

CITY PLANNING COMMISSION  
Austin, Texas  
December 5, 1979

The City Planning Commission meeting was continued from December 4, 1979, and was called to order at 5:45 p.m. in the First Floor Conference Room of the Municipal Annex. The meeting was moved to the City Council Chambers and called back to order at 6:50 p.m.

Present

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

Also Present

Richard Lillie, Director of Planning  
Luther Polnau, Supervising Planner  
Aliece Minassian, Planner  
Betty Baker, Planner  
Ouida Glass, Senior Secretary

Absent

Bill Stoll

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Planning Commission--Austin, Texas

December 5, 1979

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SPECIAL PERMITS

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

- C14p-79-055 B.R. Willeford: A veterinary Clinic, with no overnight boarding  
(by Thomas W. Cummins)  
Southeast corner of Manchaca Road  
and William Cannon Drive
- <sup>79</sup>  
C14p-78-056 Riverhills N.V.: To allow on-site consumption of beer and wine  
(by Scott Leist) incidental to sale of food at Conan's  
1913 East Riverside Drive Pizza
- C14p-79-058 The Texas Pipe Line Company: A 140-foot high microwave radio tower  
(by Isadore Pollicoff)  
Airport Boulevard at the  
Southern Pacific Railroad Tracks

ZONING

- C14-79-049 Modelle Ballard, Robert G. Ballard, John R. Ballard, and  
Charles W. Ballard: Approval of site plan

SPECIAL PERMITS

- C14p-79-060 Robert G. Ballard: A Drive-In Grocery Store  
(by John R. Ballard)  
13265 Research Blvd.
- C14p-79-070 Texas Tradition Realty Venture: A facility for the custom crafting  
(by Frank B. Brown) of leather products for retail sale  
2222 College Avenue

COMMISSION VOTE

On a consent motion by Mr. Snyder, seconded by Mrs. Schechter the above were approved in accordance with staff recommendations and ordinance requirements.

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

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

ZONING

C14-79-248 Ruthie Jeon Alexander: Interim "A", 1st H&A to "GR", 1st H&A  
 (by Joy A. Bailey)  
 7711 Brodie Lane also bounded by  
 Blumie Road

Betty Baker explained the area is developing residentially. The staff recommends to deny the request. The restaurant is a legal nonconforming use. The staff would recommend "A" Residential, 1st H&A and noted that right-of-way will be required for the widening of Brodie Lane if more permissive zoning is considered.

## PERSONS APPEARING IN FAVOR

Joy Bailey, representing applicant

## COMMISSION ACTION

Joy Bailey, representing applicant, discussed the history of the restaurant. It was existing prior to annexation and is a legal, nonconforming use which may continue as long as there is no change. She explained Mrs. Alexander has been paying commercial taxes since annexation to the City and has been a good business contributor to the City and to the community. She now wishes to convey the business and would request the "GR" zoning in order to do so. She discussed the need for the business in the area. Applicant should not be penalized for the development but should be allowed to participate in the benefits of the property. This is the best use of the land, and she needs the options to remodel or to enlarge.

## COMMISSION VOTE

Mrs. Shipman stated that she can continue to operate as a nonconforming use indefinitely and pointed out that "GR" zoning would set a very bad precedent, therefore, she moved to deny "GR" General Retail, 1st H&A and to grant "A" Residential, 1st H&A. Mrs. Schechter seconded the motion.

Mr. Danze stated this is a nonconforming use, there is retail zoning to the south that has not been developed, and there is not much pressure for development in the area. The City grew around this business and offered a substitute motion to grant the "GR" zoning as requested. Mr. Guerrero seconded the substitute motion and asked applicant if they would be willing to provide five feet of right-of-way on Brodie Lane. Applicant agreed to do so. The Commission vote to consider the substitute motion failed.

The Commissioners then voted on the original motion to grant Permanent "A" Residential, 1st H&A. This vote resulted in a tie. Mrs. Schechter suggested to postpone until a full Commission was present. Mr. Snyder moved to reconsider action and Mrs. Shipman seconded this motion. They again voted on the motion to grant permanent "A" Residential, 1st H&A.

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

THE MOTION PASSED BY A VOTE OF 4-2-1

C14-79-252      Irl Allison, Jr., and Lucille A. Ockey: "A", 1st H&A to "BB",  
                      (by Charles Marsh)                                  1st H&A (as amended)  
                      412 West Alpine Road

Betty Baker explained the applicant had amended his request to "BB", 1st H&A and that buffering and fencing will be needed at the back of the tract. The staff would recommend to grant "BB" Residence, 1st H&A.

