

CITY PLANNING COMMISSION
Austin, Texas
Regular Meeting -- October 2, 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
Freddie Dixon
Mary Ethel Schechter
Sally Shipman
Jim Vier

Also Present

Richard Lillie, Director of Planning
Walt Darbyshire, Planner III
Marie Gaines, Planner
Sheila Finneran, Legal Department
Ouida Glass, Senior Secretary

Absent

Sid Jagger
Bernard Snyder
Bill Stoll

ZONING

The following cases were heard on a consent motion:

Staff Recommendation:

C14-79-170	Sue B. McBee (by Don Goldston) 1108-1202 Treadwell Street	From: A, 1st H&A To: C, 1st H&A RECOMMENDED
C14-79-181	K. R. Meyer, Jr. (by Edmund J. Fleming, Jr.) 4010 Medical Parkway	From: A, 1st H&A To: O, 1st H&A (as amended) RECOMMENDED
C14-79-183	Abed Goushe (by Abraham Goushe) 8132 North Lamar Blvd.	From: Interim A, 1st H&A To: C, 1st H&A RECOMMENDED SUBJECT TO REVIEW BY URBAN TRANSPORTATION DEPT.
C14-79-184	City of Austin Planning Department 1608-1610 Nickerson Avenue also bounded by East Milton	From: LR, 1st H&A To: A, 1st H&A RECOMMENDED
C14-79-187	Locedo Incorporated (by Douglas Stringfellow) 8600 Parliament Place also bounded by Spicewood Springs Road	From: GR, 1st H&A To: BB, 1st H&A RECOMMENDED
C14-79-188	Mesa Woods Joint Venture (by Ray A. Wilkerson) 8127 Mesa Drive	From: LR, 1st H&A To: GR, 1st H&A RECOMMENDED
C14-79-190	City of Austin Planning Department 3400-3410 Spanish Oak Drive 4500-4505, 4507-4509 Spanish Oak Ter. 4500-4516, 4518 Spanish Oak Trail	From: A, 1st H&A To: AA, 1st H&A RECOMMENDED
C14-79-198	Koger Properties, Inc. (by Thomas Field) 7718 Wood Hollow Drive also bounded by Spicewood Springs Road	From: O, 1st H&A To: LR, 1st H&A RECOMMENDED

COMMISSION VOTE

Mrs. Schechter moved and Mr. Danze seconded the consent motion to approve the above in accordance with staff recommendations.

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

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

C14-79-049 Modelle Ballard, Robert G. Ballard, John R. Ballard,
and Charles W. Ballard: Interim "AA", 1st H&A to "LR", 1st H&A
(by John R. Ballard) and "O", 1st H&A
13263 Research Blvd.
13265 Research Blvd.

Marie Gaines stated this application is not located at a major intersection. The staff would recommend denial of "LR" Local Retail and recommends "O" Office subject to site plan review incorporating the U.S. 183 performance standards.

PERSONS APPEARING

John Ballard, representing applicant
Robert Ballard, 4311 Greystone

COMMISSION ACTION

John Ballard stated the request was amended and requested "LR" 1st H&A be granted for 13265 Research Boulevard and that "O" Office, 1st H&A be granted for 13263 Research Boulevard. He stated they intended to comply with the recommendations of the 183 study and that they are providing parking in excess of the requirements. They intend to develop a 75-foot setback on any new construction on the site.

COMMISSION VOTE

Mr. Vier moved to grant "O" Office on the entire tract within the City limits and that the applicant come back for "LR" by special permit, noting that applicant has volunteered to comply with the U.S. 183 performance standards and site plan. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-120 Baylor Properties of Austin, Inc.: "B", 1st H&A to "O", 1st H&A
 (by Larry Niemann)
 1200-1202 Baylor Street

Marie Gaines explained this was heard last cycle and postponed so applicant and neighborhood could meet to try to resolve some concerns. She explained this is consistent with other uses and zoning in the area. The staff would recommend to grant "O" Office. "B" cannot carry the use.

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

PERSONS APPEARING IN FAVOR

Larry Niemann, attorney for applicant
Jan Kubicek, (owner of) 1104, 1106, 1108 Baylor and 1101 West 12th
Robert L. Smithers, (owner of) 1212, 1214, 1216 Baylor Street

PERSONS APPEARING IN OPPOSITION

Mrs. F. W. Schmidt, 1205 Castle Hill
Richard Ross, 1209 Castle Hill
Mrs. Vee Adair, 1201 Castle Hill
Claudia Ross, 1209 Castle Hill
Petition submitted in opposition

COMMISSION ACTION

Larry Niemann, attorney for applicant, discussed meetings with the neighborhood. He felt the key to citizen concern was that the buildings would be demolished and replaced with new structures. The area residents were upset with condominiums in the area. He discussed how this use would help retain existing structures and agreed to vacate the alley. Jan Kubicek discussed property in the area he had acquired and how he had improved it. He was of the opinion uses of this nature were better than apartment uses. Robert Smithers stated the neighborhood character would best be served by approving this application. Mrs. F. W. Schmidt had no objection to "O" with the restriction that this be kept as an antique shop, did not want "O" outright. Richard Ross discussed older homes in the area being restored and used for private homes and expressed concern for any kind of business uses. He discussed the improvement of the neighborhood and requested it to remain residential. Bea Adair also expressed concern that the area remain residential. Mr. Vier asked if applicant would be willing to restrict to antique shop use only. Mr. Niemann declined to do so. There was discussion of other uses and applicant did agree to "O" Office for day time office uses only.

