

CITY PLANNING COMMISSION
Austin, Texas
Regular Meeting -- September 4, 1979

The regular meeting of the City Planning Commission was called to order at 5:50 p.m. in the Electric Building Auditorium, 301 West Avenue.

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
Marie Gaines, Planner
Aliece Minassian, Planner
Betty Baker, Planner
John Baylor, Property Management
Sheila Finneran, Legal Department
Ouida Glass, Senior Secretary

Absent

Sid Jagger

ZONING

Applicants agreed with staff recommendation and the following cases were heard on a consent motion.

Staff Recommendation:

C14-79-109 Sarah E. Barrow Kemper and
Texas Commerce Bank Nat'l Assn.
(by John Harvey)
3929-4033 I.H. 35
1600-1724 Ben White Blvd.

From: C, 1st H&A
To: C, 2nd H&A
Recommend 2nd H&A for interior
of tract. Recommend 1st H&A for
a depth of 100 feet along Ben White
and IH-35. Also approval of Urban
Transportation Department.

C14h-79-011 Jernigan-Capron House
(Las Ventanas)
(by W. Cleigh Nease)
602 Harthan Street

From: A, 1st H&A
To: A-H, 1st H&A
RECOMMEND

SPECIAL PERMITS

C14p-71-030 James H. Crockett
Apartment Project called Village
Glen Apt.
(by William Field)
2000 & 2101 Burton Drive

APPROVED

C14p-70-032 Mrs. Ben T. Roach
A Radar Town and adjacent Radar Bldg.
called Austin Airport Surveillance Radar Facility
(by Joseph Morahan)
1900 Redwood Avenue

APPROVED

COMMISSION VOTE

On motion by Mrs. Shipman, seconded by Mr. Danze, the Commission approved the above requests in accordance with staff recommendations and including the findings of fact on case C14h-79-011.

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

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

The following were considered on a consent motion:

Staff Recommendation:

C14-79-168 Lucille P. Dye
(by Mercedes Soberon)
4308-4310 Medical Parkway
also bounded by Burnet Road

From: A, 1st H&A
To: O, 1st H&A
RECOMMENDED

C14-79-176 William H. Luedecke
(by Gene Braun)
721-725 West Powell Lane
8127-8153 North Lamar Boulevard

From: C, 1st H&A
To: DL, 1st H&A
RECOMMENDED

C14-79-161 W.D. Brooks
(by Roy Herber)
13555 Research Boulevard

From: IAA, 1st H&A
To: C, 1st H&A
RECOMMEND "C" for building
only; "O" for remainder,
subject to conditions of 183
study.

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

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

ABSENT: Dixon, Jagger, and Stoll.

OUT OF THE ROOM: Schechter.

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

C14h-79-010 Hofheintz-Reissig Store
(Waterloo Compound: C2 4th H&A to C-2-H, 1st H&A, (as amended)
(by W. Cleigh Nease)
East 3rd and Red River

Betty Baker explained that the Hofheintz-Reissig Store was built around 1855. The Landmark Commission has recommended it for historic zoning. She discussed the compound and the structures included therein. The Landmark Commission has also recommended the Wedding House for historic zoning.

PERSONS APPEARING

Joe Barrentine

COMMISSION ACTION

Joe Barrentine showed slides of the Waterloo Compound and discussed the entire compound. Mrs. Shipman asked about Fourth Height and Area and applicant amended the request to First Height and Area. There was discussion of the Wedding House and whether or not it should be included for historic zoning.

Don Bird, attorney representing the owner of Lots 6 and 7 of Tract 14, discussed the two nonconforming uses on the two tracts. The staff at one time had recommended "GR" and is now recommending "O". He discussed the businesses having been there prior to annexation and that the "GR" is needed in order to have proper zoning for the operations. He requested the "GR" be granted subject to a restrictive covenant to restrict to "O" if the use is changed. Marie Moore expressed concern for the car wash and also that the tract would be sold. Jerry Roset did not want the car wash expanded, stated the "GR" is inconsistent with the 183 study, that "O" should be granted and the car wash stay the way it is. Allan Hall and H.E. Bell also requested the zoning to be "O" and discussed the traffic in the residential area. Mr. Bell requested a permanent masonry fence prohibiting access to Bell Avenue.

