

CITY PLANNING COMMISSION  
Austin, Texas  
Regular Meeting -- December 4, 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  
Mary Ethel Schechter  
Sally Shipman  
Bernard Snyder  
Bill Stoll  
Jim Vier

Also Present

Evelyn Butler, Supervising Planner  
Marie Gaines, Planner  
Sheila Finneran, Legal Department  
Ouida Glass, Senior Secretary

Absent

Sid Jagger

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ZONINGThe following cases were heard on a consent motion: Staff Recommendation:

C14-79-256	Z Investments (by Brian Jackson) 2023 E. Riverside Dr.	From: GR, 1st H&A To: C-1, 1st H&A RECOMMENDED
C14-79-266	Mrs. Maxi O. Williams (by Alston Boyd) 1511 W. Sixth Street	From: B, 2nd H&A To: O, 1st H&A RECOMMENDED
C14-79-257	William D. Benson, Trustee (by Christopher M. Harte) 910 West Avenue 801-803 W. 10th Street	From: B, 2nd H&A To: O, 1st H&A

## COMMISSION VOTE

On a consent motion by Rev. Dixon, seconded by Mrs. Schechter, the Commission approved the above in accordance with staff recommendations.

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

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

C14-79-229 Glen Hamilton: "A", 1st H&A to "BB", 1st H&A (as amended)  
416 West Alpine

## COMMISSION VOTE

On a consent motion by Mr. Stoll, seconded by Mr. Danze, the Commission voted to grant "BB", 1st H&A (as amended).

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-249 Edward R. Rathgeber, Jr.: Interim "AA", 1st H&A to "A", 1st H&A  
6902-6912 S. First Street  
6915-6917 Castlekeep Way

Marie Gaines discussed the zoning and the land uses in the immediate area and explained that a large majority of the land is single-family residential and designated Interim "A" to the northwest and Interim "AA" to the south

C14-79-249      Edward R. Rathgeber (cont'd.)

and east. The staff would recommend to grant "A" Residential, 1st H&A, consistent with the existing development and usage in the area.

PERSONS APPEARING IN FAVOR

Dick Rathgeber, applicant

PERSONS APPEARING IN OPPOSITION

Jack Adams

COMMISSION ACTION

Dick Rathgeber, applicant, explained he desired to build duplexes and needed the "A" zoning. Speaking in opposition, Jack Adams addressed only 6915-6917 Castlekeep Way. He explained this is a residential area and they do not want any more duplexes, veterinary clinics or the like. He discussed the transient nature of rental property and stated they would not object to "A" Residential zoning on S. First Street. Mr. Rathgeber agreed to permanent "AA" zoning for the two lots on Castlekeep Way and requested "A" for those lots on S. First Street.

COMMISSION VOTE

Mr. Stoll moved and Mr. Snyder seconded the motion to grant permanent "AA" 1st H&A on those lots on Castlekeep Way and to grant permanent "A", 1st H&A on those lots fronting South First Street. Mrs. Shipman suggested and the area residents requested the staff to initiate permanent zoning for the area.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-250      Vivian Massey, Littie V. Sobeck and Alma Gilberg Estate:  
                  "A", 1st H&A to "GR", 1st H&A (as amended)  
                  (by John R. Cosgrove)  
                  1207-1205 Montopolis Drive

Marie Gaines discussed the zoning and the land uses in the immediate area. The staff would recommend to deny "C" Commercial, 1st H&A. Such intense zoning is not compatible with the existing uses and the subject area does not appear to be a legal tract. Subdivision will be required to develop subject tract. The Planning Commission will be considering zoning to allow condominiums and this might be an alternative to be considered by the applicant.

PERSONS APPEARING

John Cosgrove, real estate broker representing the owners

C14-79-250 Vivian Massey (cont'd)

#### COMMISSION ACTION

John Cosgrove, real estate broker representing the owners, amended the application to "GR" General Retail, 1st H&A. He discussed needing the zoning change so the land can be used to the benefit of everyone in the area. Mrs. Schechter asked and Mr. Cosgrove replied that it is speculative zoning.

#### COMMISSION VOTE

Mrs. Shipman moved to deny "GR" as amended. Mrs. Schechter seconded the motion. Applicant then requested to withdraw the application.