COMMISSION ACTION

Mr. Vier moved to grant "O" Office with the restriction for day time office use only. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 3-2.

C14-79-151 Edward L. Roberts (continued)

COMMISSION VOTE

Mrs. Shipman moved to grant "C" Commercial, 1st H&A, subject to the site plan as presented, and noting the landscaping as volunteered by the applicant. 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.

C14-79-165 Mark B. Reinking: "B", 2nd H&A to "O", 1st H&A (as amended)
1510 West Fifth Street
also bounded by Powell Street

Marie Gaines explained this could be considered on a consent motion. The right-of-way requirements were being dropped.

COMMISSION VOTE

Mrs. Schechter moved and Reverend Dixon seconded the motion to grant "O" Office, 1st H&A, as amended.

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

ABSENT: Danze, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

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 discussed concerns that were raised when this case was heard last month. The staff would recommend to deny "GR" General Retail, 2nd H&A but to grant "O" Office, 1st H&A. The "GR" zoning is an intense use district and would be inconsistent as well as undesirable land use designation with the existing residential homes and the developing office use. Should more intensive zoning be granted, five feet of right-of-way along West Sixth Street is requested to accommodate the intensification of usage.

C14-79-173 Robert L. Ogden (continued)

PERSONS APPEARING IN FAVOR

Leonard Frazer, applicant
Mrs. Helena Hardcastle, 1501 West Sixth

PERSONS APPEARING IN OPPOSITION

Richard Patrick, 1707 Francis Avenue
Phyllis Frede, 1707 Francis Avenue

COMMISSION ACTION

Leonard Frazer read a letter into the record agreeing to a restrictive covenant for the current use only. There was discussion of the use and other zoning in the area.

COMMISSION VOTE

Mrs. Shipman moved to deny "GR" General Retail, 2nd H&A but to grant "O" Office, 1st H&A. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 4-1.

C14-79-179 Joseph F. Sympson: "A", 1st H&A to "B", 1st H&A
(by John C. Meinrath)
3907 Red River Street

Marie Gaines explained this home is requested for office use as well. The request is inconsistent with the existing zoning. While the "B" use district is needed for an intended home occupations function, a rezoning to a less restrictive district would set an undesirable precedent for apartment development in what is presently a single-family residential area. The staff would recommend to deny "B", 1st H&A.

PETITION SUBMITTED IN FAVOR

(13 Signatures)

PETITION SUBMITTED AGAINST

(84 signatures)

C14-79-179 Joseph F. Sympson (continued)

PERSONS APPEARING IN FAVOR

John Meinrath, representing applicant
Mrs. Garner

PERSONS APPEARING IN OPPOSITION

Gwyn White Shive, 843 East 38th Street
Grace M. Horstmann, 838 East 37th Street
William Shive, 843 East 38th Street
Westelle M. Paul, 1006 East 38th Street
Oscar C. Paul, 1006 East 38th Street
Carolyn Hewatt

COMMISSION ACTION

John Meinrath, attorney representing applicant, discussed rental property that has been purchased for the purpose of putting an insurance business in a home with one employee. They now are in violation of the zoning ordinance. He explained they did not feel it would jeopardize the character of the neighborhood. There was discussion of the home occupations ordinance and why this would not comply. Mr. Meinrath explained why a change in the zoning is needed and submitted a petition in favor of the request. He agreed to deed restrict against any advertising of the location as a business use or any other use. Mrs. Garner discussed the restoration of the lot as well as the house and requested the change of zoning be granted. Speaking in opposition William Shive, representing a group of persons living to the south, expressed concern for the intrusion of businesses into the neighborhood. He was opposed to any change in zoning inasmuch as it would be an encroachment into the area. He presented a petition containing 84 signatures in opposition. Carolyn Hewatt also spoke in opposition, requested and the zoning change be denied. She expressed concern for the traffic as well as the change from residential to commercial and requested it remain a residential area. She had real concerns for businesses in the area and what would happen to the property once the zoning is changed. Mr. Danze thought perhaps the zoning could be on the structure and not on the entire lot. Mr. Vier pointed out applicant is going to live there, has fixed it up, and has offered deed restrictions. Mrs. Shipman stated it is an undesirable precedent and discussed the Commission's having been very consistent in similar situations in that an established neighborhood has taken priority. Sheila Finneran of the Legal staff pointed out that if the zoning were to be granted on the house only, that the parking area also must be included.

COMMISSION VOTE

Mr. Vier moved and Mr. Danze seconded the motion to grant "B", 1st H&A on the house and parking area, to accept the restriction for no advertising and no signs and "A" Residential use only, as had been volunteered by the applicant.

(C14-79-179 Joseph F. Sympson (continued))

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

THE MOTION PASSED BY A VOTE OF 3-2.

C14-79-180 Buckingham Ridge Developers: "LR", 1st H&A to "GR", 1st H&A
(by Jerald Winetroub)
6524-6528 South Congress

Marie Gaines discussed less restrictive zoning having been established and clustered at the intersection of William Cannon Boulevard and South Congress. Intensification of zoning will set a precedent for strip development. Numerous acreage with General Retail zoning remains undeveloped but is located at this major arterial intersection. A downgrading in zoning from this intersection currently exists and should remain to discourage and intensify sign and driveway proliferation. The staff would recommend to deny "GR" General Retail, 1st H&A.

