

CITY PLANNING COMMISSION
Austin, Texas

Special Meeting -- May 23, 1969

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
Dr. William Hazard
William Milstead
Robert B. Smith
Hiram S. Brown
Alan Taniguchi
G. A. McNeil

Absent

Roger Hanks
Robert Kinnan

Also Present

Hoyle M. Osborne, Director of Planning
Richard Lillie, Assistant Director of Planning

ORDER OF BUSINESS

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Mr. Osborne stated that this special meeting was called to discuss the City's subdivision, zoning and annexation policies, especially as they relate to street needs. According to the subdivision policy the City gives compensation for any dedication in excess of 70 feet. This Subdivision policy is pretty straight forward with only the complication of the new subdivisions along streets in the major arterial system. From discussions with the City's attorneys and private owners, the relationship of the owner and the original street being created seems to be an exceptional situation. That is, if the street needs an additional right-of-way, the owners are usually willing to do so without compensation. If the City participates, it pays half the cost.

In zoning, as far as the policy goes, it is fairly well established that the City requires dedication for street widening to compensate for higher intensity of land development. The effective limit is a maximum of 120 feet of right-of-way. The practical limit has usually been less than 25 feet. The City does participate in the acquisition of expressway right-of-way.

There is also the question of the diminishing value of the property. An individual asking for a zoning change for more intensive use may produce above normal traffic generation. It is related to the subdivision policy in this sense. The Subdivision policy was created in 1960 on the presumption that within a subdivision there would be different types of streets created - residential, collector and arterial. Most of the land use would likely be residential. Take the example of an individual dedicating and paving all streets at his cost within a subdivision. In creating the residential subdivision he finds he must provide 120 feet right-of-way for a major arterial

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street going through the middle. It has been determined that the customary subdivision would only create traffic requiring a right-of-way width of 70 feet. A right-of-way requirement over 70 feet is caused by some other development beyond the subdivision. Therefore, the subdivider should be compensated for that additional 50 feet of right-of-way. Now, in the zoning situation, at least in theory, and to a general extent in practice, a zoning change involves more intensive development. The idea is that with more intensive development there is need for additional right-of-way. At the same time there is public participation in the maintenance of the street in any future paving of the street. The city participates in about one-third the cost.

In the Capital Improvements Program, the City is faced with right-of-way costs between 1965 and 1975 of approximately \$3,175,000. Except on the Interstate system, any time a highway is built in or just outside the City of Austin, the City has to pay half of the cost.

At what point does a right-of-way requirement in connection with zoning infringe on the property? When the Planning Commission states that right-of-way is needed, the property owner usually protests. An informal appraisal is made before the change is presented to the City Council. The Council has to resolve the issue. If they feel that this will have a negative effect on the property, there is the question of how they should acquire it. Should they require building setback and future acquisition or immediate acquisition? Generally, they accept the setback. Many cities have another system; that is, the establishment of the building line. This is authorized under state law. However, it is a problem now because of the nature of off-street parking.

Mr. Brown asked when does the City go out and get right-of-way over 70 feet? How are we able to get a 100 feet before there was any real development?

The Highway Department is responsible for this.

Mr. Milstead asked if there is some way that we can project ahead not only on the 70 foot right-of way but on the 100 foot or 120 foot right-of-way?

Mr. Osborne stated that he believed this to be of first priority. Dudley Fowler has long advocated advanced acquisition or options in outlying areas. In many areas outside the City, land is not developed. An individual could go out and get a 10 or 20 year option. We are talking about hundreds of acres of future right-of-way presently outside the City. The City should give these rights-of-way first priority. Secondly, the City should make sure what rights-of way are needed and the means of compensating the owner for that right-of-way acquisition.

Mr. Osborne stated that the problem at hand is talking about the existing City and establishing right-of-way lines on existing streets. Rather than arriving at a specific statement on what policies of the City should be, the Commission should raise questions about the existing policies or practices. A study should be initiated with the Council to review the current policies and

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practices of the City in acquiring right-of-way with the possibility of altering the policies in providing more equity in the situation.

Mr. Brown stated that the acquisition costs have gone up 10 times.

Mr. Osborne stated that he had just attended a meeting in which the area north of Robin Hood Trail was reviewed. Karl Wagner reported that the land is now priced entirely out of the range of single-family development.

Mr. Taniguchi asked why apartments are moving so far out? Was it the matter of acquiring the right-of-way to provide for more traffic?

Mr. Osborne stated that in acquiring land far on the outside, the developer has a great deal of freedom on developing the way that he wants to. There are few worries of acquisition. In town, he has to contend with a dozen or so separate owners.

