

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--November 23, 1976

The meeting of the Commission was called to order at 5:00 P.M. in the Council Chambers.

Present

Miguel Guerrero, Chairman
Barbara Chance
Freddie Dixon*
Gabriel Gutierrez
Sid Jagger
Jean Mather
Dean Rindy
Bill Stoll

Absent

Nellie White

*Left at 10:00 P.M.

Also Present

Richard Lillie, Director of Planning
Evelyn Butler, Supervisor of Current Planning
Walter Foxworth, Planner
Brian Schuller, Planner
Luther Polnau, Community Development
Coordinator
Pete Goodman, Planner
Kim Jamail, Clerk II
Dona Jakubowsky, Administrative Secretary

PLANNING COMMISSION

Regular Meeting -- November 23, 1976

PRELIMINARY SUBDIVISIONS

C8-75-28 DECKER HILLS ESTATES

Decker Lake Road and Conestoga Trace

The staff reported that this subdivision consists of 250 acres with 45 lots, the average lot size being 250' x 800'.

The Plat Review Committee met on August 13, 1975 and recommended approval with the following conditions:

1. A variance is required on the scale of the preliminary plan (1" = 200'). Required scale is 1" = 100'. Recommend to grant because of plat size at the required scale.
2. Show book and page of the dedication of the 100' County Road along the south boundary of this proposed plan.
3. Recommend a variance be granted to delete the requirements for curbs, gutters, drainage, sidewalks, and wastewater lines for the local residential streets in conformance with the recently adopted policy on "low density" construction standards.
4. The 100' road along the south boundary required to be constructed to full city urban standards with 44' of paving, curbs, gutters, and sidewalks where abutting Section One. Construction of such street out to F.M. 969 required to County standards to provide physical access to this subdivision.
5. Waterway development permit required prior to final approval.
6. Recommend modification as shown on plat review print as approved by the Plat Review Committee.
7. Letter required from Manville Water Supply Corporation stating that developer has made financial arrangements with such corporation to serve this subdivision with water prior to final approval.
8. Show the 100 year flood plain on the preliminary plan. Recommend such area be designated as a greenbelt and no excavation, filling, removal of vegetation or construction of fences be permitted therein.
9. Consideration should be given to creation of tracts which can be further subdivided if water supply situation changes where by tracts less than five (5) acres may be served. If owner prohibits further resubdivision by deed restriction, these tracts are acceptable, however this type of restriction is not desirable.
10. Recommend subdivision be restricted to single family use.
11. Variance required on the length of all blocks except the most northerly one. Recommend to grant, if restricted against resubdivision because of topography and low density.

C8-75-28 Decker Hills Estates---continued

12. Restriction required on final plat prohibiting resubdivision of the lots in this subdivision unless conditions and requirements as outlined in "low density" policy are complied with.
13. All lots required to have an adequate building site exclusive of drainage easements and setback requirements.
14. Health Department approval required for septic tank use prior to preliminary approval, and approval required for every lot on a final plat prior to approval.
15. All street grades required to be approved by the Engineering Department of the City of Austin.
16. Change the names of Conestoga Trace and Natchez Trace.
17. Recommend driveway access onto the 100' County Road be prohibited from the lots in this subdivision.
18. Show a name for the 100' County Road on preliminary plan and final plat.
19. Show survey tie across 100' County Road and verify R.O.W. width as shown.
20. Cul-de-sac required at the north end of Natchez Trace. Recommend a variance be granted if lots are restricted against resubdivision.
21. Conestoga Trace, Natchez Trace, and Nez Perce Trace (all local residential streets) required to provide 64' minimum R.O.W.
22. Drainage and utility easements as required.

After further discussion, the Commission then

VOTED: To APPROVE the preliminary plan of DECKER HILLS ESTATES subject to departmental requirements as listed.

AYE: Messrs. Guerrero, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Messrs. Gutierrez and Dixon. Ms. White

C8-76-32 620 OAKS, REVISED

F.M. 620 S. of Anderson Mill Road

The staff reported that this subdivision consists of 136.75 acres with 38 lots, the average lot size being 465' x 230'.

The staff has recommended approval based on departmental reports.

1. A no-occupancy restriction required on final plat pertaining to water and septic tank approval.

C8-76-32 620 Oaks, Revised---continued

2. Variance required on the length of all blocks. Recommend to grant because of topography and low density.
3. Variance required on the length of the three (3) culs-de-sac, "BB" Lane, "CC" Lane and "DD" Lane. Recommend to grant because of low density, provision for extension and topography.
4. Show 25 year and 100 year flood plains on preliminary plan.
5. Waterway development permit required prior to final approval.
6. No sidewalks required. (Suburban)
7. Recommend that the 100 year flood plain be dedicated as a drainage easement, and that no cutting, filling, vegetation removal, fences, or structures be placed within this easement. Show this note on plat.
8. Note required on plat which prohibits more than two driveway locations to F.M. 620 from any lot in subdivision.
9. Note required on plat prohibiting driveways within 100 feet of any intersection involving F.M. 620.
10. Restriction notes required on final plat regarding location of wells and septic tanks in relation to each other, use limitations, and low water usage for commercial lots.
11. Change location of future street and lot line between Lots 23 and 24 and between Lots 25 and 26 to line up with future street between Lots 29 and 30 and between Lots 31 and 32 respectively.
12. Drainage and utility easements as required.
13. Note required on final plat prohibiting resubdivision until water and sewer are available, and such resubdivision shall conform to the dashed lines as shown on the final plat.
14. Health Department approval required for septic tank use prior to preliminary approval and for individual water wells prior to final approval.
15. All street intersections required to be at or near 90 degrees.
16. Monument a Bench Mark to U.S.G.S. or City Standard Datum.
17. Bond for road construction will be required by the County prior to plat recording.
18. Detention note required on final plat.