PERSONS APPEARING

Jerald Winetroub, representing developer

WRITTEN COMMENTS IN FAVOR

Charles Wurtzback, Pleasant Hills Neighborhood Association

COMMISSION ACTION

Jerald Winetroub, representing the developer, discussed the proposed use for an auto parts supply with minor service and repair work. He read a letter in agreement from the neighborhood association and explained they were prepared to restrict the use so the back 20 feet can remain unused and left as a greenbelt. He stated they do not plan to infringe upon the neighborhood. He distributed a site plan and explained that the tract as now zoned could be developed as a shopping center.

COMMISSION VOTE

Mrs. Shipman moved to grant "GR" General Retail, 1st H&A subject to the site plan as volunteered by the applicant and that the back 20 feet on the western portion be rolled back to "A". Mrs. Schechter 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.

C14-79-182	City Planning Commission (by City Planning Department) East Third Street between I. H. 35 and Comal	From: "B" Residential 2nd H&A, "LR" Local Retail, 1st & 2nd H&A, and "D" Industrial 1st & 3rd H&A to "A" Resi- dence, "C" Commercial 1st H&A and "DL" Light Industrial, 1st H&A
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Marie Gaines presented the staff report.

In August of 1979, neighborhood residents requested the Planning Commisison to instruct the Planning Department staff to undertake a zoning study along E. 3rd Street from I.H. 35 to Comal Street. This request covers approximately 18.6 acres of land in East Austin.

Land Use

The study area consists primarily of single family residences with mixed uses interspersed. Existing development consists of 54 residences, two (2) four-plex units. Part of a city block, on the north side of E. 3rd Street, from Onion Street to Comal comprises a City of Austin owned parcel known as Comal Park. There are two (2) churches, two (2) storage yards, a small neighborhood grocery store and the Ad-Lite Sign Company and a tortilla factory. The balance of the land approximately (23) twenty-three parcels of land is vacant.

The surrounding zoning and land use is as follows: to the north is "D" Industrial 3rd, 2nd & 1st H&A, a majority of the land is industrial or commercial in character with some single family residences interspersed.

Many of the industrial or commercial uses are oriented to the railroad tract, a major land use element, to the north of the study area. To the south are single family residents in "A" residence 1st & 2nd H&A. To the east are the Chalmers Courts, and the site for the new E. 1st Multi-purpose Center. To the west is Interstate Highway 35 forming a definite land use boundary between the downtown and subject area.

Street Information

All streets within the subject area are paved. Streets within subject area, running in a north-south direction are minor residential collectors. I.H. 35 frontage road and Comal Street serve as collector streets.

Zoning Considerations

Industrial zoning for this area, as well as much of East Austin, was established with original zoning of the city. The few non-residential uses, in the study area, were established during the 1950's.

Intensive "D" Industrial zoning at 3rd H&A and area is inconsistent with the existing residential uses, which have remained residential for well over 20 years. The "LR" Local Retail along the corner of Comal and E. 3rd Street is required for the neighborhood grocery store.

C14-79-182 City Planning Commission (continued)

Uses identified other than single-family, require at a maximum "C" Commercial, 1st H&A. Lots which are currently substandard tracts will require platting when building permits are sought for residential units. A majority of the land is zoned 3rd H&A with the balance of the area zoned 2nd and 1st H&A.

Staff Recommendation

Staff recommends to zone all single family and vacant parcels "A" Residence, 1st H&A, "B" Residence, 1st H&A on both identified four-plexes, "LR" Local Retail, 1st H&A for the neighborhood grocery store, "C" Commercial 1st H&A for the two (2) storage yards and the Ad-Lite sign company and Light Industrial for tortilla company.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Mrs. Frances Martinez, 1105 East Third Street
Samuel Hernandez, 1404 Willow
John Moore, 1611 East First
Mr. Mata, representing Canalis, Inc.
Ms. Mancias, resident of East 3rd Street,
Member of East Town Lake Citizens and Barrio Unidas
Roy Martinez, resident of East 3rd Street
Dorothy Shooter, 2000 Garden Street
Chairperson of Brown Berets

(Mr. Guerrero mentioned seven cards completed by persons in favor who did not wish to speak.)

PERSONS APPEARING IN OPPOSITION

H. H. Pool, 807 East Fourth Street
Morris Shapiro, 1000 Block East Fourth Street
Melvin Shelton, 1200 East Third Street
Bruce W. Shelton, 1200 East Third Street

WRITTEN COMMENTS IN FAVOR

Petition Submitted (93 Signatures)
Ester Olbera, 1402 East Third Street
Delores Fernandez, 1115 East Third
Miss Juanita Casarez, 1407 East Third Street
John Moore, Chairperson East First Advisory Committee

WRITTEN COMMENTS IN OPPOSITION

Mrs. M. Casarez, 1403 East Third Street
Miss Juanita Casarez, 1407 East Third Street
Jack Jennings, owner, 1201 East Second
Melvin & Bruce Shelton, Ad-Lite Sign Company, 1200 East Third Street

C14-79-182 City Planning Commission (continued)

COMMISSION ACTION

Mrs. Frances Martinez submitted a petition of area residents in favor of the rezoning of the area and discussed the needs therefor. Sam Hernandez supported the roll back for the entire area even if it meant closing businesses. Several other area residents spoke in favor of the roll back to "A" and were in support of the recommendation of the Barrio Unidas group. There was discussion of the problems with financing, the railroad tracks, as well as the need to remain a residential area. It was pointed out that if the structures were not fixed, many would be condemned. There also was discussion of rezoning the businesses and the need to maintain the area as a residential area. The residents should have priority -- not cater to businesses. Speaking in opposition, Bruce Shelton of Allied Signs submitted a letter and discussed their need for zoning, their location, and their need to expand, as well as problems if they were required to relocate. He stated the Austin banks would not loan money for his building, that he had to get it from out of town. He stated they had been at that location for 20 years and did not want to move unless they were prohibited from expanding. Morris Shapiro stated he had operated a business at the same location over 45 years and requested the property be left Industrial. He stated he did not intend to expand or buy any more property. John McCreary did not want the zoning changed, requested it be left as it now is. He stated he would sell to the adjacent sign company if and when the tenant dies; would leave it as is in the meantime.

