

CITY PLANNING COMMISSION
Austin, Texas

Special Meeting -- July 30, 1968

The meeting of the Commission was called to order at 7:00 p.m. in the Council Room, Municipal Building.

Present

Samuel E. Dunnam, Chairman
Robert Kinnan
Alan Taniguchi
Dr. William Hazard
William Milstead
Hiram S. Brown

Absent

Roger Hanks
Robert B. Smith
G. A. McNeil

Also Present

Robert Tinstman, City Manager
Hoyle M. Osborne, Director of Planning
Richard Lillie, Assistant Director of Planning
Henry Mecredy, Planner

ORDER OF BUSINESS

R1410 ZONING ORDINANCE

The Director of Planning reported that the Planning Department and the City Council has received a petition from a number of property owners in the Tarrytown area opposing the establishment of a private club in an "A" Residence District. The petition expresses a request that the Zoning Ordinance text be amended and consideration be given dealing with the issue of private clubs with a possible outright prohibition of private clubs in this district. Mr. Osborne explained that he has advised Mr. Barr McCellan, representing the property owners, that the petition would be presented to the Commission to establish a date for hearing if the Commission wishes to consider the request.

Mr. Dunnam stated that in his opinion the Planning Commission would need legal advice and counsel before an amendment to the text of the Ordinance would be considered.

Mr. Osborne stated that the issue of the particular private club on Bowman Avenue as far as the Commission is concerned is essentially moot. There is little that can be done. In a number of instances, a private club is a well-established use and in other instances they are in the process of being established under the existing Ordinance. The basic issue is whether or not a private club should be allowed in the future in an "A" Residence district or if so, under what conditions, if any a private club should be established. As a general rule a change in the Zoning Ordinance cannot be retroactive. There are rights and perogatives in the existing zone which places a burden under the State law as to the matter of notification and proper hearing to all of the property owners involved. There are limited amendments that can

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be made within an existing district which do not change the intent of the district. A private club is an outright permitted use with certain conditions under the existing Ordinance.

Mr. Dunnam stated that even if the Ordinance was amended, under State law the club on Bowman Avenue would be permitted to exist as a non-conforming use. It is felt that there should be a date set for consideration of a general amendment to the Zoning Ordinance concerning the matter of private clubs and in this connection there should be a full and thorough legal brief from the City Attorney on the general issues.

Mr. Barr McClellan was present and stated that he is responsible for the circulation of the petition. With regard to setting of a date when this petition was presented to the City Council there was unanimous decision that it be referred to the Commission and that a quick hearing be conducted. Under the rules and regulations there is a 90 day limit for hearing when a petition is presented.

Mr. Osborne read the language of the Ordinance pertaining to the information by Mr. McClellan and stated that in his opinion the 90 day limitation for hearing applies to a change of zoning and not an amendment to the text of the Zoning Ordinance.

The Commission members were of the opinion that legal advice is needed from the City Attorney before this matter is considered and agreed to consider this request at the next regular meeting of the Commission on August 20, 1968, at 7:30 p.m.

C2-68-4(b) ZONING ORDINANCE: Interim Revisions

Consideration of proposed amendment to the Zoning Ordinance to incorporate a "Suburban Residential" or semi-rural large lot district into the Ordinance

Mr. Osborne explained that the staff has previously presented to the Commission a draft of three proposals pertaining to the Zoning Ordinance. The first was the recommendation for the establishment of a "Suburban Residential" district with the basic feature being large lot size. In this particular instance the recommendation is for the establishment of 18,000 square foot lots and a width of not less than 100 feet. There is provision in this for a reduction of 25 per cent of the lot size under the conditions that this be made up in the form of common open space so that the net area allocated to a unit is essentially the same.

The staff recommends that the Zoning Ordinance be amended as follows:

In Suburban Residence District no building or land shall be used and no building hereafter shall be erected or structurally altered,

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unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. One-family dwellings on a site of not less than 18,000 square feet and a width of not less than 100 feet, unless otherwise provided in Paragraph 11.
2. Churches, rectory or convent.
3. Free public schools.
4. Public park or playground.
5. Agricultural crops, truck gardening, nurseries and greenhouses; however, no retail sales shall be made on the premises.
6. Private club, recreation area or park subject to the following conditions:
 - a. The facility shall be owned and operated by the developers of the subdivision or an association of owners within the subdivision.
 - b. The facility shall be operated on a non-profit basis.
 - c. The site shall not be less than two (2) acres in size and shall be located within the subdivision. Said site shall have been designated as a private club, recreation area or park in a subdivision approved by the City of Austin.
7. Private or parochial school subject to the following conditions:
 - a. The site shall not be less than one (1) acre for the first fifty (50) children and an additional 5,000 square feet for each additional ten (10) children.
 - b. The same subjects shall be taught as in a public elementary or secondary school and the school shall be accredited by the State of Texas.
8. Child care center, day nursery, nursery school or Kindergarten subject to the following conditions:
 - a. Said child care facility shall be owned and operated by a church or other non-profit organization.
 - b. The facility shall be located on a site of not less than one (1) acre for the first fifty (50) children and an additional 2,000 square feet for each additional ten (10) children.