Additional comments from the Planning Department are as follows:

It is undesirable to establish a lot pattern for strip commercial development along F.M. 620. Strip development encourages the same type of planning and development on adjacent properties, and would ultimately affect more residential properties as well as the function of F.M. 620. (Multiple driveways).

Land use is, however, difficult to control outside the city limits.

It is suggested that the number of commercial lots be reduced or combined into larger tracts which would give greater flexibility for commercial use and access.

C8-76-32 620 Oaks, Revised---continued

Additional comments from the County Engineer is on file with the City of Austin Planning Department. Also, following these comments, the staff presented the review comments related to the proposed Lake Austin Growth Management Plan (LAGMP) as on file with the City of Austin Planning Department.

After further discussion, the Commission then

VOTED: To APPROVE the preliminary plan of 620 OAKS, REVISED subject to departmental requirements as on file with the City of Austin Planning Department with the DELETION of Comment No. 7 and 8 and REQUIRING the commercial lots to be combined so as to create only 2 lots abutting F.M. 620.

AYE: Messrs. Guerrero, Dixon, Jagger, Rindy and Stoll
 Mmes. Chance and Mather

ABSTAIN: Mr. Gutierrez

ABSENT: Ms. White

C8-76-54 OAK HILL INDUSTRIAL PARK, REVISED
 Boston Lane and U.S. Highway 290

The staff reported that this subdivision consists of 7+ acres with 2 lots, the average lot size being 315' x 400'.

The staff has recommended approval of the revised preliminary plan, consisting of Lot 1, Block A and Lot 1, Block B only, subject to the following conditions:

1. Health Department approval required for septic tank use prior to preliminary approval.
2. Sidewalks required (note on plat and fiscal arrangements) along the north side of U.S. Highway 290 and on both sides of proposed street.
3. Show proposed street name.
4. Round off intersection corner at U.S. Highway 290.
5. Show 25' building setback line from Highway 290 and from the proposed street.
6. Note required on final plat prohibiting driveway access onto Highway 290 within 100' of the intersection of the proposed street.
7. Waterway development permit required prior to final approval.
8. Subdivision is classified as urban and fiscal arrangements required for water, wastewater, streets, drainage and sidewalks to city specifications.
9. Health Department approval required for a water supply and system other than the City of Austin prior to final approval.

C8-76-54 Oak Hill Industrial Park, Revised---continued

10. Show the 25 and 100 year flood plain on preliminary plan.
11. Monument a Bench Mark to U.S.G.S. or City Standard Datum.
12. Detention note required on final plat.
13. Minimum building slab elevation note required on final plat.
14. Drainage and utility easements as required.

Additional comments and recommendations from the Environmental Resource Management Office and the County Engineer's Office is on file with the City of Austin Planning Department.

After further discussion, the Commission then

VOTED: To APPROVE the preliminary plan of OAK HILL INDUSTRIAL PARK, REVISED subject to departmental requirements and that NO construction can begin until a site plan is submitted to the Austin/Travis County Health Department for pollution considerations. A note on the plat is required for the smaller tract to meet city standards of quality and quantity of runoff.

AYE: Messrs. Guerrero, Dixon, Gutierrez, Jagger and Stoll
Mmes. Chance and Mather

NAY: Mr. Rindy

ABSENT: Ms. White

The Commission would like information and a map considering rollback zoning in the Master Plan for the commercial and industrial area.

C8-76-57 VILLAGE SIX AT ANDERSON MILL.
F.M. 620 and Lake Creek Parkway

The staff reported that this subdivision consists of 62.68 acres with 107 lots, the average lot size being 120' x 65'.

On September 15, 1976 the Plat Review Committee recommended approval subject to the following conditions:

1. Fiscal arrangements required for sidewalks along the south side of F.M. 620, along both sides of Lake Creek Parkway and the orange portion of the most northerly east-west street, and along one side of all other streets. Appropriate note required on the final plat.