PERSONS APPEARING

Charles Marsh, agent for the owner

### COMMISSION ACTION

Charles Marsh, discussed the proposed plans for the site as well as the density. An interested citizen owning houses on Lighting Street discussed the debris on the tract and explained that the neighborhood had gone down hill since the apartments have been built. He also discussed the drainage and run-off problems, pointing out there is a problem with trespassing and unruly behavior. He felt this needs to be stopped; people buy houses and then apartment complexes are built next door. There was discussion of buffering to the rear of the tract and Mr. Marsh explained that he was not the developer and could not offer a site plan.

COMMISSION VOTE

Mr. Snyder moved and Mr. Guerrero seconded the motion to deny "BB", 1st H&A, as amended. Mrs. Schechter offered a substitute motion to grant "BB", 1st H&A, as amended, subject to a site plan so the neighborhood could be protected. Mrs. Shipman amended the substitute motion that the site plan must require a minimum of 25 feet of landscape buffer in the rear as had been volunteered by the applicant. Mr. Snyder withdrew his original motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

|            |   |   |
|------------|---|---|
| C14-79-258 | First Wisconsin National Bank of Milwaukee:<br>(by Lawrence E. Jordan)<br>2508-2510 East Riverside<br>1910 Pleasant Valley Road | "GR", 1st H&A to<br><u>"C", 1st H&amp;A</u> |
|------------|---|---|

Betty Baker discussed the zoning and land uses in the immediate area. The staff would recommend to deny "C" Commercial, 1st H&A. The proposed use change would be inconsistent with surrounding development and zoning. A maximum of "GR" General Retail zoning has developed along East Riverside Drive and this policy should be maintained.

C14-79-258 First Wisconsin National Bank of Milwaukee (continued)

## PERSONS APPEARING

Julian Lockwood, attorney for applicant

## COMMISSION ACTION

Julian Lockwood, attorney, discussed the conditions of the purchase contract and the need to obtain the requested zoning for mini warehouse uses. He explained the tract in question covers 7.63 acres and discussed how they propose to develop. He requested the "C" zoning be granted but limited by restrictive covenant to provide only for the "C" use to permit mini warehousing. He showed slides of the immediate area. There was discussion of the site plan being tied to the zoning, the single-family homes across the street, and whether or not a restrictive covenant would stand up in court. Mr. Jagger explained he was more concerned about the physical appearance than the use. He discussed how the driveway might be moved and also the buffering.

## COMMISSION VOTE

Mr. Jagger moved to grant "C" Commercial, 1st H&A, subject to ordinance requirements and subject to a restrictive covenant as offered by the applicant with the revised site plan that shows a continuous building with at least three feet of landscaping on the Riverside Drive side of the building. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-265 E. G. Priesmeyer and Jerry D. Holley: "C", 1st H&A to "C-2", 1st H&A  
(by Charles L. Holley)  
336 East Ben White Boulevard

Betty Baker explained a request had been received for this item to be postponed for one month.

## COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to honor the request of the applicant and to postpone this item for one month.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-270      City of Austin: "B", 1st H&A to "A", 1st H&A  
                      (by Planning Department)  
                      Bounded to the north by Martin Luther King, Jr., Boulevard,  
                      to the south by west 17th Street,  
                      to the east by West Avenue, and  
                      to the west by Pearl Street

Betty Baker explained this is a rollback request due to repeated requests for more permissive zoning in the area. The staff would recommend to grant "A" Residential, 1st H&A where the owners have so agreed and existing uses could continue; "BB", 1st H&A on two properties which uses require "BB" and that the remaining properties with "B", 1st H&A not be considered in the roll-back.

PERSONS APPEARING IN FAVOR

James T. Anderson, 807 West 16th  
Gayle M. Browne, 1615 Pearl  
Suzanne and Kirby Cannon, 1711 San Gabriel  
Mr. and Mrs. Sam Cook, 1810 San Gabriel  
Geraldine Crawford, 1705 West Avenue  
Barbara Duke, 1803 Pearl  
Michael Elfant, 1805 Pearl Street  
Earl and Jo Sue Howard, 1801 West Avenue  
Ronya Kozmetzky, 902 Vaughn Building  
Dr. Peggy Kruger, 1608 West Avenue  
Harriette Kunz, 1705 Pearl  
Mrs. Gerald Langford, 1711 Pearl  
Jim and Jane Martindale, 1707 Pearl  
Alain Nimri, 1805 Pearl  
Mrs. Ed B. Price, 1606 Pearl  
Rick Shoup, 804 West 17th  
Mrs. Charles Sumners, 1603 Pearl  
Lisa Lynn Turboff, 1805 Pearl  
Gus & Ruth Williams, 903 West 18th  
Inez Yarborough, 1805 Pearl  
George A. Zapalac, 1604 Pearl

PERSONS APPEARING IN OPPOSITION

Mrs. Perry Jones, 1807 Pearl  
Wroe Owens, 3705 Taylors Drive  
Mary Catherine Wilcox, 809 West 19th  
Angus A. Williams, 903 West 18th  
Tom Curtis  
Rob Sutherland

