

CITY PLANNING COMMISSION  
Austin, Texas  
Regular Meeting -- November 6, 1979

The regular meeting of the City Planning Commission was called to order at 5:45 p.m. in the City Council Chambers.

Present

Miguel Guerrero, Chairman  
Leo Danze  
Freddie Dixon  
Sid Jagger  
Mary Ethel Schechter  
Sally Shipman  
Bernard Snyder  
Bill Stoll

Also Present

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

Absent

Jim Vier

ZONING

The following cases were heard on a consent motion:

Staff Recommendation:

C14-79-040 Faith Fellowship, Inc.  
(by Hank Wire)  
6010-6210 E. Ben White  
3010-3024 & 2814-2914 Montopolis

From: IAA, 1st H&A  
To: GR, 1st H&A  
(as amended)  
RECOMMENDED

C14-79-219 Lula LaFuenta  
(by Buck Smith)  
6507 Circle S. Road

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

C14-79-227 L. T. Simpson & Saide Bell Simpson  
(by Andy Barnes)  
11162 Jollyville Road

from: IAA, 1st H&A  
To: O, 1st H&A  
RECOMMENDED

C14-79-238 James W. Person, Tao/Ono, Inc.  
(by Jay Prasifka)  
1611 West Sixth Street

From: B, 2nd H&A  
To: O, 1st H&A  
RECOMMENDED

C14-79-239 City of Austin  
(by Joseph Morahan)  
5307-5311 East Riverside Drive

From: IAA and A, 1st H&A  
To: A, 1st H&A  
RECOMMENDED

Mr. Danze moved to recommend staff recommendations on the above items. Mrs. Shipman seconded the consent motion.

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

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

C14-79-129 James J. and Jessamine Arnold: "IAA", 1st H&A to "C-1", 2nd &  
(by James H. Arnold, Jr.) 5th H&A  
13118 RR 620

C14-79-130 James H. Arnold, Jr.: "IAA", 1st H&A to "C", 2nd & 5th H&A  
13114-13116 RR 620

Jim Arnold, applicant, explained the need and requested these two items be continued until 5:30 p.m. on February 5th.

COMMISSION VOTE

Reverend Dixon moved and Mr. Stoll seconded the motion to continue the two items until 5:30 p.m. on February 5, 1980.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-143 William F. Munday: "IA", 1st H&A to "O", 1st H&A  
 (by Kenny Dryden)  
 1000 Block to 1400 Block William Cannon Drive

Marie Gaines described the existing commercial zoning which was developed and undeveloped along William Cannon. This request is adjacent to newly proposed single-family development and there is single-family development to the south. The staff would recommend to deny "O" Office, 1st H&A and would recommend to grant permanent "A" Residential, 1st H&A.

#### PERSONS APPEARING IN FAVOR

Dick Rathgaber, representing applicant  
 Bill Collins

#### PERSONS APPEARING IN OPPOSITION

Dan Dodson, 1201 Echo Lane  
 Dave Gambill, Southwest Austin Neighborhood Association  
 Marilyn Simpson, Whispering Oaks-Cherry Creek Neighborhood Association  
 John D. and Pauline Gamble, 2530 Baxter Drive  
 Pam Gray, 2806 Sissinghurst  
 Bernard B. and Betty Baker, 2602 Aldford Drive  
 Charles C. Jennings, 2606 Cockburn Drive  
 Ken Webb, 6702 Biarwood Drive  
 Mrs. Anne Reed, 2602 Carlow Drive  
 Joyce Exparza, 2513 Campden Drive  
 Janet W. Robbins, 6212 London Drive  
 Virginia Crowe, 6506 Blarwood

#### COMMISSION ACTION

Dick Rathgaber stated he had sold the property to the applicant and is now representing him at this time. He discussed the common driveway with the Cannon Medical Center and stated there would be no traffic into the residential street. He also discussed the buffer. The applicant has agreed to 20 percent in greenbelt, a planted berm, and a restrictive covenant prohibiting any signs along William Cannon. The building will resemble the medical center and will be used for offices. He discussed meetings with the neighborhood associations and felt this proposed use would be better than duplexes. He agreed to provide a site plan in keeping with the medical center. Bill Collins stated this is much more desirable than what is there now and felt it would complement the entire neighborhood. Dan Dodson stated that office development would be an asset to the neighborhood. He discussed the traffic at the intersection of William Cannon and Mount Carrol. There is not a left turn lane and felt that the street should be made safe. Dave Gamble stated there is a great deal of "O" Office along William Cannon and a great deal undeveloped. He requested there not be additional Office zoning in this area, did not want William Cannon to turn into another Ben White. He requested the tract to remain "A", this would be strip zoning. He was of the opinion the entire strip should have been planned, not a block at a time. He explained it was set up as a residential area and requested it be kept that way. Marilyn Simpson, Whispering Oaks-Cherry Creek Neighborhood Association, stated that William Cannon is being over-zoned. This can be developed into nice, residential homes.

C14-79-14<sup>3</sup> William F. Munday (continued)

COMMISSION VOTE

Mr. Stoll moved to grant "O" Office, 1st H&A subject to the site plan as offered by the applicant to be reviewed by the Urban Transportation Department and by the Planning Commission. Mrs. Schechter seconded the motion. Mrs. Shipman offered a friendly amendment to include 20 percent greenbelt, berm, and no signs on William Cannon, and the building to share a common driveway with the duplexes to the west.