In the situation of Sears, they wanted to build downtown but in all cases, they would have to deal with at least a dozen different owners.

Mr. Brown stated that one could get so invested in time and other things that he cannot afford to gamble.

Mr. Osborne stated that in addition to this, there is the land value system. For instance, on Lavaca Street, the developer will go to high-rise construction rather than one or two-story apartments because of the high cost of land.

Mr. Taniguchi asked whether going out would result in more dense development - is this desirable or do we want control?

Mr. Osborne stated that the employment is moving out. Suburban employment will increase by 20 percent. Employment on metropolitan basis will increase by 50 percent. This relates to minority groups and housing issues. The jobs are moving out from the City.

Mr. Smith stated that this is not necessarily so as these kinds of jobs are presumably stable types of jobs and apartments do not necessarily support these types of jobs.

Mr. Osborne cited examples in Toronto and Washington where this was taking place - people from suburbs commuting to the central city and people from the city commuting to the suburbs. One solution is a variation of the English new town system. It started out with the idea of creating these communities 50,000 and possible 100,000 located between 20 and 50 miles from London. The first cities now have a population of 300,000 or more.

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A small town close to a larger one, often loses its identity and becomes a suburb of the larger city. Mr. Osborne stated that Toronto is probably the best case study of a metropolitan area which has a unique form of development. The City has been patterned to a degree and yet is americanized in that it is following the influences that are generally happening here. Toronto has a rapid transit system and it is very common to go into far outlying areas and find high-rise apartments and find great expanses of low-rise apartments. The people of Toronto want to put rapid transit in between the expressways and create corridors of high-rise development along the transit system and low-rise development below the system. This has generally worked out.

Mr. Taniguchi stated that this problem is identical to buying right-of-way now instead of waiting. Usually the transit system follows a need but could instead set a pattern of things to be.

Dr. Hazard asked about separation on grades.

Mr. Osborne replied that there was so much confusion in this field that he could not give a definite answer.

Almost every expert on rapid transit in the United States objects to the monorail. There are certain operational difficulties with the monorail but Mr. Osborne feels that they can be overcome. There are certain construction difficulties also. It has a much lower capacity than the rapid transit.

Moving sidewalks have been studied a great deal and none of these studies have been successful. The sidewalks have very limited application. The experimentation with them has not been very good because they are expensive.

Mr. Taniguchi stated that the subway system would not work in Austin because of the street layout.

Mr. Osborne stated that what we are experiencing is the movement of employment centers, the movement of housing types, followed by the movement of retailing and other commerce.

Dr. Hazard asked why an office center should not be encouraged downtown.

Mr. Osborne stated that it is partly a matter of putting the parcels together. In recent years, the willingness to do so, has been on the part of the banks. This goes back, in part, to the financial situation, and to what leverage they might to land that position. The banks are just about the only ones that can afford to rent this office space; however, the branch bank laws also have something to do with it.

Mr. Taniguchi asked if we could not go further on the bus transit system.

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The express bus works pretty effectively if they have enough passengers. If there is overcrowding, perhaps several points where there are a number of parking lots that people could be picked up in mass. In Toronto, instead of doing this, there are ten major north-south routes to their rapid transit system and two major east-west routes. These terminate into major bus centers. At the end of the line, the people get into buses directly from the subway. They are then dropped off at designated areas. In between these areas, the express bus is used. There is a lot to be done with the bus system. But this will mean investment with a loss which private companies will not do.

In Shreveport there are electric trolley buses. Up till five or six years ago, there was good usage partially due to the Louisiana highways and expressways.

Mr. Brown stated that in obtaining a right-of-way, there should be no cost to the City. For example, on Anderson Lane, if the City wanted to obtain a certain amount of land, they should buy the whole property and then lease it back to the previous owner. The owner cannot complain because there is no income production, although there are houses and businesses built there already. Furthermore, it may be five or ten years before the right-of-way has to be used. The City should obtain the land now instead of waiting and buying the land at a higher price at a later date.

Mr. Osborne stated that a related problem is the property owner who intends to utilize the land satisfactorily. At what point is acquisition going to take place and under what circumstances will it take place (in the case of future acquisition). There are people sitting there, not knowing for sure what is going to happen five or eight years from now. For instance, homes on West Lynn or businesses on Anderson Lane.