C14-79-270 City of Austin (continued)

## COMMISSION ACTION

Ruth Williams requested the zoning be rolled back to prohibit further opening of businesses in the area and the conversion of homes into businesses. Rich Schipp discussed having purchased a house and now having apartments next door. He discussed the integrity of the neighborhood and was in agreement with the rollback to try to keep things like this from happening in the future. There was discussion of speculation in the area, the encroachment of business uses into a residential neighborhood. Wroe Owens was interested in the Lantana Apartments and the adjacent lot, expressed objection to the zoning being rolled back. He requested the present status be maintained, and that he be allowed to continue to operate. Rob Sutherland discussed the dormitory that had been in operation for years and asked what he would do with a four-story structure that was zoned "A" Residential. Mr. Vier suggested to pull out of the rollback. Tom Curtis expressed agreement with the staff recommendation, and discussed the proposed apartments or condominiums which would be owner occupied.

## COMMISSION VOTE

Mrs. Shipman moved to delete Parcel "A" at the corner of Martin Luther King, Jr., Boulevard and West Avenue to support the staff recommendations to roll back to "A", those parcels indicated two parcels be "BB" if agreeable to the applicants and that they be notified by certified mail before the Council holds a public hearing. There was discussion of the vote that would be needed at the Council level to overturn any protest. Mrs. Shipman withdrew her motion.

Mr. Vier then moved to grant staff recommendations with the exception of the tract on the southwest corner which is recommended to remain "B". Mr. Danze seconded the motion. Mr. Jagger felt that the parking lot needed buffering and offered a substitute motion to roll back the zoning ten feet on the West and South side of what is identified on the map as "parking" to "A" Residential. Mrs. Schechter seconded the substitute motion which failed by a 3-5 vote.

The Commission then voted on the original motion to grant as per staff recommendations with the exception of the lot on the southwest corner of West Avenue and MLK.

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

THE MOTION PASSED BY A VOTE OF 8-0.



HISTORIC ZONING

C14h-79-017 Thomson House: "A", 1st H&A to "O-H", 1st H&A  
 (by John S. Lloyd)  
 900 West 17th Street

Betty Baker explained that the request for historic zoning had been denied by the Landmark Commission. They did not consider the request for the "O" Office zoning. The structure was built in 1907. Hal B. Thompson was the original architect.

C14-79-254 Austin Los Cuatros, Inc.: "A", 1st H&A to "O", 1st H&A  
 (by John S. Lloyd)  
 900 West 17th Street  
 also bounded by Pearl Street

Betty Baker explained the staff has recommended to deny the "O" Office zoning. It would be an intrusion into the neighborhood and is spot zoning.

## PERSONS APPEARING IN FAVOR

John Lloyd, applicant

## PERSONS APPEARING IN OPPOSITION

James T. Anderson, 807 West 16th  
 Jane and S. J. Aronson, 907 West 18th  
 Gayle Browne, 1615 Pearl  
 Susanne and Kirby Cannon, 1711 San Gabriel  
 Belle and Sam Cook, 1810 San Gabriel  
 Geraldine Crawford, 1705 West Avenue  
 Barbara Duke, 1803 Pearl  
 Micheal Elfant, 1805 Pearl  
 Jo Sue Howard, 1801 West Avenue  
 Mrs. Perry Jones, 1807 Pearl  
 Edward Joseph, 1700 San Gabriel  
 Ronya Kozmetsky, 902 Vaughn Building  
 Dr. Peggy Kruger, 1608 West Avenue  
 Harriette Kunz, 1705 Pearl  
 Mrs. Gerald Langford, 1711 Pearl  
 Jim and Jane Martindale, 1707 Pearl  
 Mr. and Mrs. A. L. Moyer, 1701 San Gabriel  
 Alain Nimri, 1805 Pearl  
 Mrs. Ed B. Price, 1606 Pearl  
 Rick Shoup, 804 West 17th  
 Mrs. Charles Sumners, 1603 Pearl  
 Lisa Lynn Turboff, 1805 Pearl  
 Mrs. Robert W. Warner, 1607 Pearl  
 Mary Catherine Wilcox, 809 West 19th  
 Ruth and Gus Williams, 903 West 18th Street  
 Inez Yarborough, 1805 Pearl Street  
 Mr. and Mrs. Heartsill Young, 1706 San Gabriel  
 George and Beverly Zapalac, 1604 Pearl

C14h-79-017 & C14-79-254 (continued)