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- c. The facilities and site shall be subject to approval by the Texas State Department of Public Welfare.

9. Accessory USES, which shall include:

- a. A detached private garage or an attached private garage, in a compartment as a part of the main building, having a capacity of not more than four (4) vehicles, if the area of the lot upon which the same is located shall contain not less than two thousand (2000) square feet for each vehicle space provided. Not more than one of such vehicles shall be a commercial vehicle.
- b. Day nursery in the home where not more than six (6) children are kept, including the children of the resident family, and where the facilities, site and operation are subject to approval by the Texas State Department of Public Welfare.
- c. A private stable, where provision is made for not more than two (2) horses or mules, a poultry shed, a storage room, or other outhouses. The keeping of fowls, or small animals, other than livestock, is permitted in this District if not kept primarily for gain. The keeping of horses, cows, and other livestock, not primarily for gain, and only within an enclosure, is permitted in this District, but any stable, shed, or enclosure for such animals shall be distant at least one hundred (100) feet from every adjoining lot in any residence district.
- d. A fence, hedge or enclosure wall, provided:
 - (1) A solid fence or enclosure wall shall not exceed an average height of six (6) feet, and shall in no event exceed seven (7) feet in height if located within 10 feet of a side or rear lot line or within 25 feet of a front lot line.
 - (2) An ornamental fence exceeding six (6) feet in height shall have a ratio of solid portion of open portion not in excess of one (1) to four (4).
 - (3) Any fence, hedge or enclosure wall on a corner lot, and situated within fifteen (15) feet of the intersection of the two street lines, shall not exceed a height of three (3) feet.
- e. Signs as provided under Section 11.
- f. A semi-Public Parking Area.

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10. USES by special permit only, which shall include:

- a. Any use permitted in the "AA" Residence District without a special permit, when located on a site adjoining an "AA" Residence District or less restricted district, which district shall contain not less than two (2) acres, and when located on a site of not less than one (1) acre.
- b. Private club, subject to the following conditions:
 - (1) The site shall contain an area of not less than five (5) acres.
 - (2) The club building shall be located not closer than 150 feet to the front property line.
 - (3) The club building shall be located not closer than 100 feet to the side or rear property line.
 - (4) A one-family residence may be provided for the custodian or manager.
- c. Public stable or riding academy when located on a site of not less than ten (10) acres.

11. Reductions in lot area, can be made providing all the following conditions are met:

- a. The lot size is not reduced more than twenty-five (25) per cent. No reduction in lot width below one hundred (100) feet shall be permitted.
- b. The population density is no greater than if the tract were developed with eighteen-thousand (18,000) square foot lots.
- c. The subdivider dedicates for public purpose or sets aside as common land for open space or recreational use the same percentage of the entire tract as that by which the lot area has been reduced from eighteen-thousand (18,000) square feet.
- d. The area dedicated for public purpose or set aside as common land for open space or recreational use by the owners of residential lots is in a location and shape approved by the Parks and Recreation Board and Planning Commission. A private recreational use, such as a golf course or a swimming pool, historic buildings or sites, parks and parkway areas, ornamental parks, extensive areas of tree cover, low land along streams or areas of rough terrain where such areas are extensive and have natural features worthy of preservation may be approved as common land.

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- e. No area to be dedicated for public purpose shall be less than six (6) acres.
- f. The plan on the reduced lot sizes is only permitted if it is mutually agreeable to both the City of Austin and the Subdivider.

Mr. Osborne explained that with regard to private clubs which is item six in the suggested amendment, that if in the course of planning a subdivision an area is designated for a private club, there should be at least two acres in size. This should be a requirement if planned in advance as part of a subdivision and not something just put into the area. There would be an element of Planning Commission review in review of the subdivision. Subject to these conditions the private club should be a permitted use. The expectation is the development of private club facilities, parking facilities or recreational facilities as this is occurring in Austin. The establishment of a private club is also covered under the special permit in paragraph 10 with the conditions as stated.

Mr. Brown asked if two acres of land would be sufficient for club facilities and for parking.