Mr. Vier then moved to postpone the request indefinitely. Mr. Snyder seconded this motion and Mrs. Shipman withdrew the original motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14-79-251 City of Austin: Interim "A" and "AA", 1st H&A to "AA" and  
(by Planning Department) "A", 1st H&A

FROM: Interim "A" and "AA" Residence, Interim First H&A  
TO: "AA" Residence, First H&A (Tracts 1, 2, 3, and 5)

7712-7802, 7713-7803 and 7815-7827 Manasses Drive  
2400-2602 and 2401-2605 Roehampton Drive  
2600 and 2601 Aylesbury Cove  
2600 and 2601 Brisbane Road  
7700-8004 and 7701-8005 Seminary Ridge Circle  
7700-7906 and 7701-7907 Doncaster Drive  
7700-7906 and 7701-7907 Keswick Drive  
7700-7906 and 7701-7907 Lowdes Drive  
7606-7704 and 7609-7705 Whispering Winds Drive  
2500-2600 Davis Lane  
3254-3306 Longview Road  
7001-7003 Stage Coach Trail  
6901-7107 Brodie Lane  
6902-7108 and 6901-7111 Sitrrup Bend  
Also bounded by Leo Street, Paisano Trail  
and William Cannon Drive

C14-79-251      City of Austin (cont'd)

FROM: Interim "A" Residence, Interim First H & A  
TO: "A" Residence, First H & A (Tract 5)

2300-2308 and 2301-2309 Burly Oak Drive  
2010-2306 and 2001-2307 Lear Lane  
7602-7704 and 7601-7705 Gaines Mill Lane  
2105-2207 Trede Drive  
7602 and 7603 Burly Oak Circle  
7500-7506 and 7501-7507 Arboleda Cove  
7500-7604 and 7501-7605 Helecho Court  
7504-7614 Manchaca Road

Marie Gaines explained there had been a staff error in the notification process and recommended to continue the hearing to January 8 at 6 p.m. She suggested the Commission might wish to take testimony and make a final recommendation on January 8 after the notification process had been properly completed. The staff would recommend "A" Residential, 1st H&A for Tract 4 which allows duplexes and single-family development and the balance consisting of Tracts 5,3,2 and 1 is recommended for permanent "AA", 1st H&A.

#### PERSONS APPEARING

John McPhaul  
Gordon Davis, representing Nash Phillips-Copus Company  
John W. Park, Jr., 2303 Gaines Mill Cove  
Robert J. Ellis, 7107 Stirrup Bend

#### COMMISSION ACTION

The Commissioners discussed the situation and it was agreed to allow persons present to testify if they so desired and considered whether they would not be allowed to testify again on January 8. Those persons present on January 8 would then be allowed to speak on January 8 and the Commission would take action at that time. John McPhaul discussed property to the north that already is zoned permanent "A". John W. Park, of the Southwest Oaks and Shiloh Neighborhood Association, requested Tracts 1 through 5 inclusive be zoned permanent "AA". Gordon Davis, representing NPC, requested clarification of who would be allowed to speak on January 8. The Commissioners then decided to wait until January 8 to take testimony and everyone wishing to speak would be allowed to do so at that time.

#### COMMISSION VOTE

Mr. Danze moved and Mrs. Schechter seconded the motion to continue the hearing until January 8 at 6 p.m.

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C14-79-251 City of Austin (cont'd.)

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

THE MOTION PASSED BY A VOTE OF 7-0.

There then was discussion again of who would be allowed to speak at the meeting on January 8. Mr. Vier then moved and Mrs. Shipman seconded the motion to reopen the case and reconsider who would be allowed to speak at that time. This motion passed and Mr. Vier moved to continue the case until January 8 and everybody can speak. Mr. Danze seconded this motion.

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

THE MOTION PASSED BY A VOTE OF 5-2.

C14-79-253 City of Austin: Interim "A", "B" and "GR", 1st H&A to "A"  
(by Planning Department) and "AA", 1st H&A

FROM: Interim "A" Residence, Interim 1st H & A  
 TO: "AA" Residence, First Height and Area

2400-2802, 2904-3014 and 5501-7209 Northeast Drive  
 6900-7402 and 6901-7321 Geneva Drive  
 7300-7500 and 7301-7501 Charlton Drive  
 6500-6512 Arnold Drive  
 3100-3402 Carol Ann Drive  
 2300-3508, 2301-2737 and 3001-3409 Loyola Lane  
 6700-7404 and 6701-7401 Langston Drive  
 2900-3504 and 2901-3505 Susquehanna Lane  
 3200-3504 and 3201-3507 Rockhurst Lane  
 6800-6812 and 7000-7124 Manor Road  
 6700-7300 and 6701-7101 Dubuque Lane  
 3000-3112 and 3001-3115 Lynridge Drive  
 3000-3112 and 3001-3113 Val Drive  
 7500-7706 Ed Bluestein Boulevard