## COMMISSION ACTION

John Lloyd, explained they were using this as an office. He explained they had fixed the structure substantially and were of the opinion that it is now an asset to the neighborhood. They would like to stay there a short time and must have the "O" zoning for the use. He agreed to roll the zoning back to "A" when the use terminates. He also discussed the historic features of the structure. Ruth Williams, chairman of the Original City Neighborhood, introduced persons in the audience appearing in opposition and stated they were present because they are angry. She explained this company moved into the neighborhood and set up a business office, knowing when they moved in that it was zoned "A" Residential, that he had requested historic zoning and withdrew the request prior to the hearing. She explained this is one of the last residentially zoned "A" areas on the original City map and stated that if granted this would be spot zoning. Everything then will change in the neighborhood and they do not want that to happen. She explained they live there by choice and do not need the historic or office zoning. This is the invasion of a business into a residential neighborhood and they requested the zoning change be denied. Edward Joseph explained that he had sold the property to Mr. Lloyd, did not think anyone would object for a small office use, but did not have any idea what they planned to do. He stated this is spot zoning for office use. There are four or five offices there now with approximately 12 to 15 cars. This would detract from and lessen the value of homes if the office zoning should be granted. Gayle Brown discussed the criteria for historic zoning and explained that if this structure is entitled to historic zoning, many others in the area also would qualify. She requested no more office be allowed on West Avenue and that the residential character be maintained. There was discussion of this being unique older neighborhood and that the office zoning would bring in more traffic. There are widows living there and they feel more secure knowing everybody and do not want strangers to intrude. There also was discussion of keeping this as a downtown neighborhood.

## COMMISSION VOTE

Mrs. Shipman moved to deny "O" Office, 1st H&A; this is residential housing. Mrs. Schechter seconded the motion. (C14-79-254).

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

THE MOTION PASSED BY A VOTE OF 7-0.

Mrs. Shipman then moved to support the recommendation of the Historic Landmark Commission and to deny "O-H", 1st H&A for the Thomson House, noting that Items "C", "D", "I" and "L" might apply but are inadequate for historic zoning. Mr. Danze seconded the motion. (C14h-79-017).

Mr. Vier again discussed a problem he had with the historic zoning ordinance in that it could be interpreted any way. Mr. Snyder expressed concern for the tax abatement and explained the structure does not come off the tax roll, it is just to encourage continued improvement of the property.

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

THE MOTION PASSED BY A VOTE OF 7-0.

SPECIAL PERMITSC14p-057 Mallick Properties, Inc.: A 236-Unit Apartment Project

(by Charles W. Croslin, Jr.)

9908-9716 North Lamar Boulevard

Aliece Minassian presented the staff report.

This is an application for a special permit to allow 236 unit department dwelling group on 12.17 acre tract of land.

The tract is currently zoned "GR", 1st H&A. The proposed density is 19.39 units per acre. "GR" zoning allows a density of 46 units per acre.

The site plan indicates a total of 192 one-bedroom units, and 44 two-bedroom units. The total parking required is 484 spaces and applicant is providing 488 parking spaces.

Access to property is proposed from two driveways off Lamar Blvd.

The proposed amenity for the project is six tennis courts, club and one swimming pool in an open area.

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

PERSONS APPEARING

Charles Croslin, representing applicant

COMMISSION ACTION

Charles Croslin, discussed some provisions of the special permit application and was hesitant to agree to the zoning rollback provisions prior to issuance of the building permit. He also discussed the placement of sidewalks on North Lamar Boulevard. Mr. Guerrero explained the Planning Commission cannot grant a variance on a special permit requirement.

COMMISSION VOTE

Mr. Jagger moved to approve the special permit subject to departmental recommendations and ordinance requirements, to postpone the requirement to roll back from "GR" to "BB" pursuant to the agreement that the application will be made as soon as the building permit is issued. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-059 Cullum Development Corp.: A 280-Unit Apartment Project  
(by B. L. Turlington)  
11223-11529 Research Boulevard

Aliece Minassian presented the staff report.

This is an application for a special permit to allow a 280-unit apartment dwelling group on 10.75 acre tract of land.

A strip of 25 ft. x 340 ft. along the northern boundary of the tract is currently zoned "A", 1st H&A. The remaining portion of the tract is zoned "GR", 1st H&A. The proposed density is 26.05 units per acre. "GR" zoning allows a density of 46 units per acre.

The site plan indicates a total of 216 one-bedroom units and 64 two-bedroom units. The total parking required is 452 spaces and the applicant is providing 469 parking spaces.

Access to site is proposed off four driveways off U.S. 183.

The proposed amenity for the project is two recreation courts, two tennis courts, recreation building and two swimming pools in an open area.