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

COMMISSION VOTE

Mr. Guerrero moved to approve staff recommendations, to grant "O" Office, 1st H&A for both tracts. Since this was initiated by the City, if the owner does not agree, they can file another zoning application to request "GR" in accordance with the 183 study, including a site plan and meeting with the neighborhood. This action will in no way prejudice any future zoning cases. Mr. Danze seconded the motion.

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

ABSENT: Dixon, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-112 Max R. Haddick: "A", 1st H&A to "GR", 1st H&A
7212-7236 Manchaca Road

Marie Gaines presented the staff report and explained the staff would recommend to deny "GR" General Retail, 1st H&A. The subject tract is adjacent to single-family residences and this area was a part of a larger zoning case in which the commitment for single-family development was supported by both the Planning Commission and the City Council. The subject tract is suitable for a P.U.D. or duplex development. This case originally was heard by the Planning Commission on July 3, 1979, and by the City Council on July 26, 1979. Applicant amended the request before the City Council and the Council then referred it back to the Planning Commission for consideration as a result of the amended area.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Max R. Haddick, 2109 Matthews Lane

Mildred Haddick, 2109 Matthews Lane

PERSONS APPEARING IN OPPOSITION

W.G. Norcross, Southwest Oaks-Shiloh Homeowners Association

Richard Kingsley, 7702 Malvern Hill Court

Hermoene A. Trede, 7238 Manchaca Road

Mrs. T.A. Cain, 7323 Scenic Oaks Circle

Tricia Slouacek, 7324 Scenic Oaks Circle

Marilyn Simpson, Whispering Oaks-Cherry Creek Neighborhood Association

WRITTEN COMMENTS IN FAVOR

Gladys Lear, 7106 Manchaca Road

WRITTEN COMMENTS IN OPPOSITION

Petition

Mr. and Mrs. F.W. Schmidt, 1205 Castle Hill

C14-79-120 Baylor Properties of Austin, Inc.--continued

WRITTEN COMMENTS IN FAVOR

Johnnie F. Massey, 1101 Castle Hill

John A. Fischer

Eli Garza

Ray Wilder

WRITTEN COMMENTS IN OPPOSITION - None

COMMISSION ACTION

Larry Niemann, attorney for applicant, read a letter that had been sent to the neighborhood and requested the rezoning in order to be legal. Speaking in opposition, F.W. Schmidt stated there are no commercial establishments on the west side of Baylor and could see no reason to break the precedent now and allow businesses in a residential area. He requested the zoning change be denied. Mrs. Sterling Adair discussed the alley and asked who it belonged to. She also discussed the traffic and parking problem and expressed concern for commercial encroaching into the residential neighborhood. Mr. Niemann requested the hearing be continued for 30 days in order to work with the neighborhood.

COMMISSION VOTE

Mrs. Shipman moved and Mr. Vier seconded the motion to postpone the request until 5:30 p.m., October 2, 1979, and that applicant meet with the neighborhood.

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

ABSENT: Dixon, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-131 Pool and Rogers Paving Company, Inc.: "A", 1st H&A to "C", 1st H&A
 (by James Y. Bryce)
 3603 South Second Street

Marie Gaines explained this request was heard by the Planning Commission on July 26. The City Council referred it back to the Planning Commission because applicant amended his request. The use is in violation and also would be an intrusion into a single-family area. Therefore the staff recommends to deny "C" Commercial zoning.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

James Bryce, 610 Scarbrough Building, applicant's attorney

PERSONS APPEARING IN OPPOSITION

Socorro Leos, 3616 Wilson

Mrs. Alberta D. McKnight, 708 Cardinal Lane

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

G.W. and Nellie B. Felps, 3600 South Second Street

C14-79-131 Pool and Rogers Paving Company, Inc. -- continued

COMMISSION ACTION

Mrs. Shipman asked and Marie Gaines explained that the Building Inspection Department has indicated the operation has been in violation approximately two years. James Bryce, attorney for the applicant, discussed the manner in which the operation would be conducted in order not to be in violation. He requested the change in zoning be approved. Socorro Leos discussed the operation having been in violation for several years and felt the use too intensive for a residential neighborhood. She stated that if allowed to remain, it will continue to be an eyesore, will depreciate property values, and requested denial of the zoning change. Mrs. McKnight explained that she is opposed to commercial zoning, that it is on each side of her and is deteriorating a community of modest homes. There was discussion of the restrictions the applicant had indicated he was willing to place on the tract and the length of time it would take to change the operation of the business. Mr. Danze recognized the hardship in moving equipment very quickly, but pointed out that five years is much too long.