C14-79-253 City of Austin (cont'd.)

and all of the following streets:

Bucknell Drive  
Middlebury Cove  
Blinn Circle  
Hartnell Drive  
Marywood Circle  
Geneva Circle  
Meadowood Drive  
Meadowood Cove  
Fred Morse Drive  
Burnell Drive  
Cal Cove  
Bryn Mawr Drive  
Bryn Mawr Cove  
Wake Forest Lane  
Tampa Cove  
Tulane Drive  
De Paul Drive  
Millikin Cove  
Lehigh Drive  
Roanoak Drive  
Citadel Cove

Kings Point  
Kings Point West  
Syracuse Cove  
Hanover Lane  
Vassar Drive  
LaSalle Drive  
Tulsa Cove  
Lakeside Drive  
Betty Cook Drive  
Lakeside Trace  
Auburnhill  
Auburndale  
Williamette Drive  
Bradley Drive  
Dunbarton Drive  
Drexel Drive  
Vanderbilt Circle  
Stevens Cove  
Creighton Lane  
Akron Cove  
Colby Cove

FROM: Interim "A" Residence, Interim 1st H & A,  
"B" Residence, 1st H & A and  
"GR" General Retail, 1st H & A

TO: "A" Residence, 1st H & A

2804-2902 Northeast Drive  
6900-6910 Manor Road  
3507 Susquehanna Lane  
3506 and 3509 Rockhurst Lane  
7401 Geneva Drive  
7103-7205 Dubuque Lane  
3404-3416 and 3401-3415 Lynridge Drive  
3400-3404 and 3401-3407 Val Drive  
3300-3306 and 3301-3305 Vintage Hills Cove  
7403-7405 Langston Drive  
7400-7418 and 7415-7419 Vintage Hills Drive  
also bounded by Ed Bluestein Boulevard

C14-79-253      City of Austin (cont'd.)

Marie Gaines explained the staff recommendation would be modified to recommend "A" residential on all owner-requested lots and to grant permanent "AA", 1st H&A for all single-family units and permanent "A", 1st H&A for duplex units.

## PERSONS APPEARING

Mary Alice Brown, President of University Hills Homeowners Assoc.  
Joan Bartz, University Hills Homeowners Assoc.  
Ray Lester, 3008 Val Drive  
Sylvia Little, 3107 Lynridge  
Willie J. Seals, 3106 Lynridge

## COMMISSION ACTION

Mary Alice Brown supported the zoning change to permanent zoning. She urged efforts be speeded up so that all persons in Austin could have and felt they should have permanent zoning. She discussed the signs that are placed on tracts requested for zoning changes and suggested perhaps the sign should be changed to indicate interim zoning requests that would become permanent zoning. Joan Bartz complemented the staff for their efforts expended toward this permanent zoning request.

## COMMISSION VOTE

Mr. Danze moved and Mrs. Shipman seconded the motion to approve staff recommendations.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-255      Robert L. Tocker and Barbara Tocker: "A", 1st H&A to "BB", 1st H&A  
(by Ted A. Buchanan)  
1211, 1209 and 1207 W. 22nd Street  
also bounded by Cliff Street

Marie Gaines discussed the land uses and zoning in the immediate area. She noted the neighborhood is zoned and developed as "A" Residential. To encourage more intensive zoning would increase existing congestion and further overload the limited access to the neighborhood. If more permissive zoning is recommended, five feet of right-of-way would be required on Cliff Street. The staff would recommend to deny "BB", 1st H&A. This request is inconsistent with existing uses and zoning.



C14-79-255      Robert L. Tocker (cont'd.)

PERSONS APPEARING IN FAVOR

Ted A Buchanan, architect  
Barbara Tocker, applicant

PERSONS APPEARING IN OPPOSITION

Troy Stokes, 1202 West 22½  
Mr. & Mrs. O.H. Radkey, 1305 West 22nd  
Betty Phillips, Save University Neighborhood Assoc.  
Margaret and Wilson Nolle, 1910 David Street  
Smoot and Charlotte Carl-Mitchell, 2836 San Gabriel  
Mrs. Charlotte D. Jelks, 2837 Shoal Crest Avenue  
Arthur Norman, 1208 West 22nd  
Grace Beacham, 1916 David  
Mrs. G. D. Camp, 1914 David  
Mary Sanches, 1907 Cliff St.