The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

#### PERSONS APPEARING

Lynn Turlington, applicant

#### COMMISSION ACTION

Mr. Jagger asked if this met the provisions of the 183 study. Aliece Minassian replied that it did not insofar as the building setback is concerned. Lynn Turlington, explained they have met with the neighborhood groups, as well as the adjacent homeowners, and they are not opposed to the proposed plans. He agreed to the zoning rollback to fit the usage and discussed the setback and right-of-way for 183. He did not agree to the setback recommendations of the 183 study. There was considerable discussion of both the setback and right-of-way provisions along 183. Mr. Jagger recommended to postpone until an opinion was received from the Legal Department to determine whether or not the Planning Department could require the applicant to comply with the provisions of the 183 study regarding the building setback requirements. Robert Hunter, representing the Mesa Park Civic Association, did not find significant opposition but explained that nobody was particularly overjoyed with the request. He stated that apartments must be built somewhere. Raleigh Boerne also was not opposed to the basic plan but stated the variance should not be eliminated that would require buffering. He requested at least 25 feet buffering between this tract and Mesa Park. There was discussion of the drainage, the setback, and the unimproved land. He stated that speculators should not expect the public to allow them to make a profit.

C14p-79-059 Cullum Development Corp. (continued)

COMMISSION VOTE

Mr. Jagger moved to postpone until 5:30 p.m., January 8, and requested the Legal Department to brief the Planning Commission on the implications of the 183 study as it relates to special permits. Mr. Snyder seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

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| <p>C14p-79-061      Capital National and City National Banks:<br/>                           (by Rev. Richard McCabe)<br/>                           1808 West Avenue</p> | <p><u>An Eleemosynary Institution</u><br/> <u>for the rehabilitation of</u><br/> <u>alcoholism and drug addiction</u></p> |
|---|---|

Aliece Minassian presented the staff report.

This is an application for a special permit to allow an eleemosynary institution in 5,910 square feet of an existing structure on 15,273 square feet tract of land.

The tract is currently zoned "B", 1st H&A. The applicant proposes no changes in the use of the facility as it will continue to act as a halfway house for adult alcoholism patients. A maximum of 45 will reside at this location under full time staff supervision who will not reside at the location.

The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Phillip Robinson, attorney for applicant  
 Barbara Duke, 1803 Pearl  
 Jim Myers, attorney for applicant  
 Dr. Jack Moore, 706 West MLK Boulevard  
 Mark Swanson  
 Vera Robinson, 4901 Crestway Drive  
 David L. Jones  
 Russell P. Roberson, 1806 Rio Grande  
 Reverend Richard E. McCabe, 4310 Small Drive

C14p-79-061 Capital National & City National Banks (continued)

## PERSONS APPEARING IN OPPOSITION

Earl and Joe Sue Howard, 1801 West Avenue  
Rick Shoup, 804 West 17th Street  
Bayle M. Browne, 1615 Pearl  
Alain Nimri, 1805 Pearl Street  
Michael Elfant, 1805 Pearl  
Lisa Lynn Turboff, 1805 Pearl  
Ruth & Gus Williams, 903 West 18th  
Jane and Jim Martindale, 1707 Pearl  
Mrs. Ed. B. Price, 1606 Pearl  
Mrs. Geraldine Crawford, 1705 West Avenue  
Mrs. Robert W. Warner, 1607 Pearl  
Susanne and Kirby Cannon, 1711 San Gabriel

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

Petition  
Ed. L. and James L. Fomby, 1907 Rio Grande  
A. L. Moyer and Sons, 1803 West Avenue

## COMMISSION ACTION

Phillip Robinson, discussed the operation of the facility, and stated he was of the opinion that the people who signed the petition realized the full operation of the facility. He explained he is not asking for any zoning change and is not asking for a use was of the opinion that the use is reasonable and is compatible with the neighborhood, explaining they had helped some 3,000 persons back into the community who had been cured of a serious illness. Barbara Duke requested annual review of the special permit and stated she had mixed emotions about the operation. Joe Sue Howard explained she had initiated the petition in opposition to the special permit and explained the treatment center had been in operation for several years without a special permit. She did not think this is acceptable to the neighborhood, discussed the car, pointed out there is no available parking, and problems with trash and debris. She stated also there is no outdoor recreation available. There was discussion of residents being arrested, the problems of cars and parking, as well as safety for the area residents. Father McCabe also discussed the operation of the facility, pointing out there is no federal funding involved. He stated there always is a waiting list.

C14p-79-061 Capital National & City National Banks (continued)

## COMMISSION VOTE

Mr. Vier moved and Mrs. Schechter seconded the motion to approve the special permit in accordance with departmental recommendations and ordinance requirements. Mrs. Shipman pointed out this is a good program but the people living in the area are having a problem. She stated there was a need for a determination of the number of parking spaces needed for the facility and recommended no on-street parking be allowed on West Avenue. Mrs. Schechter discussed the parking problem in the University area. Mr. Vier suggested the University could come up with something to alleviate the parking problems in the area. Mr. Jagger suggested applicant could redesign the parking on the tract to accommodate the use and that there should be more communication between the facility and the neighborhood.

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

THE MOTION PASSED BY A VOTE OF 7-1.