COMMISSION ACTION

Mrs. Shipman stated this is an intrusion into a residential area that is unable to accommodate more intensive land uses and moved to deny "C" Commercial, 1st H&A. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-144 Eddie Dean: "O" 1st H&A to "GR" 1st H&A
2506 South Lamar at corner of LaCosta

Marie Gaines stated the staff would recommend to grant "GR" General Retail, 1st H&A since the tract is oriented to Lamar Boulevard but suggested the Planning Commission might wish to restrict access to Lamar Boulevard only.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Eddie Dean, applicant

PERSONS APPEARING IN OPPOSITION

Vier Combs

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Mrs. P.E. Palmer, 2007 La Casa Drive

Forester Cook, representing applicant, stated the Texas Association of Nurserymen will purchase the tract and discussed their proposed site plan. He felt this to be the highest and best use of the tract and stated the restrictive covenant that was placed with the original zoning for the Quality Inn for parking is no longer needed. James Presnal discussed the landscaping as well as the trees on the tract. He felt the building is designed as a suitable transition from the motel site and the neighborhood to the west. John Meinrath, representing the South River City Citizens, expressed agreement with the request and suggested some language to be included if the request is approved.

Irma Uyan discussed her intent to establish a natural food store and the need for access to William Cannon. The provisions of the zoning ordinance disallowing crossing of "A" Residential was discussed, as well as the curb cuts and sight distance problems. Phil Savoy, speaking in opposition to the request, stated that sewer service is not available and discussed the traffic problems. He stated this would be an intrusion into the neighborhood and requested denial of the zoning change. Charles Mansky and Frank Jeffers also were in opposition to the requested zoning change.

C14-79-159 P.C. Vento:--continued

COMMISSION VOTE

Mr. Vier moved and Mr. Snyder seconded the motion to deny "LR" Local Retail, 1st and 6th H&A, but to grant permanent "A" Residential, 1st H&A.

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

ABSENT: Dixon, Jagger, and Stoll.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-160	Anna Stengel, Arnold Stengel and Bob Stengel: 2106-2110 East 22nd Street (Lots 3 and 4) 2200-2204 Coieto	"A" 1st H&A to <u>"O" 1st H&A</u>
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Marie Gaines discussed the area and stated staff would recommend to deny "O" Office, 1st H&A. More intensive zoning along East 22nd Street would be an intrusion into the existing residential neighborhood. Existing intensive zoning has been established which is oriented to Manor Road.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Max Stengel, applicant

Eugene W. Nelson, 2611 Pinewood Terrace

PERSONS APPEARING IN OPPOSITION

Mrs. Phillips

Mrs. O.H. Elliott, 2207 East 22nd Street

Roxie Williams

Mrs. Bea D. Jones, 2200 East 22nd Street

Addie Creyton

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Petition

COMMISSION ACTION

Eugene Nelson spoke in behalf of the applicants and discussed the proposed uses. Max Stengel, applicant, discussed the area and stated in his opinion the tract was not suitable for residential uses. Mr. Vier asked if he had met with the neighborhood. Applicant stated he had not and Mr. Vier suggested to postpone the request until he had done so. Speaking in opposition, Mrs. O.H. Elliott pointed out this is a closely knit neighborhood and they desired to keep it that way. She requested it be maintained a residential area and opposed any zoning change. Bea Jones discussed having circulated a petition in opposition. She expressed concern for increased traffic and sanitary conditions and requested the zoning change be denied. Addie Creyton stated this is a residential area and requested it be maintained that way and pointed out this would set a precedent.

C14-79-160 Anna Stengel, Arnold Stengel and Bob Stengel-- continued

COMMISSION VOTE

Mrs. Shipman moved to deny "O", 1st H&A, since this would be an intrusion into the residential character of the neighborhood. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-162 The Austin National Bank Trustee: "B" 1st H&A to "GR" 1st H&A
(by Joseph Latting)
1909 and 1911 Whitis Avenue

Marie Gaines explained applicant intends to use this as a commercial parking lot. "GR" and "C" zoning is established to the north, south, and west of subject tract. The staff would recommend to grant "GR" General Retail, 1st H&A.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Mark Swenson, representing applicant

PERSONS APPEARING IN OPPOSITION - None

WRITTEN COMMENTS IN FAVOR

Horace C. Barnhart, Jr., 707 Rio Grande

Ed Padgett, 5725 North I.H. 35

WRITTEN COMMENTS IN OPPOSITION - None

COMMISSION ACTION

Mark Swenson, representing the applicant, discussed the proposed use of the tract, stating it would be for surface parking only without any structures. There was discussion of requiring landscaping for the tract.