COMMISSION VOTE

Mr. Guerrero discussed the zoning having been there since 1931 and the railroad tracks since 1870 and stated it takes time to turn injustices around. He moved to recommend to the City Council that staff recommendations be approved, including the change for the tortilla factory, that the businesses and residents talk together and try to work together. Mrs. Shipman seconded the motion. Mr. Vier stated he could not support the taking of zoning against someone's wishes, discussed investments that had been made there and the need to recognize those investments. Mrs. Schechter felt that everyone should get together and try to work something out; that is what happens in all zoning cases. The Commission then voted on the motion.

AYE: Danze, Dixon, Guerrero, and Shipman.

ABSTAINED: Schechter and Vier.

ABSENT: Jagger, Snyder, and Stoll.

Mrs. Schechter stated she wanted to go on record as not being against, thinks it is great, but that it "needs to have a little more flavor to it."

THE MOTION PASSED BY A VOTE OF 4-0-2.

C14-79-186 Lee A. Wood: "BB", 1st H&A to "B", 1st H&A
 (by Sidney E. Lanier)
 1510-1516 Parker Lane

Marie Gaines explained the proposed density is inconsistent with the existing single-family densities to the west. She explained land use impacts to the urban infrastructure pose major traffic safety and traffic flow concerns on an already heavily travelled collector. The existing zoning on the subject tract is felt to be more than adequate by allowing apartment development at a density of 20 units to the acre. The staff would recommend to deny the request for "B" Residence.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Sidney Lanier, applicant

PERSONS APPEARING IN OPPOSITION

Jean Mather, South River City Citizens
Jerome Hill, 1803 Sylvan
Mrs. J. H. Potchernick, 1710 Elmhurst Drive
Bernice Brooks, 1704 Taylor Gaines
Richard R. Bohls, 1704 Elmhurst Drive
William L. Brooks, 1704 Taylor Gaines
Glen Castlebury, 1708 Elmhurst

WRITTEN COMMENTS IN FAVOR

Mr. and Mrs. J. W. Cahill, 1406 Parker Lane

WRITTEN COMMENTS IN OPPOSITION

Petition

COMMISSION ACTION

Sidney Lanier explained this is a part of a 40-year old subdivision that is inconsistent with the area. He stated apartments can be built with a greater density. There was discussion of the traffic as well as some of the costs that could be encountered in developing the tract. Jean Mather, representing the South River City Citizens, expressed opposition to the request. This is inconsistent with the master plan that was approved last October for their neighborhood. Glen Castleberry, representing a group of neighbors, submitted a petition in opposition and stated that "apartment village" is to the east and that Parker Lane should be the line. He stated there are a lot of large trees on the site and felt it could best be developed duplexes or fourplexes. William Brooks expressed concern for the traffic on Taylor Gaines and Elmhurst Drive. Bill Bohls stated single-family homes are being built in the area.

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C14-79-186 Lee A. Wood (continued)

COMMISSION VOTE

Mrs. Shipman moved to deny "BB", 1st H&A. The area is overzoned. Mrs. Schechter 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.

C14-79-189 Ballard Family: "A", 1st H&A to "B", 1st H&A
(by Bern Ballard)
Rear of 2810 South First Street

Marie Gaines discussed the land uses in the area and recommended denial of "B", but to grant "BB". The staff would recommend to consider rolling back the front parcel to "BB".

PERSONS APPEARING IN FAVOR

Scott Ballard, representing applicant

COMMISSION ACTION

There was discussion of the heavy pedestrian traffic along South First Street. Mrs. Schechter stated the tract was landlocked. Scott Ballard asked for compatibility with property on each side and felt that the traffic would be reduced when the Congress Avenue bridge was opened. He explained he would buffer the rear of the "A" but did not want rollback on the LR to BB. He discussed building townhouses or condominiums and felt this would be upgrading the neighborhood. Applicant amended the request to "BB" and "O". Joel Stutz agreed with "BB" in the back and "O" in the front, felt 20 units density was high.

COMMISSION VOTE

Mr. Vier moved to grant "BB" as amended and accept applicant's offer to allow the City to downzone front property "B" to "BB" and "LR" to "O" and to come back with a special permit, including in the site plan, buffering, and a 25 foot setback on the back portion. Reverend Dixon seconded the motion.

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

ABSENT: Danze, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-191 Sid Hurwitz and Keith Noret: Interim "A", 1st H&A to "O", 1st H&A
Rear of 3804-3806 Manchaca Road
 also bounded by Byron Drive and Keats Drive

Marie Gaines stated the staff would recommended to deny "O" Office, 1st H&A. The proposed use is inconsistent with land use and zoning in the area.