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

ABSENT: Danze, Dixon, Jagger, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-216 Allied Development Company: "GR", 1st H&A to "GR", 2nd H&A  
(by Thomas W. Cummins)  
6900 Cannon League Drive

Marie Gaines explained this is a request for height and area change for a composite sign. The staff would recommend approval of 2nd height and area if the tract is set back 100 feet, and the applicant has so agreed.

PERSONS APPEARING IN FAVOR

Bob Barnes, representing applicant

PERSONS APPEARING IN OPPOSITION

Marilyn Simpson, Whispering Oaks-Cherry Creek Neighborhood Association  
John Pickwell, Whispering Oaks-Cherry Creek Neighborhood Association  
Pauline and John D. Gamble, 2530 Baxter Drive  
Jim Coffield  
Pam Gray, 2806 Sissinghurst  
Betty and Bernard B. Baker, 2602 Aldford Drive  
Charles C. Jennings, 2606 Cockburn Drive  
Ken Webb, 6702 Biarwood Drive  
Mrs. Anne Reed, 2602 Carlow Drive  
Joyce Exparza, 2513 Campden Drive  
Janet W. Robbins, 6216 London Drive  
Virginia Crowe, 6506 Blarwood  
Anna Bell Torres  
Bebbee Coffield

C14-79-216      Allied Development Company (continued)

## COMMISSION ACTION

Bob Barnes, representing applicant, stated there would be no problem with setting the sign back 100 feet. Mrs. Shipman expressed concern for the precedent it would set in the entire area. She stated the view is not obscured and questioned the need for second height and area. Jim Coffield stated this is a residential neighborhood, would be glad to see a shopping center, but did not want to see another Ben White Boulevard. He stated their residences were there before the shopping center was planned, a 35-foot sign is more than adequate. John Pickwell, speaking in behalf of the Whispering Oaks-Cherry Neighborhood Association, discussed visibility and felt that first height would be sufficient. He felt a 60-foot sign would be abusive to the homeowners and would be an eyesore to the neighborhood. He discussed the impact on the quality of the neighborhood if the zoning were changed and pointed out that it would set a precedent. Marilyn Simpson, also representing the Whispering Oaks-Cherry Creek Neighborhood Association, stated Allied is purchasing another tract and would probably request another sign. She discussed the speed limit in the area and stated there is no demand for the requested height.

## COMMISSION VOTE

Mrs. Shipman moved to deny 2nd H&A. It would set a very undesirable precedent for other signs in the entire area. The property immediately across the street has just recently been zoned "GR" and the property to the west of this is zoned "GR" and has a sign flush with the building. This will spawn proliferation of signs. Mr. Guerrero seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 3-0-2.

C14-79-217      Lynn Storm: "IA" and "GR", 1st H&A to "GR", 2nd H&A  
                  (by Robert Davis)  
                  3801-3943 South Lamar  
                  3800-3940 Victory Drive

Marie Gaines discussed the zoning in the area and stated it will set a precedent for 2nd height and area. Preliminary site plans have been submitted by the applicant. The staff would recommend to grant "GR", 1st H&A and to consider 2nd H&A for the building only. No additional median cuts will be made on South Lamar.

## PERSONS APPEARING

Robert Davis, attorney representing applicant

C14-79-217 Lynn Storm (continued)

## COMMISSION ACTION

Robert Davis, attorney representing applicant, discussed the proposed use of the tract and requested flexibility of the 2nd H&A for general uses on the first floor with offices above when a determination of the need can be made. He explained they will comply with the landscape ordinance and the site will be well buffered from residential development. The use is appropriate and he requested the zoning be granted. Mrs. Shipman was of the opinion that the zoning is appropriate but was concerned for the undeveloped land and also for three driveway cuts and the alignment. She would prefer no driveway cuts on Victory Lane. Marie Gaines explained that the Urban Transportation Department had reviewed the request and was in agreement with the proposal. Robert Davis agreed to present a site plan for Urban Transportation and Planning to review and stated they would comply with any requirements of the Urban Transportation Department. Mrs. Shipman expressed concern for traffic that would be generated around the Porter Junior High School.

## COMMISSION VOTE

Mrs. Shipman moved to grant "GR" General Retail, 1st H&A, to grant "GR" General Retail, 2nd H&A for the building only, noting that the applicant has volunteered to submit a site plan for review by the Planning Commission with the additional request that written comments pertaining to the site plan regarding driveway cuts and traffic flow around Porter Junior High be submitted by Urban Transportation Department. Mr. Jagger seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-224      Edward Wendlandt, et al: "IAA", 1st H&A to "GR", 1st H&A  
                  (by Hoyle M. Osborne)  
                  9425-9721 North Lamar Boulevard  
                  501-701 West Longspur Boulevard

Marie Gaines discussed the general area, stated the staff would recommend to deny "GR" General Retail, 1st H&A on the entire tract but would recommend to grant "GR" General Retail, 1st H&A to an average depth not to exceed 500 feet, with the balance of the tract recommended to be "A" Residence, 1st H&A.

## PERSONS APPEARING

Hoyle Osborne, representing applicant

## COMMISSION ACTION

Hoyle Osborne, representing applicant, stated they would prefer "O" Office to "A" Residential. He discussed the proposed plans for the entire tract. Mr. Jagger was concerned for zoning and commercial activity intruding into the residential

C14-79-224 Edward Wendlandt, et al (continued)

neighborhood. Mr. Osborne discussed the drainageway and was of the opinion that the drainageway would provide division between the residential uses and the commercial uses. He also discussed the two acres that would be used for detention ponds and requested that the "GR" zoning be placed to the center line of the creek and that the more restrictive zoning be applied for the remainder of the tract. There also was discussion of the berms and of the landscaping that would be provided.