COMMISSION VOTE

Mrs. Shipman moved to postpone action until the attorney had an opportunity to talk with client about the willingness to conform to the provisions of the landscape ordinance. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-163 Morris E. and Margaret M. Clark: "IA", 1st H&A to "LR", 1st H&A
7811 South First Street

Marie Gaines discussed the land uses in the area surrounded zoning consistent with the applicants request and stated the staff would recommend to grant "LR" Local Retail, 1st H&A.

COMMISSION VOTE

Mr. Stoll moved and Mrs. Schechter seconded the motion to grant "LR" Local Retail, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-164 Naomi C. Plant: "IA" 1st H&A to "LR" 1st H&A
(by Joy A. Bailey)
7807 and 7809 South First Street

Marie Gaines discussed the land uses in the area and stated the staff would recommend to grant "A" Residence, 1st H&A since the subject tract does not fall within a 300 foot radius of commercial cluster zoning.

PERSONS APPEARING

Joy Bailey, Bill Milburn Company

COMMISSION ACTION

Joy Bailey, representing the Bill Milburn Company, discussed the land uses and zoning in the immediate area. She explained the need to consider this as one parcel in order for it to be sold for commercial development and requested the zoning be approved as a package deal with commercial zoning. She was of the opinion this would be the highest and best use of the land.

COMMISSION VOTE

Mrs. Shipman moved to support the recommendations of the staff, to deny "LR", 1st H&A and to grant permanent "A" Residence, 1st H&A. Mr. Stoll seconded the motion.

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

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

C14-79-166 Earl V. Allen and Lucille Allen--continued

COMMISSION ACTION

Larry Niemann expressed agreement with staff recommendations. He discussed the area, pointed out this is one of the planned crossings for 183 and is consistent with the format of zoning on 183. The tract is under option for sale subject to zoning change for the shopping center. He requested approval of "GR" subject to the site plan and in conformance with the 183 study.

COMMISSION VOTE

Mr. Vier moved and Mr. Danze seconded the motion to grant "GR" General Retail, 1st H&A subject to the 183 study which includes site plan approval prior to the final passage of the ordinance.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-167 T.E. Bowles: "IA" 1st H&A to "C-2" 1st H&A
(by Wiley W. Stem, Jr., attorney)
5526 South Congress Avenue also bounded
by Stassney Lane

COMMISSION VOTE

Mr. Vier moved and Mr. Snyder seconded the motion to deny "C-2" 1st H&A, but to grant "C" Commercial, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-169 John Michael McGuire: "B", 2nd H&A to "O", 1st H&A
(by Moe Terrell)
1609 West Sixth Street

COMMISSION VOTE

On motion by Mr. Stoll, seconded by Mrs. Schechter, the Commission granted "O" Office, 1st H&A with five feet of right-of-way to be dedicated along West Sixth Street.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-171 Edwin G. Hudson: "LR" 1st H&A to "GR" 1st H&A
(by Ferris & Associates)
5209-5213 Duval Street
501-503 East 53rd Street

Marie Gaines explained applicant is requesting "GR" General Retail zoning to accommodate a proposed office-supplies equipment sales showroom and has submitted a site plan incorporating staff recommendations regarding landscaping and building location. The staff can support the request for rezoning subject to the basic development concept as outlined in the site plan as submitted by the applicant.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Saudi Ferris, representing applicant

Warren Bair, applicant

PERSONS APPEARING IN OPPOSITION

George Trusty

WRITTEN COMMENTS IN FAVOR

Robert O. Smith, 3200 Red River

Tommie Billings, 5209 Duval

James G. Strickland Estate, owners of 5307-5309 Duval Street

WRITTEN COMMENTS IN OPPOSITION

Pat and Charles McCarthy, 8805 Ridgehill Drive

COMMISSION ACTION

Saudi Ferris, representing applicant, discussed the proposed use, stated they must have the "GR" zoning and explained they had made every effort to take into consideration the health, safety and welfare of the neighborhood. Earl Nesbitt discussed the proposed site plan as well as the zoning in the immediate area. Mrs. Shipman stated this would set a detrimental land use precedent and asked if applicant would be willing to tie the zoning to the site plan since there had been no adverse reaction from the neighborhood. The applicant agreed to do so and explained that they had researched the matter and could not go the special permit route. George Trusty asked about the impact of the proposed use on Evans Street. Warren Bair stated the hours of operation would be eight to five, five days a week.