PERSONS APPEARING

Sid Hurwitz, applicant
 Michele Alvey, 3811 Byron Drive

WRITTEN COMMENTS IN FAVOR

Petition In Favor (7 Signatures)

COMMISSION ACTION

Sid Hurwitz discussed the tract being used for garden type office complex and distributed a schematic drawing of the proposed use. He stated there would be fencing on both sides and explained that the Building Inspection Department had approved everything. The front portion is already zoned "O" and he is requesting that back portion to be zoned "O" also. Mr. Hurwitz discussed the request being consistent with uses in the area and that the adjacent owner is in agreement, also the A.I.S.D. has no objection. Area residents to the south had signed a petition in favor. There was discussion of the narrow lot and the need to terminate Byron Street. Mr. Lillie stated that a variance must be granted or Byron Street cul-de-sac on this tract, Keats should be sealed off because of the school. Mrs. Shipman felt Urban Transportation should respond to the street situation.

COMMISSION VOTE

Mrs. Schechter moved to grant "O" Office, 1st H&A subject to site plan approval by the Planning Commission. The Urban Transportation Department is to review the site plan and to make recommendations regarding Byron and Keats Drives. Reverend Dixon seconded the motion.

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

ABSENT: Danze, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-192 George C. Joseph, Sr.: Interim "AA", 1st H&A to "BB", 1st H&A
5004-4900 Duval Road

Marie Gaines stated single family or duplex development is more consistent with the developing and existing land uses. The staff would recommend to deny "BB" Residence and to recommend "A" Residential.

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C14-79-192 George C. Joseph, Sr. (continued)

PERSONS APPEARING IN FAVOR

John Joseph, 500 West 16th
Raymond Tungate

PERSONS APPEARING IN OPPOSITION

Jack Stewart, 11802 Mustang Chase
Marcello Gonzales, 11803 Gate Way
Stanley R. Parrotte, 11707 Spotted Horse Drive
Mrs. H. C. Schroeter, 11715 Spotted Horse Drive
Sally Lewis, 5107 Duval Road
Ann L. Stringer, 5006 Duval Road
Betty Perry, 5111 Duval Road
Joe L. Perry, 5111 Duval Road
Allan O. Schuster, 11804 Mustang Chase
Ken Lewis, 5107 Duval Road
Rose Ann L. Shorey, 11900 Mustang Chase
Carolyn K. Stewart, 11802 Mustang Chase
Robert Carey, 5007 West Duval Road
John Bonsac
Leslie W. Rieger, 11901 Gateway
Donald L. Edward, 5201 Bull Run
Barbara Rieger, 11901 Gate Way
Robert D. Hunter, 11704 Santa Cruz Drive
Jim Gregory, 5000 Dull Knife
Robert W. Iverson, 4806 Running Deer Drive
Jim Smith, 4808 Running Deer
James Kowis, 5003 Duval Road
Ed Stringer, 5006 Duval Road
Larry Deuser, 11800 Mustang Chase

WRITTEN COMMENTS IN FAVOR

John C. Jenson, 11503 Santa Cruz
Karen Sue Johnson-Jensen, 11503 Santa Cruz

WRITTEN COMMENTS IN OPPOSITION

John E. and Connie Metcalf, 5013 Dull Knife

C14-79-192 George C. Joseph, Sr. (continued)

COMMISSION ACTION

John Joseph, representing applicant, stated they do not have a site plan available at this time, but were willing to support the recommendation of the staff for "A" Residential for duplexes and so amended the request. Raymond Tungate also spoke in favor of the permanent "A" zoning. Robert Iverson was opposed and requested it remain "AA" single family. He did not feel to change the zoning would be in the best interest of the neighborhood. Jim Smith expressed opposition and stated this is a single-family dwelling neighborhood; there are no duplexes or apartments in the area. Larry Deuser discussed the single family area and pointed out they do not want duplexes in the vicinity. Ed Stringer requested to preserve the integrity for single-family residences. James Copus discussed the drainage problems and the danger of children playing in the drainage pipes. He expressed opposition to anything other than single-family residences. Jim Gregory discussed the traffic and noise and requested the area remain as it is now. Bob Hunter, president of the Mesa Park Civic Association, expressed concern for high density housing in the heart of a single-family area. He stated this is spot zoning and would set a precedent, the traffic would increase, and requested permanent "AA" be granted. Larry Deuser, speaking for approximately 30 neighborhood residents, expressed opposition to the request. They were concerned for development all along Duval Road. Mr. Lillie stated there had been an error in review of the application and because of recent zoning history, along with substantial single-family residences that have developed surrounding subject tract, the staff now would recommend "AA".

COMMISSION VOTE

Mrs. Shipman moved and Reverend Dixon seconded the motion to deny "BB", 1st H&A but to grant permanent "AA", 1st H&A.

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

ABSENT: Danze, Jagger, Snyder, and Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

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C14-79-195 N.B.C. Associates: Interim "AA", 1st H&A to "GR", 1st H&A
(by David W. Gray)
10400 Research Blvd.

Marie Gaines explained the staff would recommend to deny "GR" General Retail, 1st H&A, but recommend to grant "O" Office, 1st H&A. This is consistent with the recommended zoning pattern along U.S. 183 as well as Jollyville Road. It also is recommended to comply with the provisions of the 183 study.

PERSONS APPEARING IN FAVOR

David Currington, engineer for applicant
Ray Gill, architect for the bank

COMMISSION ACTION

David Currington, engineer for the applicant, explained the intended use is for access and parking. He requested "GR" to place a sign on the Jollyville frontage, was in agreement with "O" except for 25 feet back from the property line, 10 feet wide for the purpose of installing the sign. Ray Gill, architect for the bank, discussed the need for identification for the driveway. Mr. Vier suggested to continue the hearing and applicant provide field notes for the sign. Mr. Lillie stated the staff would check to determine whether or not the sign could be placed on Jollyville Road by special permit.