## COMMISSION VOTE

Mr. Jagger moved to grant "GR" General Retail, 1st H&A, according to site plan submitted, or 565 feet at the widest point, to grant "O" Office 1st H&A on the drainage detention area and that the zoning be 15 feet back (west) from the center line of the drainage ditch.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-226 Children's Publications, Inc.: "A", 1st H&A to "BB", 1st H&A  
1101-1109 Elm Street also  
bounded by West 12th Street

Marie Gaines explained the proposed use would be inconsistent with existing land uses and the surrounding tract. There is "A" Residential zoning to the east, west, and south. The area has functioned as a single-family neighborhood. "BB" Residential zoning could make existing marginal single-family structures vulnerable to additional intensification in zoning. Duplexes may be developed under the present zoning. The staff would recommend to deny "BB", 1st H&A. If more permissive zoning is recommended, an additional five feet of right-of-way will be required for future widening of Elm Street.

## CITIZEN COMMUNICATION

## PERSONS APPEARING IN FAVOR

Robert Barnstone, applicant  
Jan Kubicek

## PERSONS APPEARING IN OPPOSITION

Roy Fewell, 1006 Elm Street  
Jim Baker, 1007 Elm Street  
Dr. Kathleen Guido, 1002 Elm Street  
William Meacham, 1004-B Elm Street  
Ima B. Payne, 1008 Lorrain  
Sheila Fewell, 1006 Elm Street  
Jane S. Baker, 1007 Elm Street

C14-79-226 Children's Publications, Inc. (continued)

## WRITTEN COMMENTS IN FAVOR

Beverly and Robert D. Jones, 1607 Sharon  
Robert W. Townsley, 1102 Elm Street  
Gail Horkol  
Ima B. Payne, 1008 Lorrain  
Phil R. Preese, 1006 Lorrain

## COMMISSION ACTION

Robert Barnstone, applicant explained that it was virtually impossible to get consent of all owners in order to resubdivide, therefore, he was requesting a change in the zoning. He discussed the proposed plans for the tract and agreed to limit the use to eight units as would be permitted under the "A" zoning. He explained the units would be owner occupied and would be compatible with the neighborhood. The site was that of a church and no houses would be displaced. Jan Kubicek, speaking in favor of the request, explained the tract had been purchased from the City through sealed bid and sold to the developer. He did not agree with the recommendation of the Planning Department and explained that the land is now unimproved and no displacement would be necessary. He felt it would be compatible with the area and urged the request be granted. Speaking in opposition, Roy Fewell discussed the residential character of the neighborhood and expressed concern for the precedent the zoning change would set. It would create a domino effect and he requested the zoning change be denied. Jim Baker also expressed concern for the integrity of the neighborhood and requested the "A" Residential character be maintained. Other area residents speaking in opposition discussed their concern that the residential character be maintained, the zoning change be denied. There was discussion of the traffic and also of the safety of living in an area of persons knowing each other. Mrs. Shipman discussed it would be irresponsible on the part of the Planning Commission to consider spot zoning.

## COMMISSION VOTE

Mrs. Shipman moved to support staff recommendations and to deny "BB", 1st H&A. It would be inconsistent with land uses surrounding the subject tract and the land uses to the east, west, and south. Mr. Jagger discussed with Mr. Barnstone the possibility of trying to obtain signatures in order to resubdivide and postponing the request in order to attempt to accomplish this. He explained the development as proposed is desirable and he did not wish to eliminate the total possibility while an attempt to resubdivide is being made. Mr. Barnstone explained it was impossible to do so. The Commission then voted on the motion to deny "BB" Residence, 1st H&A, that was seconded by Mr. Guerrero.

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

THE MOTION PASSED BY A VOTE OF 4-2.



C14-79-228      City of Austin  
                  (by Planning Department)

From:        Interim "A" Residence, Interim 1st Height and Area  
To:           "AA" Residence, 1st Height and Area

8100-8408 and 8101-8409 Fort Sumter Road  
8200-8412 and 8201-8411 Dixon Drive  
8100-8424 and 8101-8425 Seminary Drive  
2600-2718 Cameron Loop  
2700-2704 and 2701-2707 Irish Bend Drive  
2700-2704 and 2701-2705 Calabash Cove  
2700-2706 and 2701-2705 Fort Sumter Circle  
2600-2710 and 2601-2711 Gettysburg Drive  
2608 and 2609 Palmito Road  
2600-2922 and 2601-2921 Inridge Drive  
2700-2910 and 2701-2911 Jorwoods Drive  
8200-8400 and 8201-8403 Kearsarge Drive  
8200-8404 and 8201-8405 Alabama Drive  
8100-8104 and 8101-8103 Shiloh Court  
8100-8104 and 8101-8105 Caisson Circle  
2100-2412 and 2301-2409 Stone River Drive  
7900-8108 and 7901-8113 Appomattox Drive  
2500-2606 and 2501-2605 Monitor Drive  
2102-2602 and 2103-2607 Shiloh Drive  
7900-8016 and 7901-8015 Keneshaw Drive  
7700-7710, 7804-8200, 7701-7711, 7805-7813,  
7829-7901 and 8005-8201 Manassas Drive  
7504-7612 and 7505-7609 Whispering Oaks Drive  
7504-7604 and 7505-7607 Whispering Winds Drive  
7706-7802 and 7707-7805 Gaines Mill Lane  
2300-2306 and 2301-2305 Gaines Mill Cove  
2400-2606 and 2401-2609 Broken Oak Drive  
2310-2606 and 2311-2607 Burly Oak Drive  
7502 and 7503 Hays Hill Drive  
7600-7604 and 7601-7605 Challsbury Drive  
7502-7604 and 7503-7703 Westgate Boulevard  
2200-2220 and 2201-2219 Fancy Gap Lane  
7700-7706 and 7701-7705 Malvern Hill Court  
2000-2114 and 2001-2113 Malvern Hill Drive  
7722-7804 Manchaca Road