COMMISSION VOTE

Mr. Vier moved and Mr. Danze seconded the motion to grant "GR", 1st H&A subject to the site plan and that it be noted on the zoning map.

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

ABSENT: Dixon, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-172 City of Austin Planning Department: "IA" 1st and 2nd H&A
 (Original Zoning)
 901-913 East Live Oak Street
 2201-2309 and 2204-2308 Alta Vista Avenue
 900-904 and 901-903 Chatsworth Circle
 2206-2300, 2207-2301, 2400-2712 and 2401-2711 East Side Drive
 700-704 and 701-703 Wickford Circle
 700-704 and 701-705 Buckingham Circle
 600-604 and 601-603 Sandringham Circle
 515-727, 726-910 and 911-1109 East Oltorf Street
 404-802 and 405-803 Long Bow Lane
 406-1406 and 1301-1309 St. Edwards Drive
 2600-2714 and 2601-2715 Carnarvon Lane
 2400-2714 and 2401-2715 Sherwood Lane
 2500-2712 and 2501-2713 Friar Tuck Lane
 2600-2710 and 2601-2711 Nottingham Lane
 2400-2716 and 2401-2717 Little John Lane
 600-604 and 601-605 Kentshire Circle and 2700-2804 and 2701-2807
 St. Edwards Circle

Marie Gaines explain this request for permanent zoning had been initiated by the South River City Citizens Neighborhood organization. All of the land is currently zoned interim "A" Residence, 1st H&A and 2nd H&A. In order to establish permanent zoning staff recommends to grant permanent "A" Residence on tract south of E. Oltorf. And permanent "AA" on northern tract as petitioned by landowners.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

John Meinrath, South River City Citizens
 Myrna Kepford, 616 Long Bow
 William C. and Rosa L. Gunnell, 2217 East Side Drive
 Charles D. Matthews, 2703 Little John Lane
 Mrs. C.D. Matthews, 2703 Little John Lane
 Ralph J. Finklea, Jr., 601 Sandringham Circle
 Mr. and Mrs. Dalvin Greene, 2600 Little John Lane
 Martina Mantia, 2217 East Side Drive
 Ellen Perry, 2214 East Side Drive
 Patricia Knock, 2518 Friar Tuck Lane
 Kathleen Knock, 2511 Sherwood
 Louis and Marjorie Janosek, 2713 Friar Tuck Lane
 Eileen and Bill Rovira, 2711 Little John Lane
 Jesse E. Ray, 2701 Little John Lane

PERSONS APPEARING IN OPPOSITION

Robert Davis, attorney representing Lynn Storm

WRITTEN COMMENTS IN FAVOR

C. Hugh Tarrant, 2211 East Side Drive
 Doris M. Auvil, 802 Long Bow Lane
 Charles and Eula Matthews, 2703 Little John Lane - Request "AA"

C14-79-172 City of Austin Planning Department--continued

Jose Jiminez, 2707 Nottingham Lane
Joe M. Urieqas, 2703 Friar Tuck Lane
Mr. and Mrs. D.U. Greene, 2600 Little John Lane
Tina Martina, 2217 East Side Drive

WRITTEN COMMENTS IN OPPOSITION

Mr. and Mrs. Andrew Rocha, 2216 East Side Drive
Mr. and Mrs. Louis F. Janosek, 2713 Friar Tuck Lane
Mrs. Hildred P. Gray, 2705 Friar Tuck Lane
Mr. and Mrs. P.L. Perry, 2214 East Side Drive
J.J. Ross, 602 Sandingham Circle
Raymond R. and Norma V. Flugel, 702 Wickford Circle
Mr. and Mrs. Richard H. Pate
Petition