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

T. M. Cranfill, 1901 Cliff Street  
Petition

COMMISSION ACTION

Ted Buchanan, architect for the project, discussed the history of the property, the deterioration of the area, and the parking problem. He discussed their proposal and what they wished to do, as well as what would be economically feasible and requested the Commission to allow them to see what they can do. He stated they are willing to work with the neighborhood groups. Barbara Tocker stated they would have no more than six apartments for rental purposes and agreed to provide off-street parking. Speaking in opposition, Mrs. O.H. Radkey stated they do not need any more apartments, discussed the traffic problems, and submitted petitions in opposition. O.H. Radkey discussed an owner being able to use his property as he sees fit, so long as it is confined within the limits of his property, but explained how this would affect the entire neighborhood. He stated it would create traffic and noise, as well as deterioration of the neighborhood and asked why it was not now maintained. He did not see any reason why a homeowner who had been there for a long time should lose to an investor. Betty Phillips explained this area is very quiet and there are homeowners. Any more apartment zoning in this area would tip the balance and encourage other investors to come in. She stated there is a wastewater problem, sewage backs up now. The applicant should not make a profit at the expense of the neighborhood, this neighborhood could be resotred. There was discussion of the parking and traffic problems, as well as the rundown condition of the property. It was pointed out that these people do not live

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C14-79-255 Robert L. Tocker (cont'd.)

there and have no interest there.

## COMMISSION VOTE

Mrs. Shipman moved to deny "BB", 1st H&A. The motion was seconded by Mr. Stoll.

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

THE MOTION PASSED BY A VOTE OF 5-0-2.

C14-79-259 William J. Clark: Interim "AA", 1st H&A to "GR", 1st H&A  
(by J. Preston Carlton)  
13441-13475 Research  
9607-9601 Anderson Mill Road

Marie Gaines explained the staff would recommend to grant "GR" General Retail, 1st H&A. The subject tract is located at a major intersection. Zoning should be approved subject to site plan approval by the Planning Commission. The site plan should incorporate the performance standards for driveways and signs. The landscape ordinance and proviso for rollback also will be applicable. The site plan approval will take place prior to passage of the zoning ordinance.

## PERSONS APPEARING

J. Preston Carlton, representing the applicant

## COMMISSION ACTION

Preston Carlton requested a waiver of the site plan requirement and also a waiver of the request for zoning rollback. He discussed the tract, a portion of which is within the City and a portion in the County. He explained it would be used for office use and requested to be allowed to place a sign on 183, stating that he had no plans for development of the tract at this time. Mr. Vier discussed the reasons for the 183 recommendations and the site plan to be submitted. Mr. Snyder asked why the request for a zoning change if there was no intended use for the tract. Mr. Vier suggested to postpone the request until a site plan had been submitted.

## COMMISSION VOTE

Mr. Vier moved and Mr. Danze seconded the motion to postpone until January 8 and applicant agreed to have everything ready at that time.

AYE: Danze, Dixon, Guerrero, Schechter, Shipman, Snyder, Stoll, Vier.  
ABSENT: Jagger.  
THE MOTION PASSED BY A VOTE OF 8-0.

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C14-79-260 Edward Wendlandt, et al: Interim "AA", 1st H&A to "A", 1st H&A  
(by Ken Harris)  
201-501 W. Longspur Blvd.

Marie Gaines discussed the land uses in the immediate area. This request is consistent with the existing development and the proposed shopping development to the south and west. She indicated a subdivision had been filed which would require the extension of Longspur Blvd. out to Lamar for safe excess to the proposed development. The staff would recommend to grant "A" Residence, 1st H&A.