COMMISSION VOTE

Mr. Vier moved to grant "O" Office, 1st H&A and that staff report on October 3 whether or not a sign could be placed on Jollyville Road by special permit. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-196 N.B.C. Associates: "GR", 1st H&A to "GR", 2nd H&A (as amended)
(by David W. Gray)
10400 Research Blvd.

Marie Gaines explained applicant agrees with the staff recommendation to grant "GR", 2nd H&A, as amended.

COMMISSION VOTE

Rev. Dixon moved and Mrs. Schechter seconded the motion to grant "GR", General Retail, 2nd H&A, as amended.

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

THE MOTION PASSED BY A VOTE OF 5-0.

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C14-79-199 H.E. Butt Grocery Company: Interim "AA", 1st H&A to "GR", 1st H&A
(by C. Morris Davis)
13804 Research Blvd.

Marie Gaines explained applicant had requested this item to be postponed.

COMMISSION VOTE

Mrs. Schechter moved and Mrs. Shipman seconded the motion to postpone this request until applicant is ready to place it back on the agenda.

AYE: Dixon, Guerrero, Schechter, Shipman.

ABSTAIN: Vier

ABSENT: Danze, Jagger, Snyder, Stoll.

THE MOTION PASSED BY A VOTE OF 4-0-1

C14-79-200 Coleen Beck: "B", 2nd H&A to "LR", 2nd H&A
1411 West Sixth Street

Marie Gaines discussed the zoning and land uses in the area. The staff would recommend no greater than "O" Office, 1st H&A. Redevelopment has occurred successfully for "O" Office uses and with single-family development.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Coleen Beck, applicant
Mrs. Helena Hardcastle, 1501 W. Sixth

PERSONS APPEARING IN OPPOSITION

Phyllis Frede, 1707 Francis Avenue
Richard Patrick, 1707 Francis Avenue
Gretchen Alley

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

James L. Davis, 507 Oakland
Petition

COMMISSION ACTION

Coleen Beck explained she would put in an art gallery. There was discussion of the traffic problems. She also discussed this not being a single-family area and felt there should be the ability to compete with Pecan Square.

C14-79-200 Coleen Beck (cont'd.)

Helena Hardcastle expressed agreement with the request and asked that the zoning be granted. Phyllis Frede expressed concern for the traffic on Sixth Street, as well as for the nature of the businesses. She stated it was inevitable that Sixth Street would develop, but requested the residential character be maintained as much as possible. She was not opposed to "O" but was opposed to "LR". Gretchen Alley, speaking for area residents, expressed opposition to the request, submitted a petition supporting that opposition, and requested nothing more than "O" be granted.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to deny "LR" Local Retail, 2nd H&A but to grant "O" Office, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-202 Brown Builder, Inc.: Interim "A", 1st H&A to "BB", 1st H&A
(by Diane DeBois)
6902 Thorncliff Drive also bounded by
Knollwood Drive

Marie Gaines explained the staff would recommend to deny. The use would be inconsistent with surrounding uses and development in that area.

PERSONS APPEARING IN FAVOR

Dianne DeBois, representing applicant
Bill Carson, Holford and Carson
Judy Brown, 3431 North Hills Drive, No. 107

PERSONS APPEARING IN OPPOSITION

John R. Sharp, 6207 Highland Hills
Laverne Sharp, 6207 Highland Hills
Edwin M. Goldman, 6209 Highland Hills
Donald F. Leonard, 6600 Shadow Valley Dr.

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Mr. & Mrs. John R. Sharp, 6207 Highland Hills Dr.
Mr. & Mrs. J.E. Raffa, 6406 Sumac Drive
James M. Taylor, 6919 Thorncliff

C14-79-202 Brown Builder (cont'd.)

Mr. & Mrs. Michael W. Herzberg, 6604 Sumac Drive
 William R. & Martha Johnson, 3801-B Knollwood
 Peggy Annis, 6601 Sumac
 William and Fleta Pribble, 3906-A Knollwood Drive

COMMISSION ACTION

Dianne DeBois, representing the applicant, stated this is to be a small P.U.D. and that "BB" zoning would be needed as well as a special permit. She showed slides of the area, discussed the proposed driveways and off-street parking. She stated they would be willing to deed restrict to seven and one-half units per acre and that the zoning change would be contingent upon approval of the site plan. They had met with the neighborhood association, who was in agreement with the P.U.D., and explained they liked the idea of owner occupancy. Bill Carson with Holford and Carson discussed the proposed plans, and stated that owner occupied condominiums in his opinion would be the proper use for the land. He discussed problems encountered with small sites zoned "A" residential with topographical problems and submitted two letters in support of the plan. Speaking in opposition, Edwin Golden was opposed to apartments, concurred with the proposed density and "BB" with restrictions as offered. Donald Leonard was opposed to apartments and concurred with the remarks of Mr. Golden. He stated this is a reasonable and well thought out plan. Jim Landrum, representing the Northwest Hills Civic Association, presented a petition in opposition and expressed concern for any change in zoning without definite plans for use. They were very much concerned for apartments in the area and requested denial of the requested zoning change. Albert Olson objected to the plan as submitted. Jo Anne Ferrell discussed the traffic and stated there are two schools a block away. Mrs. Shipman suggested to leave the zoning "A" and applicant submit a P.U.D. Judy Brown discussed the need to get something on the tract without resubdividing.