COMMISSION ACTION

Robert Davis, attorney representing Lynn Storm, asked their tract be deleted from this request, be postponed until the next zoning cycle for a specific zoning request. John Meinrath, South River City Citizens, felt permanent "A" zoning to be consistent with the existing development and in character with the remainder of the neighborhood. They requested permanent "A" on the Storm tract also and stated the applicant could come in later if they so desire and request more intense zoning. He stated they could work with them at that time and stated that more apartments would not be consistent with the neighborhood and would have an adverse impact. Mrs. Shipman pointed out that the tract that had been requested to be pulled had been considered and had been recommended to the City for park purposes. Area residents discussed the high density and the impact to the neighborhood, traffic congestion, danger to the environment. There was discussion of rental apartments and the resulting deterioration to the neighborhood, also the need for protection of the inner city. There was opposition to offices or apartments being constructed on this tract.

COMMISSION VOTE

Mrs. Schechter moved to grant "AA", 1st H&A save and except for those areas that have duplexes as identified by the staff and that they be zoned "A", Interim "A" to remain on the Lynn Storm Tract. Mrs. Shipman seconded the motion, then withdrew the second. Mr. Vier then seconded the motion. Mrs. Shipman discussed there is no land zoned "AA" next to a public school and discussed this being environmentally sensitive and felt it should be single-family residences.

Mr. Stoll offered a substitute motion to recommend permanent "AA" on the entire tract with the exception of the duplex lots which will be permanent "A". Mrs. Shipman seconded the substitute motion. The Commission had a 3-3 vote to consider the substitute motion.

C14-79-172 City of Austin Planning Department--continued

Mr. Vier then offered another substitute motion to zone the entire tract that is already in single-family dwellings permanent "AA", duplexes Permanent "A" and "A" Residential on the vacant tract and that this will in no way prejudice future zoning applications on any portion of the tract. Mrs. Schechter withdrew her original motion and seconded Mr. Vier's substitute motion.

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

THE MOTION PASSED BY A VOTE OF 6-1.

C14-79-173 Robert L. Ogden: "B" 2nd H&A to "GR" 2nd H&A
(by Leonard Frazer)
1601 West Sixth Street
510-514 West Lynn

Marie Gaines stated the staff would recommend to deny "GR" General Retail, 2nd H&A. This would be inconsistent as well as undesirable with the existing residential homes and developing office uses. Should more intensive zoning be granted, the staff would request the dedication of five feet of right-of-way along West Sixth Street.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Leonard Frazier, applicant

PERSONS APPEARING IN OPPOSITION - None

WRITTEN COMMENTS IN FAVOR

Mark E. Spaeth Trustee and Lois K. Hull, 607 West 14th Street

WRITTEN COMMENTS IN OPPOSITION - None

COMMISSION ACTION

Leonard Frazier, applicant, discussed his request to use the structure as a residence and studio and stated the Building Inspection Department had advised it would be necessary to have "GR" zoning to accommodate the use. Mrs. Shipman explained that the zoning goes with the land. Applicant is leasing the tract and there is no problem with the use. Mr. Vier suggested the Board of Adjustment determine exactly what would be necessary in this instance. Mr. Guerrero discussed the owner agreeing to a restrictive covenant to allow the use and then roll back if the use terminates. Mr. Vier suggested applicant work with staff to determine what could be done to accommodate his needs and come back to the Commission for a decision when he is ready to proceed. Mr. Guerrero closed the public hearing.

COMMISSION VOTE

Mr. Vier moved to continue indefinitely for action only. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-177 Beecave Woods Development Co., Inc.: "IAA" 1st H&A to "A" 1st H&A
 (by Terra Firma Planning)
 1333-1343 Walsh-Tarlton Lane

Marie Gaines stated the staff would recommend to grant "A" Residence, 1st H&A, applicants request is consistent with the surrounding land use and development.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Craig Cregar, representing applicant

PERSONS APPEARING IN OPPOSITION

Sheryl Horton, 1904 Stone Ridge Road

Chris Najork, 1804 Stone Ridge Road

Dr. George Sharpe, 1902 Stone Ridge Road

Mary H. Carter, 1803 Stone Ridge Circle

Bea Good, 1901 Stone Ridge Road

Terry Horton, 1904 Stone Ridge Road

Cyndy Sidore, 1905 Stone Ridge Road

Paul Schroeter, 1905 Stone Ridge Road

Ernest Carter, 1803 Stone Ridge Circle

WRITTEN COMMENTS - None

COMMISSION ACTION

Craig Cregar, representing applicant, discussed what they proposed to do on the tract and stated that due to terrain problems duplexes might be more appropriate on a certain few lots and requested "A" zoning for those lots. There was discussion of Walsh-Tarlton alignment. Speaking in opposition, Sheryl Horton expressed concern for the precedent for allowing duplexes and pointed out there is a lot of area not zoned. She requested not allowing any more duplex areas, expressed concern for traffic around the schools and requested the zoning to remain single-family. Mr. Vier stated he felt there is a way to fit duplexes into single-family areas. Dr. George Sharp suggested the developer dedicate this as parkland and expressed opposition to duplexes.