Mr. Jagger then moved and Reverend Dixon seconded the motion to grant "B", 1st H&A for the tract.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-062 Byram Properties: A lounge seating 247 persons called the  
(by Garland Evans) "SUNDOWNERS CLUB".  
110 East Riverside Drive

Aliece Minassian presented the staff report.

This is an application for a special permit to allow a lounge on 0.52 acre tract of land.

The tract is currently zoned "C-2", 2nd H&A. The proposed seating capacity for the lounge is 247 seats. The site plan indicates 29 parking spaces provided on-site. Total required parking is 124 spaces, therefore, a special exception approved by the Board of Adjustment is required for the remaining 95 spaces to be located off-site.

Access to site is proposed from one driveway off E. Riverside Drive.

C14p-79-062 Byram Properties (continued)

Adjacent developments are restaurants, hotels and offices.

The staff is not making a recommendation on this application as the proposed use is not compatible with area development.

PERSONS APPEARING IN FAVOR

Garland Evans, representing developer

PERSONS APPEARING IN OPPOSITION

Jean Mather, 1611 Alameda  
Inez Yarborough, 1805 Pearl

COMMISSION ACTION

Garland Evans, discussed the proposed use as well as the surrounding area. He felt this would be compatible with the area now and what might be there in the future. The zoning is there for this type development and he requested the special permit be approved. He discussed that the parking of the adjacent office building would be utilized. Speaking in opposition, Jean Mather explained the neighborhood is concerned and stated they cannot tolerate one more drunk driver on Riverside Drive. There was discussion of the need for the Board of Adjustment to approve the parking requirements. Mr. Danze was of the opinion that this is a good plan and pointed out they would utilize office parking spaces that otherwise would be vacant during their hours of operation.

COMMISSION VOTE

Mr. Danze moved to approve the special permit subject to departmental recommendations and ordinance requirements and subject to a letter indicating the applicant can get permission from the office owner that the parking spaces can be utilized by this facility in perpetuity. Mr. Vier seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-1.



C14p-79-063    B. O. White: A lounge called "DISCO CLUB"  
(by David McRee)  
218 East Sixth Street

Aliece Minassian presented the staff report.

This is a special permit application to allow a Discotheque with on-site consumption of alcoholic beverages in 3,584 square feet existing structure.

The tract is currently zoned "C-2", 4th H&A. The proposed seating capacity is 100 seats. Since the building is located in Area I of the partially exempt Central Business District and is less than 4,000 square feet of gross area, no paved off-street parking is required.

Any exterior alteration must be approved by the Historical Landmark Commission.

Based on ordinance requirements the staff recommends approval of the above referenced special permits subject to compliance with ordinance requirements and departmental recommendations.

These two application are to be located on East 6th Street which is zoned C-2, however, both the Planning Commission and Historic Landmark Commission have questioned the wisdom of allowing East 6th Street to be stripped with this type of use to the exclusion of other retail and commercial uses as well as some residential uses. In addition, both Commissions have expressed concern about the impact this type of development would have relative to the East 6th Street National Historic Register District.

Maps showing the location and capacity of lounges along the 6th Street corridor along with the boundaries of the National Register District were provided.

While it appears the applications can meet specific ordinance requirements, the special permit process allows the Planning Commission to consider the appropriateness of the application based on the specific factors out lined in the Zoning Ordinance.

#### PERSONS APPEARING

Joyce Minor, applicant

#### COMMISSION ACTION

Joyce Minor, representing applicant, explained this would be different from the other uses already on Sixth Street. They will have memberships, but will not serve food.

C14p-79-063 B. O. White (continued)

## COMMISSION VOTE

Mrs. Shipman moved to approved the special permit and requested the City Council be sent a letter making them aware of the kinds of development that is taking place on Sixth Street. Reverend Dixon seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-066 William G. Creagh: A restaurant and on-premise consumption of  
(by John P. Knight) alcoholic beverages called "THE 606  
606-608 Trinity Street RESTAURANT AND OYSTER BAR."

Aliece Minassian presented the staff report.

This is an application for a special permit to allow on-premise consumption of alcoholic beverages as seconding and incidental to the sale of food in secondary 3,258 square feet existing structure on a 5,888 square feet tract of land.

The tract is currently zoned "C-2", 4th H&A. The proposed seating capacity is 88 seats. Since the building is located in Area I of the partially exempt Central Business District and is less than 4,000 square feet of gross area, no paved off-street parking is required.

Any exterior alteration must be approved by the Historical Landmark Commission.

Based on ordinance requirements the staff recommends approval of the above referenced special permits subject to compliance with ordinance requirements and departmental recommendations.

These two application are to be located on East 6th Street which is zoned C-2, however, both the Planning Commission and Historic Landmark Commission have questioned the wisdom of allowing East 6th Street to be stripped with this type of use to the exclusion of other retail and commercial uses as well as some residential uses. In addition, both Commissions have expressed concern about the impact this type of development would have relative to the East 6th Street National Historic Register District.