COMMISSION VOTE

Mr. Danze moved and Mr. Vier seconded the motion to grant "BB", 1st H&A subject to site plan submitted where density no more than 7.5 units per acre and to accept applicant's offer to tie to a special permit and site plan approval.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-203 Ruth Brunk: Interim "AA", 1st H&A to "GR", 1st H&A
 (by Don E. Bird)
 11877-11879 U.S. 183
 also bounded by Bell Avenue

Mr. Guerrero explained the attorney for applicant had requested postponement.

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C14-79-203 Ruth Brunk (cont'd)

COMMISSION VOTE

Mrs. Schechter moved, Mr. Guerrero seconded, to postpone the request in accordance with request of attorney for applicant.

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

ABSENT: Danze, Jagger, Snyder, Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-204 Helena Hardcastle: "B", 2nd H&A to "GR", 2nd H&A
1501-1503 W. Sixth St.

Marie Gaines discussed the zoning and land uses in the immediate area. The staff would recommend to deny "GR" General Retail, but to grant "O" Office, 1st H&A. Mixed uses can develop quite nicely. She explained the petition that was submitted is not valid.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Mrs. Helena Hardcastle
Coleen Beck

PERSONS APPEARING IN OPPOSITION

Rick Patrick, 1707 Francis Avenue
Phyllis Frede, 1707 Francis Avenue
Brady Coleman
Leonard Frazer
Gretchen Alley

WRITTEN COMMENT IN OPPOSITION

Petition

COMMISSION ACTION

Helena Hardcastle stated the house is in disrepair and must be demolished. She requested "GR" zoning for attractive commercial shops and stated the desire to keep the trees. There will not be any obnoxious uses and also discussed not wanting to be limited to 1st H&A. She pointed out a need to be realistic and to permit orderly growth and development. Coleen Beck supported Mrs. Hardcastle's remarks. Rick Patrick stated it was inevitable this would be a commercial area but that the residents do care very much about their homes. He was of the opinion mixed uses could be put in, but requested to keep the neighborhood on an upward swing. He did not feel there was a need for a shopping center so near the downtown area. Brady Coleman was in agreement

C14-79-204 Helena Hardcastle (cont'd.)

with the remarks of Mr. Patrick. He stated the entire strip between Fifth and Sixth Streets is the property of one owner and was in agreement with the recommendations of the staff. Leonard Frazer stated it is ridiculous to support retail. Gretchen Alley also was in opposition.

COMMISSION VOTE

Mrs. Shipman moved and Rev. Dixon seconded the motion to deny "GR" 2nd H&A but to grant "O" Office, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-206 David B. Barrow, Jr.: "GR", 1st H&A to "C-1", 1st H&A
(by Charles F. Stahl)
7032 Wood Hollow Drive

Marie Gaines explained this could be taken on a consent motion. Applicant had agreed the zoning would be for the building only and that it would revert back if the use should cease.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to grant "C-1", 1st H&A for the building only and that the zoning would roll back to "GR" when the use is no longer there.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-208 Wayne Laymon: Interim "AA", 1st H&A to "LR", 1st H&A
(by Pat Lawrence)
13441 Ranch Road 620

Marie Gaines stated the staff would recommend to deny "LR" Local Retail, 1st H&A but to grant "O" Office, 1st H&A subject to the recommendations of the 183 study. Subject tract is not located at a major intersection, therefore, zoning no greater than "O" Office should be considered to preclude strip zoning and strip development.

PERSONS APPEARING IN FAVOR:

Pat Lawrence, agent for applicant

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C14-79-208 Wayne Laymon (cont'd.)

COMMISSION ACTION

Pat Lawrence, agent for the applicant, expressed agreement with the staff recommendations. The proposed use is office with parking of nine spaces.

COMMISSION VOTE

Mrs. Schechter moved to deny "LR" Local Retail, 1st H&A but to grant "O" Office, 1st H&A subject to U.S. 183 conditions and that the site plan be presented for Planning Commission review prior to passage of the ordinance. Rev. Dixon seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-209 Francis Hospitals, Inc.: "O", 1st H&A to "GR", 1st H&A (as amended)
(by Nutt, Wolters, and Associates)
11041-11104 Hwy. 183 and
11019-11039 (old Burnet Road) Hwy. 183

Marie Gaines explained applicant had amended the request to "GR" General Retail and would come in with a special permit. Everything is in order and could be considered by consent.

COMMISSION VOTE

Rev. Dixon moved and Mrs. Schechter seconded the motion to grant "GR", 1st H&A, as amended.

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

THE MOTION PASSED BY A VOTE OF 4-0-1.

C14-79-212 C. B. Carpenter & Odas Jung: "LR", 1st H&A to "C-1", 1st H&A
(by John O. Grady)
2324 Rosewood, also bounded by
Walnut Avenue

Marie Gaines discussed the uses in the immediate area. More intensive zoning has not been supported by the Planning Commission and City Council. The staff would recommend to deny.

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C14-79-212 C. B. Carpenter (cont'd.)

PERSONS APPEARING

John Gray, representing applicant

WRITTEN COMMENT IN FAVOR

Petition in favor (78 signatures)

COMMISSION ACTION

John Gray, representing the applicant, discussed the existing shopping center and their desire to put in a package store and grocery store. They felt this would bring in more retail trade to the East Austin area. A petition in favor of the request was submitted.