COMMISSION VOTE

Mr. Vier moved to grant "A", 1st H&A subject to the site plan as submitted by the applicant. Mr. Danze seconded the motion.

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

ABSENT: Dixon and Jagger.

THE MOTION PASSED BY A VOTE OF 7-0.

SPECIAL PERMITS

C14p-72-001 Wesleyan Church Corp.: A Private Grade School
(by Larry G. Hada)
735 Turtle Creek Blvd.

Aliece Minassian presented the staff report. This is a request to allow an addition of 1,280 square feet private grade school to a previously approved special permit for a day care center on a 3.84 acre tract of land. The existing day care center was approved for 179 children. The total site will support both the 179 children for day care and a maximum of 148 children for the private school; however, the day care center building supports only 129 children and the private school building will support only 45 children based on State Welfare Department requirements.

Access to site is proposed by two driveways off Turtle Creek Blvd. Part of the area for future development is covered by Special Permit C14p-79-008 and Zoning Case No. C14-79-012. The zoning is subject to approval of the special permit. C14p-79-008 must be withdrawn prior to release of this special permit.

This application is in compliance with the planning criteria check list. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Larry G. Hada, 18 Reese Drive, Wesleyan Church Corporation
Errol Hada, 7314 Lunar Drive

PERSONS APPEARING IN OPPOSITION - None

WRITTEN COMMENTS IN FAVOR

Mary Jo Wheat, 805 Suhara Avenue
John P. Olesky, 5909 Blythewood Drive

WRITTEN COMMENTS IN OPPOSITION

Mrs. R.G. McMullin, 6002 Blythewood

COMMISSION ACTION

Larry Hada, representing applicant, discussed the proposed school, stating they would serve students Grades Kindergarten through Six, as well as have day care facilities.

COMMISSION VOTE

Mr. Danze moved and Reverend Dixon seconded the motion to approve the special permit subject to compliance with ordinance requirements and departmental recommendations.

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

ABSENT: Jagger.

THE MOTION PASSED BY A VOTE OF 8-0.

ZONING

C14-79-178 Stanley J. Williams: "IA", 1st H&A to "B", 1st H&A
(by Jeff Meehan)
North Hills Drive

SPECIAL PERMIT

C14p-79-031 Williams Builders: A 128-unit apartment project called
(by Jeff Meehan) THE RIDGE CREST APARTMENTS
East Hills Drive

Bill Carlisle, representing applicant, presented a revised site plan, discussed the parking being modified, and stated the revised proposal had been endorsed by the neighborhood group. He also discussed the landscaping and the sidewalks. Mrs. Shipman felt that due to the grade, sight distance would be a problem. Mr. Vier was concerned about reducing the density, stated "this would look like another Riverside Drive. boxes on top of boxes." Bill Carlisle stated they had worked with the neighborhood group and this was a product of neighborhood input. John Muegge, representing Balcones Neighborhood Association, stated there could be some very serious legal problems if they did oppose. He pointed out the applicant does own the property and that it is zoned "B", some of the things they could do might be worse. He discussed allowance for conversion to condominiums and requested that additional requirements be placed on the construction in that area to upgrade to a condominium level possibility and questioned what will happen when structures are no longer used for apartments. He stated he would like to see this unit and others coming into the area be considered for possible other uses. Jim Landrum, speaking in behalf of the Northwest Hills Civic Association, stated there will be an apartment complex building constructed there, does not agree, but is convinced that is what will be put there. He stated applicant will not agree to reduce the height or the density and expressed concern for the height as well as traffic problems. Speaking in rebuttal, Mr. Carlisle pointed out that applicant bought the property with the zoning on it and that he is entitled to use it. Mr. Guerrero explained that it had been denied earlier and that the Planning Commission had decided to reconsider since reports from the Urban Transportation Department had not been submitted. He closed the public hearing.