## PERSONS APPEARING IN FAVOR

Ken Harris, agent for developer

## PERSONS APPEARING IN OPPOSITION

Sue Fowler, 9710 Plover  
Frankie Fowler, 9710 Plover  
Claude Stephens, 9706 Plover Dr.  
Robert Parker, 203 E. Longspur  
Phyllis Stephens, 9706 Plover

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

Deno P. Tobin, Jr., 9904 Plover Drive

## COMMISSION ACTION

Ken Harris requested the zoning be changed to "A" and explained they would apply for a PUD on this site. The density will be just over 7 units per acre and construction would consist of a series of one-story duplexes and fourplexes. He stated they were aware of the concerns of the area residents and they would attempt to take these concerns into consideration in the development of the tract. He was of the opinion this would make a good buffer between the "GR" development and the existing single-family use and explained that the highest density would be on the west side of the tract. Speaking in opposition Frankie Fowler discussed the traffic would be worse and pointed out the danger for children. She requested the area to remain single-family residential, pointing out that drainage also is a problem. Claude Stephens was opposed to rental property and multi-family units. He stated this is speculative zoning and warned that property values would deteriorate. Mrs. Stephens requested the buffering be reconsidered if duplexes are built. Applicant agreed to meet with the neighborhood when plans have been completed.

C14-79-260 Edward Wendlandt (cont'd.)

## COMMISSION VOTE

Mr. Vier moved to grant "A" Residential, 1st H&A. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14-79-261 Robert D. Benson: "B", 2nd H&A to "O", 1st H&A  
1502 W. Sixth Street

Marie Gaines discussed the land uses and zoning in the immediate area. The staff would recommend to grant "O" Office, 1st H&A. The request is consistent with the policy to rezone properties to "O" Office along West Sixth Street.

## PERSONS APPEARING IN FAVOR

Robert Benson, applicant

## PERSONS APPEARING IN OPPOSITION

Linda Cargeloski, 606 Oakland  
Vivian Mahab  
Brady Coleman

## COMMISSION ACTION

Mrs. Schechter asked how many zoning cases had been received recently on the north side of West Sixth Street. She discussed the tremendous influx of "O" Office on West Sixth Street and also downtown redevelopment and asked whether or not there was a need for a study to determine if this should be single-family residential. She felt this to be spot zoning and could have a domino effect. Mrs. Shipman discussed this being a half lot and asked Sheila Finneran of the City Legal Staff what would happen to the other half of the lot and whether or not the "O" could legally be denied if a zoning request were received. She also discussed the parcels on Highland and asked if the zoning could legally be denied there or would it become a domino situation. Ms. Finneran explained the other one-half of the lot would remain the same and that the zoning could legally be denied. Robert Benson explained that he was the first person to come in, buy an old house, and fix it up. He discussed the immediate area and what has happened, discussed the traffic and Sixth Street being an access road to MoPac. He stated he now desires to remodel and make this an office building. This seems to be the pattern in the area and he felt it would be the best use of the land. Linda Cargeloski stated she had bought in the area and wanted to

C14-79-261      Robert D. Benson (cont'd.)

live in a downtown residential area. She felt there should be a distinction between the north and the south side of Sixth Street, stated this is a residential area, and requested it be kept that way. She stated Mr. Benson should be commended for preserving and conserving property and urged the people remain there -- do not drive them away. She emphasized they do not want offices, they want the neighbors and recognized other persons in attendance from the area who were in opposition to the requested zoning change. There was discussion of the residential character of the area, the traffic problems, and the small lots. Brady Coleman discussed MoPac and the problems on Fifth and Sixth Streets now. He felt this would be a dangerous precedent to encourage "O" zoning north of Sixth Street and expressed opposition to the requested zoning change. Speaking in rebuttal, Mr. Benson discussed his plans to develop much like what is across and down the street. He explained the structure would not be changed and that he would be a minority in the area if the zoning request is not granted.

#### COMMISSION VOTE

Mrs. Shipman moved to deny "O" Office, 1st H&A and discussed the need to encourage residential housing in the downtown area and expressed her support of the recent residential development on Sixth Street. Mrs. Schechter seconded the motion. Mr. Snyder felt this to be a very viable situation. Mr. Vier asked and applicant agreed to a restrictive covenant limiting the use to that of office. Mr. Vier then offered a substitute motion to grant "O" Office, 1st H&A subject to a restrictive covenant to "O" Office use only. Mr. Snyder seconded the substitute motion, which was defeated. The Commission then voted on the motion to deny the request.

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

C14-79-262      Sidle, Inc.: "GR" 1st H&A to "C", 1st H&A  
                  (by A. M. Tolson, Jr.)  
                  6601-6603 Berkman Drive  
                  1700-1706 Patton Lane

Marie Gaines stated the applicant had requested this item be withdrawn.

#### COMMISSION VOTE

Mr. Danze moved and Mr. Snyder seconded the motion to withdraw this item from the agenda.