From:        Interim "A" Residence, Interim 1st Height and Area  
To:           "A" Residence, 1st Height and Area

2000-2100 and 2001-2101 Shiloh Drive  
7906-8122 Manchaca Road  
8000-8208 and 8001-8207 Hood Circle  
8000-8104 and 8001-8105 Dowling Cove

C14-79-228 City of Austin (continued)

Marie Gaines stated the staff would recommend permanent "AA" Residence, 1st H&A for all single-family units within Tract 1 and would recommend permanent "A" Residence, 1st H&A for Tract 2 which contains duplex lots.

## COMMISSION VOTE

Mr. Stoll moved and Mrs. Schechter seconded the motion to approve staff recommendations and to grant permanent "AA" Residence, 1st H&A for Tract 1 and permanent "A" Residence, 1st H&A for Tract 2.

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

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-230 Mr. and Mrs. I.H. Silberberg: "IA", 1st H&A to "O", 1st H&A  
(by Irwin R. Salmanson)  
4101 Spicewood Springs Road

Marie Gaines discussed the alignment of Spicewood Springs Road and the policy to recommend no greater than "A" Residential zoning along Spicewood Springs Road in this area. The staff would recommend to deny "O" Office, 1st H&A and would recommend to grant "A" Residential, 1st H&A. Mr. Lillie discussed other zoning requests in the area prior to the alignment of Spicewood Springs Road and stated that this decision is based on Planning Commission and City Council action on cases in the past. The roadway has nothing to do with the recommendation. He stated the Commission might wish to consider "O" Office with a site plan because of the building set back requirements, maintenance of tree coverage, and landscaping on the tract. This would set a precedent for other "O" requests and an attempt has been made to keep from stripping out. This is the alignment; it is no longer proposed.

## PERSONS APPEARING

Irwin Salmanson, attorney representing applicant  
Harry Carlson, representing neighbors to the North  
Jim Landrum, Northwest Hills Civic Association

## COMMISSION ACTION

Irwin Salmanson, attorney for applicant, explained this is the applicant's home. They live there. Now the City is building this street and does not wish to buy this tract. He felt "O" Office would be the most reasonable thing that could be done. Park land or useless land does not make sense. He discussed other land uses in the area and explained they had met with the Balcones Civic Association. He read a letter into the record indicating they would limit the development to professional and semi-professional office only and would exclude the remaining building options available under the "O" classification of the City of

C14-79-230 Mr. & Mrs. I.H. Silberberg (continued)

Austin ordinance; agreed to meet with the Balcones Civic Association, and the neighbors affected, with respect to outside lighting, landscaping and the use of non-reflective materials. The initial meeting will take place with the architect prior to the drawing of the building plans; they will restrict tenants to those who maintain normal office hours. It is understood that the applicant has presented a preliminary site plan to the association and that any development to be built will be in substantial compliance with the site plan which has been submitted. It is the intent to develop the tract so as to have the least impact on the neighbors. Mr. Jagger asked about the drainage ditch. Mr. Salmanson explained that the City would have to have an easement and would pay for it. Reverend Dixon asked if the City had made an acceptable offer to buy the property at fair market value. Mr. Salmanson stated the City is not anxious to purchase the property. There was discussion of a park site being across the street. Harry Carlson, representing neighbors to the north, was in agreement with the site plan and the letter that had been submitted for the record. He did state, however, that this should not be used as an example for the remainder of the land down the roadway. Jim Landrum, Northwest Hills Civic Association, discussed Spicewood Springs Road becoming another Anderson Lane. He discussed other businesses in there and pointed out that they are non-conforming uses. This is the first request to increase from "A" Residential to something greater. He felt that, if allowed, this would be the first of many requests. Mr. Jagger questioned the intensity of the proposed use and stated that it probably is too dense. He stated they were trying to crowd too much on a small area and felt that density should be reduced. He recognized the need for rules of the game to be established and stated there must be a reasonable way to use the land. Mr. Salmanson explained that the request is for office use, day time only, and felt this would be better than a P.U.D. insofar as impacting the area is concerned. He did not feel that rules could be set to apply to each tract of land; each tract has its own requirements. Mr. Jagger stated he felt the building should be limited to 50 percent coverage. Reverend Dixon pointed out that this land is trapped through no fault of the owner. Mr. Salmanson explained that the City was asked to change the location of Spicewood Springs Road but could not do so. They are too far along to make any change. His client would prefer not to have the road. They would prefer to maintain residence there. Mr. Salmanson stated they would be willing to restrict the coverage if the parking could be reduced. Mr. Stoll was of the opinion this was a special case and that there is not that much left in the area to cause concern. Mrs. Shipman stated that the City had created the problem and had not purchased the problem and felt that it would be critical to have single-family residences in there. She was of the opinion that height should be of more concern.

**COMMISSION VOTE**

Reverend Dixon moved to grant "O" Office, 1st H&A subject to the site plan that had been submitted and the following conditions as stated in a letter that is on file in the Planning Department: (1) The applicant shall limit the development of the property to professional and semi-professional office only and exclude the remaining building options available under the "O" classification of the City of Austin ordinance; (2) The applicant further agrees to meet with the

C14-79-230 Mr. & Mrs. I.H. Silberberg (continued)

Balcones Civic Association, and more particularly those neighbors affected, with respect to outside lighting, landscaping and the use of non-reflective materials. The initial meeting will take place with the architect prior to the drawing of building plans; (3) The applicant will restrict his tenants to those who maintain normal office hours. (4) It is understood that the applicant has presented a preliminary site plan to the Association and any development to be built will be in substantial compliance with the site plan which is attached to this letter. It is the intention of Mr. and Mrs. Silberberg to develop the property so as to have the least impact on the neighbors. Mr. Snyder seconded the motion.