There are issues of zoning, subdividing and annexation. Should the City annex a large tract of land, then zone it and have development occur as Dallas did in 1963, or should it let land come in in a relatively piecemeal fashion as it is presently doing in Austin, which leads to complex zoning, subdividing, etc. One possible means of meeting this problem is to extend the Master Plan, adding to it a set of area or neighborhood plans of some detail, and consider zoning, right-of-way issues whether this particular piece of land is in the City of Austin or outside. These plans would show at least the basic collector street system and a schematic plan for local streets and the particular land uses that should be developed in this area. This should not be done by the planning staff alone. Developers, owners and others should be heard in the development of area plans. This will hopefully get the City away from some of the annexation issues. If this step is taken as a starting point, then smaller areas can be taken up and worked upon. In this particular case, an area plan would be developed for Westover Hills and Balcones West. The developers, the people in the area, the Commission and the Council could look at this plan and decide whether this plan is good or not. Then the implementation on the plan will hopefully reduce the pretentious part.

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In Carl Wagner's case, north of Highway 183 and east of I.H. 35, probable land use leans more toward the industrial, commercial, apartment situation, although there are a number of single-family homes built along I.H. 35. Mr. Osborne believed that something could be worked out where the landowners there can be involved in the development. There is the problem of some of the owners being land holders, not developers. The development of this area and applying the Master Plan so that the people who are buying the land (developers, home purchasers) have a base on which to rely, will require a lot of hard work and there is no guarantee that it will work, but this is the only practical solution that we can think of. The extreme is that all land within several miles of Austin is annexed and zoning established. Annexation would not solve the planning issue. By undertaking the extension of the Master Plan to area plans, Mr. Osborne believed that the City could keep from large scale undeveloped land annexation. The City would have an officially adopted area plans which relate land use to zoning. These plans could be changed.. The level of acceptability, political acceptability, and economic situation will greatly determine the plan as developed.

Mr. Smith asked whether the Planning Commission has the power to insist on development of a large area or can it only recommend what should be done?

Mr. Osborne replied that it was a question of policy on the part of the Commission and the City Council. He would like to use the Westover Hills Plan as the first case study in connection with re-zoning. The plan would be presented to the applicants for re-zoning to show how the City believes the land should be developed. Though they are not considering subdivisions, they are considering zoning patterns.

Mr. Taniguchi asked if the land would simply be built upon or if it would be developed.

Mr. Osborne believed that Mr. Mayfield would develop the land.

Mr. Taniguchi cited an example of open areas at the back of these houses of 6,000 square foot lots. How is the City going to make sure that the open areas will be maintained properly?

Mr. Osborne replied that the City could not make sure of it. He felt that it was worth taking the risk. In a lot of cities the open areas have not been used and the Community has had to take it over and develop it. This, however, usually occurs only where the community is on the downswing. The title would likely be the undivided interest of the owners. Some would be combination, some would be individual lots with common areas. There would probably be a property owners association set up to take care of the common area.

Mr. Osborne then asked if there was any objection to the system in which subdivision, zoning and annexation are put together with public consideration and public information and appropriate consideration by the Commission and the Council.

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Mr. Brown asked what happens if Mr. Mayfield decides to change his street layout in the apartment area.

Mr. Osborne stated that it is all right as long as it is within "BB" zoning. In this particular instance, the City is not overly concerned in what the street and lot layout is. In general, Mr. Mayfield's plan is "A" Residence and there is some provision for latitude of development. This is the kind of work we are going to have to do to show what should be the general land development pattern in this area. This is exactly the problem that occurred in the northwest area on Burnet Road. There was no total pattern which stated that there must be a street system, a zoning pattern and a subdivision layout that fit together.

Mr. Taniguchi stated that the Westover Hills study can serve as an incentive. If there was something like this where the edge between the residences and the apartments is graphically presented, it might make a difference in the way the community receives it.

Mr. Brown asked if the area outside the city limits would not come in.

Mr. Osborne stated that no, it would still be annexed on request. The problem is that under state law, the land would come in with some sort of fixed, designated zoning. It would already be identified in the Master Plan stating what the land should be zoned.

Dr. Hazard asked if the real problem was how far in the future are you trying to project the zoning. As land is annexed and is zoned, the City should make sure that the land is developed according to the zoning within one or two years.

Mr. Osborne stated that if there is a plan and a portion of the land is annexed because it is to be developed within the next year or two, changes may occur - in the market as well as in the mind. But the City would not have to get in and annex the whole area.

Mr. Brown asked whether the area should have "AA" zoning.

Mr. Osborne stated that it probably should be. The large brown area should probably be "AA" because the developers are proposing single-family housing units. The rest of it fits more in the "A" pattern.

Mr. Osborne stated that the Council accepted the Commission's recommendation and refused to re-hear the zoning matter on Chimney Corners on Far West Boulevard. A majority of the Council indicated that this is the kind of thing they are worried about - there is a lot of mixed zoning and no one really knows what is going on. The City could take in some and then have it frozen from all development until a plan is developed on it. Mr. Osborne personally felt that it was unrealistic and this would cause serious problems. Mr. Osborne felt that the Council was trying to put subdivision, zoning, and annexation together plus public facilities and streets.