Maps showing the location and capacity of lounges along the 6th Street corridor along with the boundaries of the National Register District were provided.

While it appears the applications can meet specific ordinance requirements, the special permit process allows the Planning Commission to consider the appropriateness of the application based on the specific factors out lined in the Zoning Ordinance.

C14p-79-066 William G. Creagh (continued)

## PERSONS ATTENDING

Aaron Kleber  
Jerry Creagh, applicant

## COMMISSION ACTION

Aaron Kleber discussed the downtown area and recommended concentration of certain businesses and felt it would be beneficial. He also discussed the buildings being renovated and preserved. Jerry Creagh discussed the number of bars and restaurants in the downtown area and expressed pleasure that the staff is concerned. He stated they did not want to see another Burbon Street.

## COMMISSION VOTE

Reverend Dixon moved and Mrs. Schechter seconded the motion to approve the special permit subject to departmental recommendations and ordinance requirements and that a letter be sent to the City Council making them aware of the kinds of development that is taking place on Sixth Street.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-067 Austin-Travis County MH-MR: An Eleemosynary Institution  
(by Michael K. Carter) for adult residence  
3219 Manor Road

Aliece Minassian presented the staff report.

This is a special permit application to allow an eleemosynary institution in a 1,934 square feet existing structure on a 1.75 acre tract of land.

The existing residence in an established residential neighborhood is to serve as a boarding house for 12 dependents, emotionally disturbed adults, who will be in direct contact with staff supervisor. This supervisor, however, will not reside at this location.

The current zoning on the subject tract is "A", 1st H&A. Access to property is provided by one existing driveway off Manor Road.

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

CI4p-79-067 Austin-Travis County MH-MR (continued)

## PERSONS APPEARING IN FAVOR

Michael Carter, applicant

## PERSONS APPEARING IN OPPOSITION

Gertrude Green, 2034 Encino Circle  
Vanilla Scroggins, 1803 J.J. Seabrook Drive

## COMMISSION ACTION

Michael Carter, representing Austin-Travis County MH-MR, explained the facility would serve a minimum of 11 adults, combining the two existing facilities. He explained their operation and stated that the individuals are employees of the State of Texas, Board of Control. They legally cannot rent the facility from the land owner, cannot drive an automobile, and are responsible for their own expenses. There will be only one MH-MR individual on the site at a time. He explained the site is an ideal situation for their uses, it will not be altered or changed in any way. This would allow these persons to become self sufficient citizens of the community. There was discussion of the funding and the cost of hospital care as opposed to living in a facility of this sort. Gertrude Green was of the opinion that someone should be with these people all of the time and discussed the possible danger to the number of children in the neighborhood. Mr. Carter explained that anyone with a behavior problem would immediately be removed from the facility and placed back in the hospital. These people are very well aware of the image they are trying to make in the community. He agreed to give Mrs. Green a contact number so that anyone with concerns would be able to discuss their concerns at any time. There also was discussion of a one-year review and Mr. Carter agreed to come back at the end of one year for review.

## COMMISSION VOTE

Mr. Danze moved to approve the special permit subject to ordinance requirements and departmental recommendations and with the stipulation that the applicant will come back for review of the special permit at the end of one year as agreed and that the residents can respond at that time; also to contact Mrs. Green so that she can notify him when necessary. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 7-0.

C14p-79-068     H.C. Carter: A 293-Unit Apartment Project  
                  (by Edgar James)  
                  Great Hills Trail  
                  and Loop 360

Aliece Minassian presented the staff report.

This is an application for a special permit to allow a 293-unit apartment dwelling group on a 13.42 acre tract of land.

The tract is currently zoned "O", 1st H&A. The proposed density is 21.8 units/acre. "O" zoning allows a density of approximately 46 units/acre.

The site plan indicates a total of 30 efficiency units, 173 one-bedroom units and 90 two-bedroom units. The total parking required is 470 spaces and applicant is providing 475 parking spaces.

Access to property to proposed from two driveways off Great Hills Trail. The proposed amenity is two swimming pools in an open area and a recreation center.

The project is within the Lake Austin drainage and is subject to compliance with LAGMO standards. Data provided indicates 45.8% of the site is covered by impervious surface and will require employment of alternative methods for handling surface drainage. Any revision to the layout as a result of compliance with LAGMO standards will require additional site plan review and approval by the Planning Commission.

The staff recommends approval subject to compliance to ordinance requirements and departmental recommendations.

#### PERSONS APPEARING

Homer Reed  
Edgar James, architect  
Ron Allen, Balcones Civic Association  
Carl E. Newsome  
Tom Ward

#### COMMISSION ACTION

There was discussion of the original application that had been presented and the Planning Commission having requested the zoning being subject to review by the Urban Transportation Department and that a traffic impact analysis be provided. There was discussion of how each of the tracts had been identified for development, as well as the oversizing of the water lines in the area. There was discussion of this tract having been designated for office use, whether or not there was a legal right to keep it that way and if the ordinance could so be amended. Mrs.