Mr. Jagger offered a substitute motion which included the original motion plus coverage, building, and parking be restricted to 60 percent of the tract. The substitute motion died for the lack of a second.

The Commission then voted on the original motion.

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

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

C14-79-233 Pendergrass and Hood, Inc.: "IA", 1st H&A to "O", 1st H&A  
 (by R. Clarke Heidrick, Jr.)  
 1017-1105 Wm. Cannon Drive  
 1107-1117 Wm. Cannon Drive

Marie Gaines stated applicant had requested this item be postponed.

PERSONS APPEARING IN FAVOR

Clarke Heidrick, attorney for applicant

PERSONS APPEARING IN OPPOSITION

Bill M. Collins, 1116 Echo Lane  
 Marilyn Simpson, 2307 Mimosa Drive  
 John Brubaker, 7707 Gaines Mill Cove  
 John W. Park, 2303 Gaines Mill Cove  
 Linda and Jim Hiles, 1008 Echo Lane  
 Rod Patten, 1100 Echo Lane  
 Charlotte G. Tripp, 1010 Echo Lane  
 Cynthia B. and David Noriega, 1106 Echo Lane  
 Berl D. and Leslie Kelly Mumy, 2508 Broken Oaks Circle  
 Patricia Slovacek, 7324 Scenic Oaks Circle  
 Johnnie A. Beasley, 1112 Echo Lane  
 Pauline and John D. Gamble, 2530 Baxter Drive  
 Pam Gray, 2806 Sissinghurst  
 Betty and Bernard B. Baker, 2602 Aldford Drive  
 Charles C. Jennings, 2606 Cockburn Drive

C14-79-233 Pendergrass and Hood, Inc. (continued)

Ken Webb, 6702 Briarwood Drive  
Mrs. Anne Reed, 2602 Carlow Drive  
Joyce Exparza, 2513 Campden Drive  
Janet W. Robbins, 6212 London Lane  
Virginia Crowe, 6506 Blarwood  
Rick and Jill Nabors, 1108 Stoneoak Lane

## COMMISSION ACTION

Clarke Heidrick, attorney for applicant, requested indefinite postponement in order that they might work with the neighborhood. There was discussion of when the request would be heard and it was announced that each person in attendance would be notified if they had left a proper mailing address.

## COMMISSION VOTE

Mr. Snyder moved and Mrs. Schechter seconded the motion to postpone the request indefinitely.

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

ABSENT: Danze, Dixon, Jagger, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-234 Billy J. York and Mary J. York: "IAA", 1st H&A to "O", 1st H&A  
(by William H. Bingham)  
13560 Research Boulevard

Marie Gaines discussed the zoning and land uses in the immediate area. She explained the ten-foot buffer strip should be continued and that the applicant has been informed and has some concerns. The staff would recommend to grant "O" Office, 1st H&A in accordance with the provisions of the 183 requirements. This request is consistent with uses approved by the Planning Commission and the City Council.

## PERSONS APPEARING

William Bingham, representing applicant

## COMMISSION ACTION

Mrs. Schechter discussed this being backed up to single-family homes and the need for the ten-foot buffer to be continued. William Bingham, representing applicant, stated he was not aware of the situation and could not speak for his client at this time. Mr. Jagger stated that since a portion of the tract is outside the City limits that one-foot would take care of the buffering.

C14-79-234 Billy J. York and Mary J. York (continued)

## COMMISSION VOTE

Mr. Jagger moved and Mrs. Schechter seconded the motion to grant "O" Office, 1st H&A save and except for one foot of "A" to remain on the back.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-236 Lewis-Bechtol Company: "A", 1st H&A to "BB", 1st H&A  
(by David Smith)  
9053-9045, 9037, 9029, and 9021 Loop 360

Marie Gaines discussed the zoning in the area and the history of the case. The applicant has submitted letters regarding the request. The land could be subdivided into ten duplex lots. The staff would recommend to grant "BB", 1st H&A, and to support applicant's agreement that the density not exceed the five fourplex units. Access will be through a private drive.

## PERSONS APPEARING

Roy Bechtol, owner  
Ron Allen, President, Balcones Civic Association

## COMMISSION ACTION

Roy Bechtol discussed the history of the tract and stated that he had met with the neighborhood association, the fire department, and City staff members. He discussed restrictions to fourplex units only and other concerns that had been raised. Mr. Lillie requested and Mr. Bechtol also discussed the low water crossing and his attempt to save as many trees as possible. Mrs. Shipman was concerned for liability and the private drive. Ron Allen, speaking in behalf of the Balcones Civic Association, expressed agreement with the conditions as set out in the two letters that had been submitted by the applicant and are on file in the offices of the Planning Department.

## COMMISSION VOTE

Mrs. Shipman moved to grant "BB", 1st H&A in accordance with the staff recommendations and subject to the two letters submitted by the applicant limiting the use to five fourplex units and that Bent Bough Drive will not be extended past its present location. Mr. Stoll seconded the motion.