Mr. Osborne stated that this is a problem in one sense; however, the staff tried to take into account the fact that there maybe open area under private ownership, that is a private park, etc., with only a playfield of some kind with no particular club facilities but it is actually maintained by property owners association. In terms of establishing a private club with building, the area would not be sufficient for parking; however, it is anticipated that there will be a number of different kinds of private uses of a recreational nature that could occur.

Mr. Bill Williams, Jr. was present and stated that in University Hills, a subdivision developed by Walter Carrington, there is a club with several facilities although it is not as yet completed. Membership sold before the club was developed at all. Most of the homeowners who bought in University Hills acquired membership along with their homes. The club has a swimming pool with small bathhouse facilities, tennis courts and playground equipment for small children. There are no plans for the construction of a club house on the site which would provide for indoor activities. The existing facilities are located on land zoned "GR" General Retail. Mr. Williams further explained how the club is operated and the activities that occur.

Mr. Dunnam asked about the relationship of the size of the club facilities to the size of the subdivision.

Mr. David Barrow stated that on the issue of having a large area for a larger subdivision area the private clubs in one respect should be distributed over the area so that the children could go the distance by walking or riding their bicycles. If there is just one large club for a large area the purpose of the club will be defeated. People seem to want something of this kind in

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a particular place. Mr. Barrow further stated that copies of proposed amendments should be distributed to interested parties before they are before the Commission for hearing. He stated that in his opinion the Homebuilders Association and the Real Estate Board should be notified that copies can be secured in the Planning Department office and then the people who are interested enough can obtain them.

The Commission members agreed that in the future it should be standard practice to notify the Homebuilders, Real Estate Board and the Apartment Association of proposed changes to the Zoning Ordinance.

The Commission members discussed the suggestions by the staff and concluded that the proposed amendments should be recommended to the City Council. It was then unanimously

VOTED: To recommend to the City Council that the Zoning Ordinance be amended to include an "SR" Suburban Residence District.

C2-68-4(c) ZONING ORDINANCE: Interim Revisions
Consideration of proposed amendment to incorporate a
"single-family" district into the Ordinance

Mr. Osborne explained that in the proposed "AA" District the provisions are essentially the same as in the "SR" except for the lot area requirements which in this case are 7,200 square feet with a width of not less than 60 feet. The staff recommends that the Ordinance be amended to include the following:

In "AA" Residence District no building or land shall be used and no building hereafter shall be erected or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. One-family dwellings on a site of not less than 7,200 square feet and a width of not less than 60 feet, unless otherwise provided in Paragraph 11.
2. Churches, rectory or convent.
3. Free public schools.
4. Public park or playground.
5. Agricultural crops, truck gardening, nurseries and greenhouses however no retail sales shall be made on the premises.
6. Private club, recreation area or park subject to the following conditions:
 - a. The facility shall be owned and operated by the developers of the subdivision or an association of owners within the subdivision.

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- b. The facility shall be operated on a non-profit basis.
 - c. The site shall not be less than two (2) acres in size and shall be located within the subdivision. Said site shall have been designated as a private club, recreation area or park in a subdivision approved by the City of Austin.
7. Private or parochial school subject to the following conditions:
- a. The site shall not be less than one (1) acre for the first fifty (50) children and an additional 5,000 square feet for each additional ten (10) children.
 - b. The same subjects shall be taught as in a public elementary or secondary school and the school shall be accredited by the State of Texas.
8. Child care center, day nursery, nursery school or Kindergarten subject to the following conditions:
- a. Said child care facility shall be owned and operated by a church or other non-profit organization.
 - b. The facility shall be located on a site of not less than one (1) acre for the first fifty children and an additional 1,000 square feet for each additional ten (10) children.
 - c. The facilities and site shall be subject to approval by the Texas State Department of Public Welfare.
9. Accessory USES, which shall include:
- a. A detached private garage or an attached private garage, in a compartment as a part of the main building, having a capacity of not more than four (4) vehicles, if the area of the lot upon which the same is located shall contain not less than two thousand (2,000) square feet for each vehicle space provided. Not more than one of such vehicles shall be a commercial vehicle.
 - b. Day nursery in the home where not more than six (6) children are kept, including children of the resident family, and the facilities, site and operation are subject to approval by the Texas State Department of Public Welfare.