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

THE MOTION PASSED BY A VOTE OF 7-0.

Douglas Packard and Janet Packard, 609 Theresa  
Mrs. Ethel McCutcheon, 510 Atlanta  
Earl Holder, 700 Patterson Ave - no comment

C14-79-264      Bryan Steanson (cont'd.)

C.H. Holder, 700 Patterson Avenue - no comment  
Margaret Ford and N.S. Johns, 613 Theresa

#### COMMISSION ACTION

Dave Brunovsky explained that he is a land surveyor who wanted to use this for his business office and explained why he needed to be near the downtown area. He discussed remodeling the structure, the parking in the area, and stated he would use the alley to enter the tract. He was of the opinion that very few persons would want to live on Sixth Street, especially at that location. Mr. Vier asked and the applicant agreed to restrict access to the alley only and to restrict the use to office use only. Brian Steanson discussed the traffic and problems especially in front of the house and at the intersection. He also discussed the problems of trying to rent and explained this has been destroyed as a residential area. Eugene Jarmon stated the request should be granted for the betterment of the City of Austin. He urged individuals be allowed to use property in the best manner possible. Robert Baker concurred in general with the comments that had been made and urged consideration to fixing up the area so it will be more attractive as a residential area. He stated a lot of these older homes could be fixed, but did agree that this particular location is bad for residential use. He felt the proposed use would be much better for the neighborhood than trying to keep undesirable tenants for a short period of time. Robert Benson urged that zoning decisions not be made because of a certain side of a street.

#### COMMISSION VOTE

Mrs. Shipman moved and Rev. Dixon seconded the motion to support staff recommendations and to deny "O" Office, 1st H&A. Mr. Snyder offered a substitute motion to grant "O" Office, 1st H&A subject to a restrictive covenant that it will remain "O" Office use and to restrict the entry through the alley. Mr. Vier seconded this motion and the vote was tied. The Commission then voted on the original motion to deny "O" Office, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 5-3.

C14-79-267      University of Texas: Interim "AA", 1st H&A to "LR", 1st H&A  
                  (by David W. Gray)  
                  10901 Research Blvd.

Marie Gaines explained the applicant has amended the request to "O" Office, 1st HUA. They have agreed to submit a special permit at a later date for the local retail use.

Marie Gaines explained that the subject tract is located at a major intersection and the applicant should check with the Texas Highway Department regarding possible right-of-way needs for the interchange. The zoning should be subject to the U.S. 183 study recommendations which include site plan approval by the Planning Commission. The site plan should incorporate the performance standards for driveways and signs. The landscape ordinance and proviso for rollback will also be applicable. Site plan approval will take place prior to passage of the zoning ordinance. The staff would recommend to grant "GR" General Retail, 1st H&A.



C14-79-268      Frank Yi (cont'd)

PERSONS APPEARING

Edd Ogden, agent for owner

COMMISSION ACTION

Edd Ogden, agent for the owner, explained this would be used for a restaurant. The building has been used as a restaurant for a number of years. It is the intent to reopen and possibly reduce the seating capacity. He discussed the plans for the interchange not being available, the recommendations of the 183 study, and also the traffic and the buffering. There also was discussion regarding right-of-way.

COMMISSION VOTE

Mrs. Schechter moved and Mrs. Shipman seconded the motion to grant "GR" General Retail, 1st H&A subject to the recommendations of the 183 study.

AYE:            Danze, Dixon, Schechter, Shipman, Snyder, Stoll

ABSENT:        Jagger

OUT OF ROOM: Guerrero, Vier.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-269      John Patton: "A", 1st H&A to "O", 1st H&A  
                  915 West 29th Street  
                  also bounded by San Gabriel

Marie Gaines explained the applicant had requested the item be postponed and the neighborhood association had requested that it be heard. On a motion by Mrs. Shipman, seconded by Mrs. Schechter, and approved by a 6-0 vote, the Commission denied the request to postpone.

Marie Gaines then discussed the land use in the immediate area and stated the staff would recommend to deny "O" Office, 1st H&A. It would be inconsistent with the existing zoning which if "A" residential and also with the development to the south of West 29th Street. If more permissive zoning is recommended, right-of-way may be required on both West 29 and San Gabriel Streets.