C14-79-236 Lewis-Bechtol Company (continued)

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-237 NPC Realty Company: "B", 1st H&A to "O", 1st H&A  
 (by Robert L. Davis)  
 2624 William Cannon Drive

Marie Gaines discussed the developed as well as the undeveloped "O" zoning in the area and stated the staff would recommend to grant "O" Office 1st H&A. The applicant has been informed there will be no additional median cuts on William Cannon Drive and that a site plan must be reviewed by the Urban Transportation Department regarding the placement of driveways.

PERSONS APPEARING IN FAVOR

Robert Davis, attorney for applicant

PERSONS APPEARING IN OPPOSITION

Pauline and John D. Gamble, 2530 Baxter Drive  
 Pam Gray, 2806 Sissinghurst  
 Betty and Bernard B. Baker, 2602 Aldford Drive  
 Charles C. Jennings, 2606 Cockburn Drive  
 Ken Webb, 6702 Biarwood Drive  
 Mrs. Anne Reed, 2602 Carlow Drive  
 Joyce Exparza, 2513 Campden Drive  
 Janet W. Robbins, 6212 London Drive  
 Virginia Crowe, 6506 Blarwood  
 Anna Bell Torres

COMMISSION ACTION

Robert Davis, attorney for applicant, discussed the tract and the previous requests. He stated it had been the intent of NPC all along that this be used with a special permit for an NPC office. He discussed the restrictive covenants that had been placed on the tract and pointed out they do not have three acres and cannot use the tract for what it was intended. He discussed the proposed plans and stated the neighborhood had refused to meet. Mr. Davis expressed a willingness to restrict if the tract is no longer used for a real estate office, the property would be rolled back to "B" zoning. Marilyn Simpson, speaking for the Whispering Oaks-Cherry Creek Neighborhood Association, discussed the original zoning request and expressed concern that "O" Office would create a precedent. She also expressed concern for proliferation of commercial zoning in the area and stated this is a foothold to expand. She was not opposed to the building of a real estate sales office but expressed opposition to the manner in which it is proposed. She played a tape of a previous zoning meeting and discussed some things applicant had agreed to at that time that had not been done. She

C14-79-237 NPC Realty Company (continued)

explained that nothing in the area has changed and they do not understand why the Planning staff has changed their recommendation. She stated they would be willing to support a variance before the Board of Adjustment to use a tract of less than three acres in return for permanent zoning which was a part of their original agreement. There was discussion of the traffic and problems in the area.

## COMMISSION VOTE

Mrs. Shipman stated that to support "O" zoning would defeat the neighborhood's operating in good faith and could not support more intensive zoning. It would not be in the public interest to do so and moved to deny "O" Office because of the good faith between the neighborhood and the property owner a year ago. Mr. Stoll seconded the motion.

Mr. Snyder offered a substitute motion to grant "O", 1st H&A since there were so many mistakes made. He did not think there had been a breach of faith. Mrs. Schechter seconded the substitute motion. The vote to consider the substitute motion failed 2-3 and the Commission then voted on the original motion. Mr. Guerrero stated he was of the opinion that NPC had been in this business long enough to understand how things should be done; they can put this office across the street; and the rollbacks had not been initiated as had been agreed to and they have the zoning to do what they want to do.

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

THE MOTION PASSED BY A VOTE OF 3-2.

C14-79-240 Rivertown Mall Limited Partnership: "GR", 2nd H&A to "C", 2nd H&A  
(by Gregory L. Daily)  
2013-A East Riverside Drive

Marie Gaines discussed the zoning and the uses. The proposed use is for the establishment of a dramatic theater. The staff would recommend approval. The proposed use would be consistent with the existing shopping center development.

## COMMISSION ACTION

There was discussion of the possibility of a massage parlor. Mr. Jagger was of the opinion that the zoning should be changed if the use ceases.

## COMMISSION VOTE

Mr. Danze moved and Mrs. Schechter seconded the motion to grant "C" Commercial, 2nd H&A.

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

THE MOTION PASSED BY A VOTE OF 6-0.



THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-242 Texas Traditions Realty Venture: "A", 1st H&A to "GR", 1st H&A  
(by Frank B. Brown, IV) (as amended)  
2222 College Avenue

Marie Gaines discussed the zoning in the immediate area. The subject tract is an island between "C", "O" and "B" zoning. The residential use is impacted by the traffic on Congress and the area can support more intensive uses. Applicant can secure the necessary zoning use through a special permit if the "GR" zoning is approved. The staff would recommend to grant "GR", 1st H&A as amended.

PERSONS APPEARING

Frank Brown, attorney representing applicant

WRITTEN COMMENTS IN FAVOR

Carl Widen, 305 West 13th Street  
W. C. Gauntt, 201 West Live Oak  
Howard Long, 2118 South Congress Avenue

COMMISSION ACTION

Frank Brown, attorney representing applicant, discussed the request is for an 80-year old gentleman who makes custom boots. They will return next month with a request for a special permit if the zoning is granted. Mr. Dunn's business has grown to such an extent that he needs to expand. There are no sales to the general public. Mr. Guerrero expressed concern that this is backed up to a residential area. Applicant explained they had visited with each of the residents in the area, as well as the school, and there was no opposition to the request. He also discussed the heavy traffic in front of the tract. There was discussion of the commercial nature of the immediate area. Mr. Guerrero emphasized this would be a permanent impact the zoning change would have on the neighborhood.

COMMISSION VOTE

Mrs. Shipman moved and Reverend Dixon seconded the motion to grant "GR" General Retail, 1st H&A, as amended.

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

THE MOTION PASSED BY A VOTE OF 6-2.