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- c. A private stable, where provision is made for not more than two (2) horses or mules, a poultry shed, a storage room, or other outhouses. The keeping of fowls, or small animals, other than livestock, is permitted in this District if not kept primarily for gain. The keeping of horses, cows, and other livestock, not primarily for gain, and only within an enclosure, is permitted in this District, but any stable, shed, or enclosure for such animals shall be distant at least one hundred (100) feet from every adjoining lot in any residence district.
 - d. A fence, hedge or enclosure wall, provided:
 - (1) A solid fence or enclosure wall shall not exceed an average height of six (6) feet, and shall in no event exceed seven (7) feet in height if located within ten (10) feet of a side or rear lot line or within twenty-five (25) feet of a front lot line.
 - (2) An ornamental fence exceeding six (6) feet in height shall have a ratio of solid portion to open portion not in excess of one (1) to four (4).
 - (3) Any fence, hedge or enclosure wall on a corner lot, and situated within fifteen (15) feet of the intersection of the two street lines, shall not exceed a height of three (3) feet.
 - e. Signs as provided under Section 11.
 - f. A semi-Public Parking Area.
10. USES by special permit only, which shall include:
- a. Any use permitted in the "A" Residence District without a special permit, when located on a site adjoining a "A" Residence District or less restricted district, which district shall contain not less than two (2) acres, and when located on a site of not less than one (1) acre.
 - b. Private club, subject to the following conditions:
 - (1) The site shall contain an area of not less than five (5) acres.
 - (2) The club building shall be located not closer than one hundred fifty (150) feet to the front property line.

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- (3) The club building shall be located not closer than one hundred fifty (150) feet to the front property lines.
- (4) A one-family residence may be provided for the custodian or manager.
- c. Public stable or riding academy when located on a site of not less than ten (10) acres.
- 11. Reductions in lot area can be made providing all the following conditions are met:
 - a. The lot size is not reduced more than twenty (20) per cent. No reduction in lot width below sixty (60) feet shall be permitted.
 - b. The population density is no greater than if the tract were developed with seventy-two hundred (7,200) square foot lots.
 - c. The subdivider at the time of final approval of the preliminary plat dedicates for public purpose or sets aside as common land for open space or recreational use the same percentage of the entire tract as that by which the lot area has been reduced from seventy-two hundred (7,200) square feet.
 - d. The area dedicated for public purpose or set aside as common land for open space or recreational use by the owners of residential lots is in a location and shape approved by the Parks and Recreation Board and Planning Commission. A private recreational use, such as a golf course or a swimming pool, historic buildings or sites, parks and parkway areas, ornamental parks, extensive areas of tree cover, lowland along streams or areas of rough terrain where such areas are extensive and have natural features worthy of preservation may be approved as common land.
 - e. No area to be dedicated for public purpose shall be less than six (6) acres.
 - f. The plan on the reduced lot sizes is only permitted if it is mutually agreeable to both the City of Austin and the subdivider.

Mr. Osborne explained that the recommendation of the "SR" and "AA" Zoning Districts parallels the original recommendation of the Committee studying

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the Zoning Ordinance in 1963, and 1964, in drafting of recommendations for a change. The Zoning Committee Study in 1963 and 1964, was a comprehensive study of the total Zoning Ordinance for the City. The changes are being made on a piece-meal basis because of the problems involved in adopting a complete new Ordinance. Mr. Williams stated that at the present time the Zoning Ordinance contains a provision that upon annexation of new land it automatically is zoned Interim "A" Residence, Interim First Height and Area. He asked if that practice would continue or if new land would assume a different classification.

Mr. Osborne explained that he has studied this a great deal and in his opinion this classification should not change.

Mr. Robert Sneed was present and stated that he would like to discuss one item and that is in the area of land being annexed to the City of Austin. This problem has come up at great length in the past and was one of the concerns of the Study Committee in 1963 and 1964. One of the prime concerns of all builders is the matter of cost. What is created by the "AA" zoning classification is in effect a higher standard than what exists for the present "A" Residence classification. It is not only a question of duplex but of lot size and consequential lot cost. This means that the land cost in "AA" would be 25 per cent higher than the land cost for lots under the existing "A" District. In "SR" it would increase even more. This means that there would be a major effect in land cost and the development of property and subsequent selling of it. Mr. Sneed stated that it is the feeling of Nash Phillips-Copus, who he represents, that the Study Committee check this from the standpoint that property would continue to come in as Interim "A" Residence.

Mr. Barrow stated that he does not object to the establishment of this zoning district but he would like to express a fear of trying to create too many different types of zoning.

Questions were asked about duplex development and there was general discussion about the control of development by plat restrictions and the establishment of new zoning classifications. There was also discussion about the zoning classification to be established on land being annexed to the City. The Commission members felt that the current practice of the establishment of Interim "A" Residence zoning should be continued on land being annexed to the City as the proper classification. They agreed that the proposed amendment should be adopted and unanimously

VOTED: To recommend to the City Council that the Zoning Ordinance be amended to include an "AA" Residence District.

A motion was also made to recommend to the City Council that land being annexed to the City continue to be brought in as Interim "A" Residence property.