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Dr. Hazard asked how large of an area would there have to be in order to work a plan like this.

Mr. Osborne stated that the Department usually likes to work with 500 - 1,000 acres. It has been suggested to do this on a whole area but he does not know if it will work.

Mr. Brown asked if the problem was that once you do say something as to what it is, you get into trouble.

Mr. Osborne stated that ATCORP approved the application by the City of Austin for a 60-inch sewer line starting at 45th Street going south to the Colorado River improving facilities for the Shoal Creek watershed.

Mr. Osborne suggested that the Planning Commission might want to prepare a report considering the elements shown here - needed additional right-of-way, future zoning issues, subdivision patterns, etc.

Mr. Milstead moved that the project be tried. Hearings should be held and the work should be done from there. It is the ideal situation on how far you could go. He suggested that it be set up as outlined here.

Mr. Smith asked if the same thing could be done in areas like Medical Park or Hyde Park.

Mr. Osborne replied yes, it could be done. However, there would be a disadvantage in regards to the problem of older neighborhoods. In the Medical Park area or in the Seton Hospital area, the situation might be a little better. In most existing areas, there would be difficulties in being able to work together with residents to reach a satisfactory conclusion. He believed that priorities lie in outlying areas.

Mr. Milstead asked who decides how big the area is to be?

Mr. Osborne replied that some sort of boundaries would be reached but the number of people involved would not be limited. A regional map could be brought in showing developments occurring currently and dividing it up into areas of separate developments. He hoped that a rapidly moving system would be developed. In this situation there is a major street plan as a guideline and a major drainage system - actual set of values so that you can begin to identify a logical area.

Mr. Osborne further stated that a half dozen major property owners between Ed Bluestein Boulevard, Rundberg Lane, Cameron Road and I.H. 35 have initiated this process up there. He was trying to give some administrative answers to Mr. Wagner and therefore, needed to get together with the property owners. The real pressure involved school sites and road requirements.

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Mr. Taniguchi asked if this was not a response to increased growth. Austin is attracting developers who are capable of developing larger tracts of land.

Mr. Osborne stated that David Barrow was trying to do this in his own subdivisions.

Mr. Osborne also brought up the fact that ATCORP had just reviewed the law enforcement and criminal justice plan for Austin and Travis County. It covers a systematic portion of the procedures from the time of arrest to the time of parole. Governor Connally asked the Commission to do this study rather than the law enforcement agency or courts because he wanted an overview. Mr. Osborne felt that Travis County has one of the best law enforcement and criminal justice systems in the state.

Mr. Milstead suggested that this information on right-of-ways, zoning, subdivision, etc. should be given over to the new Commission and start the ball rolling.

Dr. Hazard stated that the Commission has been so weighed down with only sections of the City at a time instead of looking at the overall picture, most of the work has been done with zoning that no real planning has taken place.

Mr. Osborne stated that the Planning Department also faces the same problem. He stated - in reference to the C.I.P. - that this is all 1968 material. It does not include whatever proposals Space Use Analysis (consultants) may come up with concerning future municipal space utilization needs. Mr. Osborne felt that the City Council may now know exactly what the C.I.P. is. Any recommendation of essentials should come from the City Manager.

Mr. Brown asked if there were any procedures to follow to cut down on the number of zoning cases.

Mr. Osborne stated that most Western cities have a lot of zoning cases. In Los Angeles, for instance, paid employees conduct the hearings. They summarize the testimony and present it to the Planning Commission who has a set of arbitrary rules of re-zoning. Mr. Osborne stated that there may be a way of cutting down on the presentation of a case in order that time be cut.

Mr. Milstead also suggested that a meeting be held in which the new members of the Commission would be informed about zoning patterns and look at the overall picture of Austin.

Dr. Hazard stated that no matter who is on the Commission, they have to be informed on what is going on as Austin is growing rapidly.

Mr. Osborne thought it would be a good idea if the Planning Commission invited the City Council to attend this type of meeting also.

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Mr. Taniguchi stated that the historical background was not really necessary especially when there were so many cases to be considered.

Mr. Osborne stated that he thought this was a good idea. The City Council is really interested in zoning and planning but are also inexperienced.

After further discussion, the Commission unanimously

AGREED: To request a joint meeting with the City Council which would serve as a summary and briefing session to benefit the old and newly appointed members.

The meeting was then adjourned at 9:00 p.m.

Hoyle M. Osborne
Executive Secretary