C14-79-243 NHS Homes, Inc.: "IA", 1st H&A to "BB", 1st H&A  
7004, 7002, 7000, 6910 Circle S Road

Marie Gaines stated the staff would recommend to deny "BB", 1st H&A but to grant "A", 1st H&A. The proposed use is inconsistent with existing development along Circle S Road and the density would be inconsistent with current Circle S Road development. The applicant could develop as duplex lots.

#### PERSONS APPEARING

Norman Sadik, applicant

#### COMMISSION ACTION

Norman Sadik, owner of the property, discussed the proposed use of the tract and did not feel that fourplexes would be out of line. He discussed the factory nearby and stated he would expect to attract persons who would be walking to work, therefore, did not expect that traffic would be a problem.

#### COMMISSION VOTE

Mrs. Shipman moved and Mr. Stoll seconded the motion to deny "BB", 1st H&A, but to grant "A", 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-244 Janice Nolley: "A", 1st H&A to "GR", 1st H&A  
(by Larry Parks)  
7217-7223 North Lamar Boulevard

Marie Gaines discussed land uses and zoning in the immediate area. The proposed use is for the sale of used passenger cars and trucks. The staff would recommend to grant. There is a 25-foot strip between the residential property and the subject tract that will remain "A" Residential. Applicant should be aware that the zoning does not permit the sale in excess of one-ton capacity. This would require "C" Commercial zoning and could be accomplished through special permit.

#### PERSONS APPEARING

Larry Parks, representing applicant  
 Ruby Allen

#### WRITTEN COMMENTS IN FAVOR

Arthur Pihlgren, 109 West Fifth

C14-79-244 Janice Nolley (continued)

## COMMISSION ACTION

There was discussion in response to Mr. Stoll's question about the Commercial zoning in the general area. It was explained that the applicant would be required to provide a solid six-foot fence. Larry Parks, representing applicant, stated he understood the fence would be to the rear only. There was discussion of the ordinance requirements that the fence be down both sides as well. Mr. Lillie discussed the provisions of the screening ordinance and stated that a variance could be sought from the Board of Adjustment if the applicant so desired. Ruby Allen had no objection unless the use would be for a massage parlor or beer joint. She did not want Odell to be opened and discussed a wrecking yard at the end of the street now.

## COMMISSION VOTE

Mr. Jagger expressed concern for a fence that would be 25 feet off the property line and the possibility of the resultant problem of accumulation of junk and debris. He moved to grant "GR" General Retail, 1st H&A and applicant go to the Board of Adjustment to seek a variance in order for the fence to be placed on the property line. Should the request for variance be denied applicant should come back for rezoning of 24 feet of "GR" and one foot of "A" Residence 1st, H&A. The applicant was in agreement, and Mr. Jagger so moved. Mr. Snyder seconded the motion.

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

ABSENT: Vier.

ABSTAINED: Dixon and Shipman.

THE MOTION PASSED BY A VOTE OF 6-0-2.

C14-79-245 Ronald J. Love, John C. O'Malley, William H. Janeway, Bernard  
Levine, and James Wanink: "IAA", 1st H&A to "GR", 1st H&A  
(by Phil Mockford)  
13728-13716 U.S. Hwy. 183  
10100-10106 Hymeadow Drive

Marie Gaines discussed the need for intensive zoning to be at major intersections and stated the staff cannot support the zoning but would recommend to grant "O" Office subject to recommendations of the 183 study.

## PERSONS APPEARING

Roane Puett, representing applicant  
Gary Brown

C14-79-245 (continued)

## COMMISSION ACTION

Roane Puett, representing applicant, discussed GR zoning that had been approved in the area. He discussed the subject tract and pointed out that a portion of it is outside the City limits and is not subject to zoning. He stated the applicant is willing to restrict the rear to GR if the front could be zoned GR so the uses would be compatible. He stated the proposed use is for a shopping center and felt the LR uses would be acceptable with GR on the rear. Mrs. Shipman stated the Commission has not supported any GR zoning on 183 without a site plan and against staff recommendations, and asked if applicant would be willing to commit the entire five acres to the recommendations of the 183 study and would present a site plan. Gary Brown asked if they could come back later for spot zoning for a restaurant. Mr. Jagger discussed the Commission usually approves requests of this nature unless it is near a church or residence or would have detrimental affect on some adjoining property owner. Gary Brown explained that he intended to lease space and wished to provide a site plan later, amended the request to "LR", and stated no construction would be begun until a site plan had been approved by the Planning Commission.

## COMMISSION VOTE

Mr. Jagger moved and Mrs. Shipman seconded the motion to deny "LR" Local Retail as amended, but to grant "O" Office, 1st H&A, subject to the recommendations of the 183 study.

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

THE MOTION PASSED BY A VOTE OF 7-0.

OTHER BUSINESSC20-79-014 Zoning Ordinance

Consider setting a public hearing for amendment to Section 45-44 of the Austin City Code, Zoning Ordinance, regarding fees for applications by non-owners for historic designation

Mr. Lillie stated the Historic Landmark Commission would be considering this item on November 19 and suggested the Planning Commission consider a public hearing for 7 p.m. on November 27.

## COMMISSION VOTE

Mrs. Shipman moved and Mr. Guerrero seconded the motion to set a public hearing at 7 p.m. on November 27 to consider amending the Zoning Ordinance regarding fees for applications by non-owners for historic designation.

C20-79-014 Zoning Ordinance (continued)

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

THE MOTION PASSED BY A VOTE OF 5-0.

R105-79 Subdivision Memorandum

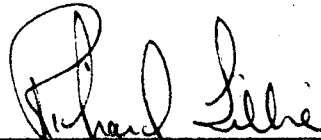
Short Form and Final Subdivisions as listed  
on the Subdivision Memorandum. Action to be  
taken at meeting.

