betty Phillips, Save University Neighborhoods, discussed complaints regarding parking around sound studios and suggested adding more parking requirements.

601

C20-79-007      Zoning Ordinance--continued

## COMMISSION VOTE

Mr. Stoll moved to allow sound studios by right in "O" Office District under 45-20(a)(4), with no sound leakage. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

Mr. Lillie discussed the zoning ordinance presently requires health clinics in "A" by special permit on a site of not less than five acres. Area requirements also exist in "BB" and "B" but no area requirements exist in "O" and more permissive use districts. The City is developing and decentralizing its public clinic activities. To do so requires "O" because of area requirements. Rather than rezone, it seems reasonable to permit public neighborhood clinics and neighborhood centers in "A" by special permit. An amendment to Section 45-28 would be appropriate by adding: (n) public neighborhood health clinics and neighborhood centers.

## COMMISSION VOTE

Mr. Stoll moved and Mr. Danze seconded the motion to amend Section 45-28 by adding: (n) public neighborhood health clinics and centers.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C7-79-001Release of ETJ

Request of Mr. H. Glen Cortez to release a small portion of Austin's Extraterritorial Jurisdiction to the City of Pflugerville.

Mr. Lillie explained the owner of this tract had requested annexation to the City of Pflugerville. The portion of a larger tract is recommended to be released from the ETJ of the City of Austin provided the City of Pflugerville wishes to annex this property.

## COMMISSION VOTE

Mr. Vier moved and Mr. Stoll seconded the motion to release a portion of Austin's ETJ to the City of Pflugerville in accordance with staff recommendations.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C8s-78-073Trian Subdivision

To consider setting a public hearing requested by Mr. Harmon Lisnow regarding fiscal arrangements for water service in the E.T.J.

Mr. Lillie recommended a public hearing be set on July 24 to consider request by Mr. Harmon Lisnow regarding fiscal arrangements for water service in the E.T.J. Mr. Lisnow is putting in a well for his own water, is using a septic tank, and does not want to pay fiscal arrangements for the six-inch pipe in front of his home.

## COMMISSION VOTE

Mr. Vier moved and Mr. Stoll seconded the motion to set a public hearing on July 24 regarding fiscal arrangement for water service in the E.T.J. as requested by Mr. Harmon Lisnow.

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

THE MOTION PASSED BY A VOTE OF 6-0.

SUBDIVISIONSC8-79-20 Capitol Business Park (Revised)  
Ed Bluestein Blvd. & Blom Road.A. Synopsis: Approve

The staff recommends approval of this revised preliminary plan to include those variances granted for the original plan (approved by the Planning Commission May 8, 1979) and the driveway access restriction onto Ed Bluestein Boulevard agreed to by the applicant.

B. Variance: NoneC. Requirements:

This plan meets all city-adopted requirements; additional requirements must be satisfied prior to final plat approval.

## COMMISSION VOTE

On a consent motion by Mr. Stoll, seconded by Mrs. Schechter, the Commission approved the preliminary plan of Capitol Business Park (Revised).

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

ABSENT: Danze, Dixon, and Shipman.

THE MOTION PASSED BY A VOTE OF 6-0.

C8-79-51 Shiloh, Phase 3, Section 2  
Manchaca RoadA. Synopsis: Approve

The staff recommends approval of the preliminary plan with the requested variance.

B. Variances:

1. Variance is requested of the required scale to 1 inch per 50 feet. (Sec. 41-11).

Recommend: grant, due to the small size of the tract and the need to provide sufficient space for plat annotations.

2. Variance is requested to delete building lines on Lot 9. (Sec. 41-11).

Recommend: grant, inasmuch as the zoning ordinance will provide for the proper location of a future structures and building setbacks.

C. Requirements:

The preliminary plan meets all city-adopted requirements. Additional requirements must be satisfied for final plat approval.

C8-79-51 Shiloh, Phase 3, Section 2--continued

COMMISSION VOTE

On a consent motion by Mr. Stoll, seconded by Mrs. Schechter, the Commission approved the preliminary plan of Shiloh, Phase III, Section 2 in accordance with staff recommendations.

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

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

C8-79-52 Onion Creek, Section 4-A  
Boca Raton Drive

A. Synopsis: Approve

The staff recommends approval of this preliminary plan with the variances as requested.

B. Variances:

1. Variance is requested on depiction of contour lines. (Sec. 41-11)  
Recommend: grant, due to the flatness of the terrain, provided spot elevations are depicted.
2. Variance is requested to delete the sidewalk along IH-35. (Sec. 41-42)  
Recommend: grant, to discourage pedestrain use along this highway and to follow previous Planning Commission actions on this original sub-division. (See Attachment)

C. Requirements:

This preliminary plan meets with city-adopted requirements. Additional requirements must be satisfied for final plat approval.

COMMISSION VOTE

On a consent motion by Mr. Stoll, seconded by Mrs. Schechter, the Commission approved the preliminary plan of Onion Creek, Section 4-A.

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

THE CONSENT MOTION PASSED BY A VOTE OF 5-0-1.

C8-79-53 Northcross Section 5  
Northcross Drive

A. Synopsis: Approve

The staff recommends approval of this preliminary plan.

B. Variances: None

C. Requirements:

This plan meets all city-adopted requirements; additional requirements must be satisfied for final plat approval.

COMMISSION VOTE

On a motion by Mr. Vier, seconded by Mrs. Schechter, the Commission approved the preliminary plan of Northcross, Section Five in accordance with staff recommendations.

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

THE MOTION PASSED BY A VOTE OF 6-0.

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

THE MOTION PASSED BY A VOTE OF 5-0.

The meeting adjourned at 11 p.m.



Richard R. Little, Executive Secretary



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TYPE: 30-DAY STATUTORY REVIEW ACTION			PLANNING COMMISSION MEMORANDUM					DATE: July 10, 1979 PAGE: 4			
C8s	SUBDIVISION		FILED	CITY	ETJ	ZON- ING	PROPOSED LAND USE	LOTS/ACREAGE	STATUS	RECOMMENDATIONS	ACTION
	LOCATION	SHORT FORMS	REVIEW BY					PROPOSED LOTS			
79 113	Walcott Subdivision									DISAPPROVAL	
79 114	Easy Street Subdivision									DISAPPROVAL	
79 115	Confirmation Plat of Joe P. Jekel Sub.									DISAPPROVAL	
79 116	Rutland Dr. Business Park Sec. 8									DISAPPROVAL	
79 117	Springdale Rd. Comm. No. 2									DISAPPROVAL	
79 118	Northwest Hills Village Center Sec. 3									DISAPPROVAL	
3	PRELIMINARY SUBDIVISION										
79 54	Oak Forest South									DISAPPROVAL	
79 55	Southwest Oaks II									DISAPPROVAL	
79 56	Faith Place									DISAPPROVAL	
79 57	Woodhue Heights									DISAPPROVAL	

79-057



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