COMMISSION VOTE

Mrs. Shipman discussed this being in the Urban Renewal Area and also the proximity to a school and moved to deny "C-1", 1st H&A. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-213 Builder's Display of Austin: "C", 1st H&A to "C-1" 1st H&A
(by John O. Grady)
7417-7423 N. Lamar

Marie Gaines discussed the land uses and zoning in the immediate area. The uses surrounding the subject tract are consistent with the requested zoning. The staff would recommend to grant "C-1" Commercial, 1st H&A.

PERSONS APPEARING

John Grady, representing applicant

COMMISSION ACTION

Mrs. Schechter asked if the use would be a package store. Mr. Grady replied that it would and discussed traffic to and from Crestland.

COMMISSION VOTE

Mr. Guerrero moved and Mr. Vier seconded the motion to grant "C-1", 1st H&A.

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C14-79-213 Builder's Display (cont'd)

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-214 Terry T. Sayther: Interim "A", 1st H&A to "GR", 1st H&A
(by Edwin J. Terry, Jr.)
1606 Fort View Road
4205-4209 Clawson Road

Marie Gaines explained the staff would recommend to grant "GR" General Retail, 1st H&A subject to the dedication of right-of-way to raise Clawson and Ft. View Road to standard urban width. The right-of-way for Fort View Road must be verified.

PERSONS APPEARING

Terry Sayther

COMMISSION ACTION

Terry Sayther discussed an automotive repair business with hours from ten to five or six in the evening. He would provide buffering for the single-family residences to the east and explained that he lived on the premises. There was discussion of the traffic and danger of the intersection at Clawson and Fort View.

COMMISSION VOTE

Mr. Vier moved to grant "GR" General Retail, 1st H&A and that the Urban Transportation Department to comment on the intersection at Ft. View Road and Clawson. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-215 James K. Presnal, Trustee: Interim "A", 1st H&A to "O", 1st H&A
(by Maury Hood)
4501 Spicewood Springs Road

Marie Gaines discussed the alignment of Spicewood Springs Road. The staff would recommend to deny "O" Office, 1st H&A but would recommend "BB" Residence, 1st H&A subject to the density being reduced to 12 units per acre in accordance with the zoning across the street.

C14-79-215 James K. Presnal (cont'd.)

PERSONS APPEARING IN FAVOR

Maury Hood, representing applicant
 Ron Allen, Balcones Civic Association
 Jim Landrum, Northwest Hills Civic Association

COMMISSION ACTION

Maury Hood stated he was not interested in "B" or "BB"; he requested "O" Office be granted. The Balcones Civic Association is in agreement with his request to build a three-story office building. He discussed the need for a sign to identify the structure, and showed a proposed site plan. He discussed saving as many trees as possible and agreed to greenbelt space. Ron Allen, representing the Balcones Civic Association, supported the "O" Zoning. They do not want any more apartments. Jim Landrum, Northwest Hills Civic Association, stated they do not want any more apartments and agreed with the request of Mr. Hood. He discussed a campaign in the Northwest Hills area being started for rollback zoning.

COMMISSION VOTE

Mrs. Shipman stated this is the first zoning to the west of the intensive development along Spicewood Springs Road and will set a precedent to the South and West. The neighborhood is in agreement. She moved to grant "O" Office, 1st H&A subject to the site plan as volunteered by the applicant, including landscaping. In the event any use other than "O" Office should take place, the density to be limited to 12 units per acre. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 5-0.

R141 Planning Commission Rules and Regulations
 Amendment to Planning Commission Rules and
 Regulations, Amended 1979

Mr. Guerrero explained the need to amend the Rules and Regulations of the Planning Commission regarding the time limit of presentations.

COMMISSION VOTE

Mrs. Shipman moved to change the rules and that the initial presentation be limited to ten minutes. Mrs. Schechter seconded the motion. Mr. Vier offered a friendly amendment that the remainder of the presentations be limited to five and three minutes; that the Commission stop at 11 p.m. to assess where they are, and that the meetings be stopped at midnight. Mrs. Shipman withdrew

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R141 Planning Commission Rules (cont'd.)

her original motion. Mr. Vier then offered a motion, seconded by Mr. Danze, that the presentations be limited to five and three minutes with three minute rebuttals, and assessment at 11 p.m. with closing at midnight.

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

ABSENT: Dixon, Jagger, Snyder, Stoll

THE MOTION PASSED BY A VOTE OF 5-0.

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 on the Subdivision Memorandum and took the action as indicated thereon.

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

ABSENT: Dixon, Jagger, Snyder, Stoll.

THE MOTION PASSED BY A VOTE OF 5-0.

The meeting adjourned at 11:30 p.m.



Richard R. Lillie, Executive Secretary

TYPE: FINAL, LONG FORMS		PLANNING COMMISSION MEMORANDUM					DATE: October 2, 1979		PAGE: 1	
C8F	SUBDIVISION	CITY	ZON- ING	ETJ	PROPOSED LAND USE	ACREAGE	VARIANCES		RECOMMENDATIONS	ACTION
	LOCATION					LOTS	STATUS			
1.	79 Shinoak Valley Section II	X	1AA			36.66	LAGMP		APPROVAL	DELETE
	38 Bon Terra Drive & Marquesa Drive					72	COMPLETE			
2.	77 Spicewood at Balcones Village Sec. 8			X	Residential	39.07			APPROVAL	Mr. Vier abstained
	113 Taterwood Drive & Anderson Mill Road					95	COMPLETE			
					</					