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

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

THE MOTION PASSED BY A VOTE OF 5-0.

The meeting was recessed at 10:40 p.m. until 5:30 p.m. on November 7, 1979.



Richard R. Lillie, Executive Secretary

TYPE: P.U.D.'S		PLANNING COMMISSION MEMORANDUM				DATE: November 6, 1979		PAGE: 1	
SUBDIVISION		CITY	ZON- ING	ETJ	PROPOSED LAND USE	ACREAGE LOTS	VARIANCES STATUS	RECOMMENDATIONS	ACTION
C81a	LOCATION								
1.	79 002	Mesa Trails 7901-7921 Mesa Dr. & 4000 Myrick Drive	X	1-A, H&A	st .	P.U.D. Residential	3.67 48	INCOMPLETE	DISAPPROVAL
2.	79 007	The Valley @ Lost Creek Phase Three West of Lost Creek Blvd. & No. of Barton Creek			X	P.U.D. Residential	3.12 12	BARTON CREEK COMPLETE	APPROVAL
	C8	PRELIMINARY							
3.	73 73	Springwoods II Briar Hollow Drive			X	Residential	100 316	Block length Re-approval of plan (9-12-73) COMPLETE	GRANT APPROVAL
	C8	FINAL							
4.	f79 66	McNeil Road Commercial Section 2 U.S. Hwy. 183	X	GR	X	Commercial	43.794 10	COMPLETE	APPROVAL
5.	77 63	Salem Village S. 1st St. & Stassney Lane						Plat correction note-Slab elevation APPROVAL	
5a.	78 87	Windmill Run Sec. 3 Scenic Brook Dr. & U.S. 290						VACATION APPROVAL	
6.	f79 107	Windmill Run Section 3-A Scenic Brook Drive & U.S. 290			X	Residential	11.48 40	COMPLETE	APPROVAL

TYPE: Short Forms		PLANNING COMMISSION MEMORANDUM					DATE: November	PAGE: 2	
C8s	SUBDIVISION	CITY	ZON- ING	ETJ	PROPOSED LAND USE	ACREAGE	VARIANCES	RECOMMENDATIONS	ACTION
	LOCATION					LOTS	STATUS		
73 142	Resub Lot 1, Turtle Crk. Est. Sec. 2 So. 1st St. & Turtle Crk. Blvd.						REQUEST WITHDRAWAL	GRANT	
79 96	Kings Village Section 4 Howard Ln. E. of Ida Ridge Drive			X	Industrial	10.925 1	COMPLETE	APPROVAL	
62 32	Theodor Low Heights Valley View Road						PARTIAL VACATION	GRANT	
77 96	The Forest Addition Valley View Road	X	IA & B			0.805 4	COMPLETE	APPROVAL	
C8 77 25	Scenic Brook West Commercial St. Hwy. 71 & U.S. 290						PARTIAL VACATION	GRANT	
C8s 79 165	Scenic Brook West Commercial IA St. Hwy. 71 & U.S. 290			X	Commercial	0.562 1	ADJOINING OWNER COMPLETE	GRANT APPROVAL	
C8 76 67	Northwest Hills Village Center Farwest Hills & Village Center						PARTIAL VACATION	GRANT	
C8s 79 58	Northwest Hills Village Center 2 Woodhollow Dr. & Village Center Dr.	X	GR			2.433 3	COMPLETE	APPROVAL	
79 118	Northwest Hills Village Center 3 Village Center & Woodhollow Drive	X	GR			4.998 1	COMPLETE	APPROVAL	

1/12  
896



PRELIMINARY

## PLANNING COMMISSION MEMORANDUM

DATE: November 6, 1979 PAGE: 3

TYPE: 30-DAY STATUTORY REVIEW

	SUBDIVISION	CITY	ZON- ING	ETJ	PROPOSED LAND USE	ACREAGE	VARIANCES STATUS	RECOMMENDATIONS	ACTION
	LOCATION					LOTS			
79 101	Mabel Davis Park Addition							DISAPPROVAL	
79 102	Onion Creek Section 5							DISAPPROVAL	
79 103	Bradford Towers							DISAPPROVAL	
79 104	River Valley Estates							DISAPPROVAL	
79 105	Kimbrow Road Estates							DISAPPROVAL	
79 106	Village South Phase 4, Section 2							DISAPPROVAL	
79 107	Village South Phase 5, Section 2							DISAPPROVAL	
79 108	Heather Wood							DISAPPROVAL	

897

1.031

TYPE: 30-DAY STATUTORY REVIEW		PLANNING COMMISSION MEMORANDUM						DATE: November 6, 1979 PAGE: 4	
C8f	SUBDIVISION FINALS	CITY	ZON- ING	ETJ	PROPOSED LAND USE	ACREAGE LOTS	VARIANCES STATUS	RECOMMENDATIONS	ACTION
	LOCATION								
79 111	No Mor Acres							DISAPPROVAL	
79 112	Onion Creek, Section 5-A							DISAPPROVAL	
79 113	Buckingham Estates Phase 3, Section 3							DISAPPROVAL	
79 114	Cherry Creek Phase 7, Section 4							DISAPPROVAL	
79 115	Walnut Crossing Section 5							DISAPPROVAL	
79 116	Windmill Run Section 3-B							DISAPPROVAL	
79 117	Hills of Lost Creek Section 5							DISAPPROVAL	
79 118	Kimbro Road Estates							DISAPPROVAL	
79 119	Autumn Wood, Section 1							DISAPPROVAL	
79 120	Heather Wood							DISAPPROVAL	

898