PERSONS APPEARING IN OPPOSITION

Mrs. Marie Shultz, 2847 Shoal Crest

Howard Miller, 2842 San Gabriel

Jerry Harris, 2840 San Gabriel

Smoot & Charlotte Carl-Mitchell, 2836 San Gabriel

Mrs. Charlotte D. Jelks, 2837 Shoal Crest

Paul Willcott, President, Heritage Neighborhood Assn.

Betty Phillips, Save University Neighborhoods Assn.

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C14-79-269 John Patton (cont'd)

## WRITTEN COMMENTS IN OPPOSITION

Harris L. Johnson, P.O. Box 2112  
Petitions

## COMMISSION ACTION

Smoot Carl-Mitchell discussed owner-occupied houses in the area and submitted petitions in opposition to the requested zoning change. He discussed West 29th Street having to be widened and also expressed opposition to such widening. Betty Phillips discussed neighborhood survival, stated the area is overzoned now and still undergoing development pressures. She discussed the parking and transportation problems in the area, and stated that "A", in her opinion, is the highest and best use of this property. Paul Willcott expressed the same objections and stated they do not want any more traffic and do not want any more offices. He urged to preserve the residential and mixed character of the neighborhood. Marie Shultz explained that access to the tract is through a very narrow alley, stated here is enough commercial and office zoning in the area now and requested it remain single-family homes.

## COMMISSION VOTE

Mr. Danze moved and Mrs. Shipman seconded the motion to deny "O" Office, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 7-0.

PLANNED UNIT DEVELOPMENT

C814-79-009 James K. Eichelberger, Jr.: A 62-unit Planned Unit Development  
(by Bill Carson) outside the City Limits  
4505-5415 Bull Creek Road

Marie Gaines explained the need to postpone this item.

## COMMISSION VOTE

Mr. Danze moved and Mr. Snyder seconded the motion to postpone this request indefinitely.

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

THE MOTION PASSED BY A VOTE OF 7-0.

SPECIAL PERMIT

C14p-79-065      The Southland Corporation: An Office Building  
(by Richard W. Robeau)  
Cooper Lane and William Cannon Drive

Marie Gaines explained the applicant has concurred with staff recommendations and has agreed to spot the trees. She recommended approval on a consent motion.

COMMISSION VOTE

Mrs. Shipman moved and Mr. Vier seconded the motion to approve the special permit in accordance with staff recommendations and ordinance requirements.

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

THE MOTION PASSED BY A VOTE OF 7-0.

SUBDIVISIONS

R105-79            Subdivision Memorandum  
Short Form and Final Subdivisions as listed  
on the Subdivision Memorandum. Action  
taken at the meeting.

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

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

The meeting was recessed at 8:55 p.m. until 5:30 p.m. on December 5.

  
Richard R. Lillie, Executive Secretary

TYPE: LONG FORM		PLANNING COMMISSION MEMORANDUM						DATE: December 4, 1979	PAGE: 1
CB	SUBDIVISION	CITY	ZON- ING	ETJ	PROPOSED LAND USE	ACREAGE LOTS	VARIANCES		ACTION
	LOCATION						STATUS	RECOMMENDATIONS	
78 60	Haystack Subdivision Rutherford Lane						REQUEST WITHDRAWAL OF PRELIMINARY AND FINAL	APPROVAL	
CBs	SHORT FORMS								
79 156	The Sharp Addition F.M. 969 & H.K.T. R.O.W.						WITHDRAW	APPROVAL	
79 210	The Hester Addition Mayfield Lane west of Lamar Blvd.	X	A			0.58 2	ADJOINING OWNER - LOT WIDTH DELETE SETBACK LINE - GRANT COMPLETE	APPROVAL	
79 115	Confirmation Plat Joe P. Jekel Subd. Jekel Circle			X	Commercial	9	COMPLETE	APPROVAL	
77 245	Resub. Lts. 27 & 28 Lakeside Addition St. Charles Avenue			X	Residential	3.03 3	COMPLETE	APPROVAL	
CB 78 93	Woodhaven II Pinnacle Road						PARTIAL VACATION	APPROVAL	
CBs 79 209	Woodhaven II A Ducky Thrush Tr. Co. of Pinnacle Road	X	IA			0.4967 2	COMPLETE	APPROVAL	
R 109	Circle S. Ridge Section I Chaparral Road & Circle S. Road						PARTIAL VACATION	APPROVAL	
79 208	Tamayo Subdivision Chaparral Road & Circle S. Road	X	A			0.7346 2	COMPLETE	APPROVAL	