C14p-79-068 H.C. Carter (continued)

Schechter stated the zoning should fit the use. Mr. Jagger was of the opinion the special permit provisions should be examined to allow more latitude in denying special permit requests where the zoning is specifically for residential use. Homer Reed discussed the proposed project, stated he would construct and manage the apartments, if approved. Edgar James discussed the proposed plans. There was discussion of what would be seen from 360 and also about the Lake Austin Standards, as well as the landscaping that would be provided along Great Hills Trail. Mr. Reed stated that as soon as this permit is received and the other necessary permits, including the building permit, they would request rollback on the zoning to "B" or "BB", whichever is appropriate. Ron Allen, president of the Balcones Civic Association, had no specific objections but expressed concern for the overall high density. He stated they would like to help the Planning Commission adopt and prepare an ordinance specifically dealing with apartments. He also discussed their concern for the traffic management and traffic control. Speaking in opposition, Tom Ward also discussed the traffic problem, population, density, especially on Great Hills Trail and warned they did not want to lose the residential character of the area. Mr. Vier stated he would like to see an extra effort made to buffer and suggested a heavily landscaped earth berm adjacent to Great Hills Trail. Mr. Reed explained they planned to continue to own and to operate the facility. They planned to stay there and continue them as a nice part of the community.

## COMMISSION VOTE

Mrs. Shipman moved to approve the special permit subject to ordinance requirements and staff recommendations and that the applicant has volunteered to roll back the zoning to "B" or "BB", whichever is appropriate, after all necessary permits have been issued, and that they must conform with the alternative methods of the Lake Austin Plan as okayed by the Engineering Department. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

C14p-79-069     Robert B. Pelaez: A 218-Unit Apartment Project  
                  (by Edgar James)  
                  Great Hills Trail, Agate Cove  
                  and Loop 360

Aliece Minassian presented the staff report.

This is an application for a special permit to allow a 218-unit apartment dwelling group on a 12.24-acre tract of land.

The tract is currently zoned "O" 1st H&A. The proposed density is 17.8 units per acre. "O" zoning allows a density of approximately 46 units per acre.

The site plan indicates a total of 152 one-bedroom units and 66 two-bedroom units. The total parking required is 360 spaces and applicant is providing 381 parking spaces.

Access to property is proposed from one driveway off Great Hills Trail and one driveway off Agate Cove.

The proposed amenity is two swimming pools in an open area.

The project is within the Lake Austin drainage area and is subject to compliance with LAGMO standards. Data provided indicated 41.6% of the site is covered with impervious surface and will require employment of alternative methods for handling surface drainage. Any revision to the layout as a result of compliance with LAGMO standards will require additional site plan review and approval by the Planning Commission.

The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

#### PERSONS APPEARING

Edgar James, architect  
Ron Allen, President, Balcones Civic Association  
Carl E. Newsome

#### COMMISSION ACTION

Mrs. Schechter asked if they would be willing to roll back the zoning. Edgar James, architect for the project, explained that he could not answer at this time since he was not the owner. Mr. Vier discussed that his greatest concern was for Great Hills Trail and did not think it would be adequate. He also asked about a 25-foot setback and the landscaping. He explained there are single-family homes across the street and stated he would like to see an extra effort made to buffer, suggesting a heavily landscaped earth berm adjacent to Great Hills Trail. Mr. James agreed to do so. Ron Allen of the Balcones Civic Association explained that they did not

C14p-79-069 Robert B. Pelaez (continued)

take issue with the project but did request a postponement. He explained that no landscaping had been done on the project across the street that had been agreed to in that special permit and stated that if the conditions that had been placed on that special permit do not have value, he asked for a determination of the intent for the owner on this tract. Mr. Jagger stated that if this be the case, then the plans should be in great detail to reflect agreements reached, plus a report of the previous projects by this developer before a determination on this request is made. There was discussion of the Building Inspection Department having been notified to determine whether or not the developer has fulfilled the obligations of the special permit.

## COMMISSION VOTE

Mr. Jagger moved to continue the request to 6 p.m., December 18, that a detailed site plan reflecting all details of this project be submitted as well as a report in writing from the developer as to what he intends to do in regard to Mesa Village and obligations of the special permit. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 8-0.

R200 Consideration of Downtown Revitalization Goals

There was discussion of the downtown revitalization goals report that had been submitted and it was agreed to change some of the wording of the report. They stated they had worked on the task for over two months and that they would be happy to serve in a public advisory capacity in the future.

The meeting adjourned at 11:10 p.m.

  
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Richard R. Lillie, Executive Secretary