Mr. Danze explained he had a problem with the site plan, did not believe the parking will work because of the grades, the buildings are not in conformity with the terrain. He did not think this is a viable plan that could be implemented on the ground.

COMMISSION VOTE

Mr. Danze moved to postpone C14-79-178 until another site plan could be brought in and an engineer to come in to explain. Mr. Vier seconded the motion and expressed concern for the landscape and the terrain. Mrs. Shipman offered a friendly amendment that a traffic engineer attest to driveways and safety to the motoring public, the driveway locations as they are and the grade that they are on, a report from staff architect that this layout will work, reports from the Engineering and Urban Transportation Department, when the reports are received, the Commission will schedule again for action only.

C14-79-178 and C14p-79-031--continued

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

THE MOTION PASSED BY A VOTE OF 6-1.

Mr. Vier then moved to postpone action on the request for special permit until all requested reports had been received. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-1.

<u>C14p-79-034</u> American National Bank of Austin: (by Roy Beard) 7300-7326 Cameron Road	An eight-bay, self-service car wash called GOOD FRIENDS <u>CAR WASH No. 2</u>
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Alice Minassian presented the staff report. This is an application for a special permit to allow an eight-bay car wash on a 55,000 square foot tract of land. Since the "LR" is adjacent to "GR" zoning, "GR" uses on the subject tract are allowed with a special permit. "GR" zoning is necessary for an auto laundry.

Access to the property is to be provided from two driveways off Cameron Road.

This application is in compliance with the planning criteria check list. The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATIONS

PERSONS APPEARING IN FAVOR

Roy Beard, representing applicant
 Ed Smith, representing American National Bank of Austin

PERSONS APPEARING IN OPPOSITION

Jim Hall
 Gaylord DeBoise
 Bill Windrum
 Frank Frankel
 Ted Vintack

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Petition
 William Stewart, 1300-A Fairbanks

C14p-79-034 American National Bank of Austin--continued

COMMISSION ACTION

Roy Beard, representing applicant, discussed a proposed eight-bay car wash for the site and the buffering that would be used to separate it from the duplexes in the immediate area. Ed Smith, representing the American National Bank of Austin, explained the property is presently zoned "LR" and that the bank is proposing to sell the tract. Speaking in opposition, Jim Hall submitted a petition in opposition, and requested more time to prepare opposition to the request. He was concerned for possible reduction of property values, pointed out that the car wash would be a public nuisance and requested that the special permit be denied. Mr. Stoll explained the criteria that must be used by the Planning Commission in order to deny a request for special permit. Reverend Dixon was concerned for the impact this would have on the neighborhood. Area residents objected strenuously to a car wash on this tract, felt it to be speculation, and would lower property values. There was discussion of the noise, traffic, and lighting that would be a nuisance to the neighborhood, especially if it is to be operated on a 24-hour basis. Mr. Danze asked if applicant would be willing to delay for 30 days and to work with the neighborhood and he so agreed. Mrs. Shipman was of the opinion this would set a precedent and expressed concern for the undeveloped land on the corner. Mr. Guerrero closed the public hearing.

COMMISSION VOTE

Reverend Dixon moved to continue action for 30 days, applicant meet with the neighborhood and come back with a recommendation. Mr. Vier seconded the motion and urged applicant and neighborhood to work with some of the concerns that had been discussed.

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

ABSENT: Jagger.

THE MOTION PASSED BY A VOTE OF 8-0.

C20-79-⁰¹³~~009~~ Zoning Ordinance

Consider setting a public hearing to amend Section 45-51(d) of the Zoning Ordinance relating to appeals from a decision of the Historic Landmark Commission to the City Council.

COMMISSION VOTE

Mrs. Shipman moved not to set a public hearing on this issue until the Landmark Commission has held a public hearing on the matter. Mrs. Schechter seconded the motion.

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

ABSENT: Dixon and Jagger.

THE MOTION PASSED BY A VOTE OF 7-0.

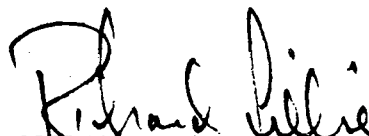
R105-79 Subdivision Memorandum

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

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

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

The meeting ajourned at 1:15 a.m.



Richard R. Lillie, Executive Secretary

[illegible]