C8-76-57 Village Six at Anderson Mill---continued

2. Recommend a restriction be required limiting use of the most easterly tract fronting F.M. 620 to church, office or multi-family as shown; prohibiting commercial.
3. A variance is required on the length of the two (2) blocks adjoining F.M. 620 and Lake Creek Parkway. Recommend to grant because of proposed use, park and circulation is adequate.
4. Show street names and lot dimensions on preliminary plan.
5. Waterway development permit required prior to final approval.
6. Note required on final plat referencing park tract to homeowners document for ownership, taxation and maintenance.
7. On site retention of run-off generated by this development should be provided. Channelization plan will be analyzed carefully.
8. Letter required from Williamson County M.U.D. #1 approving water and wastewater service to this subdivision. Also fiscal arrangements required for same. (Septic tanks not permitted.)
9. Show building setback lines on all tracts including park tract, commercial tract, and church, office or multi-family tract.
10. Show lot numbers on large tracts adjoining F.M. 620.
11. Grey Rock Village and Deerbrook Village required to be recorded prior to final approval of this subdivision for frontage, access and circulation purposes.
12. Show existing and proposed 100 year flood plain after channelization.
13. Transition of 60' - 50' street required to be changed as shown on the sketch on file with the Planning Department.
14. Eliminate partial cul-de-sac at right angle turn in street.
15. Note required on final plat prohibiting driveway access to F.M. 620 and Lake Creek Parkway within 100' of their intersecting R.O.W. lines.
16. Saber Trail or Waterside Trail required to be changed (as recorded in Lake Creek Village) prior to final approval of this plat. Loop street required to use name of one retained. (Requires Commissioners' Court approval by Williamson County.)
17. Thorny Brook should have a street suffix. (Street, drive, lane, etc.)
18. Drainage and utility easements as required.

C8-76-57 Village Six at Anderson Mill

After Further discussion, the Commission then

VOTED: To APPROVE the preliminary plan of VILLAGE SIX AT ANDERSON MILL subject to departmental requirements AMENDING Item No. 1 to require sidewalks on one side of Lake Creek Parkway only and REQUIRING a hike and bike trail on the northeast side in lieu of sidewalks to be noted on plat. AMENDING Item No. 7 to read "On site retention of runoff generated by uses other than single family residential uses by this development should be provided. Owner needs to work out recommendation Item No. 13 and 14 with the Urban Transportation Department and to DELETE Item No. 16.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

C8-76-59 THE HOMESTEAD OF SHENANDOAH
Shenandoah Drive and Black Gap

The staff reported that this subdivision consists of 60.03 acres with 187 lots, the average lot size being 80' x 135'.

On September 29, 1976, the Plat Review Committee recommended approval with the following conditions:

1. Requires Williamson County Health Department approval for septic tanks prior to preliminary approval.
2. Minimum centerline radius for 50 foot streets is 200 feet. Show compliance.
3. Provisions required for sidewalks along both sides of Cades Drive and along one side of all other streets. Fiscal letter and note on plat required.
4. A variance on the length of cul-de-sac required for Creek Cove. Recommend to grant because of topography.
5. A cul-de-sac is required on the north end of Stone Gap.
6. A variance is required for the length of Blocks C and H. Recommend to grant because access is provided to adjoining properties.
7. Lot 7, Block A, Shenandoah required to be a part of this subdivision and be dedicated. (Black Gap)
8. 25 foot front setback and 15 feet on the side street for corner lots is required. (Narrow dimension of corner lot is front of lot.)
9. Waterway development permit required prior to final approval.
10. Drainage and utility easements as required.
11. Street name changes required.

C8-76-59 The Homestead of Shenandoah---continued

12. Recommend Black Gap be paved with 36 foot paving instead of 30 feet because such street will provide the only immediate access to this subdivision.
13. All lots required to have an adequate building site exclusive of drainage easements and setbacks and sufficient area for septic tanks and drain fields.
14. Fiscal arrangements required for construction of water, wastewater, paving, curbs and gutters and drainage facilities to full city urban standards.
15. Channel modification should be kept to a minimum.
16. Curb ramps required at all intersections.
17. All lots required to have a minimum area of 9000 square feet (or more if required by Health Department) and not less than 60 foot width at the building line around cul-de-sacs for septic tank use.

After further discussion, the Commission then

VOTED: To POSTPONE the preliminary plan of THE HOMESTEAD OF SHENANDOAH until a legal opinion is received concerning the City of Austin REQUIRING Travis County Health Department Standards in Williamson County for septic tank use.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
 Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

C8-76-63 VILLAGE 12 AT ANDERSON MILL
 Lake Creek Parkway and Wander Lane

The staff reported that this subdivision consists of 25.49 acres with 118 lots, the average lot size being 60' x 115'.

On October 20, 1976, the Plat Review Committee recommended approval with the following conditions:

1. Fiscal arrangements and note on plat required for curb ramps and sidewalks along both sides of Creekside Lane and Wander Lane and along one side of Lake Creek Parkway, cul-de-sac, Hillside Lane, Gristmill Lane, Buck Lane and Acorn Creek Trail.
2. Village Six at Anderson Mill and Grey Rock at Anderson Mill required to be recorded to dedicate Lake Creek Parkway and Wander Lane prior to final approval of this subdivision.

C8-76-63 Village 12 at Anderson Mill---continued

3. Subdivision required to be connected to the Williamson County M.U.D. #1 water and wastewater system. A letter required from M.U.D. giving approval for service.
4. Cul-de-sac's at the west end of Gristmill Lane, Buck Lane and Acorn Creek Tail required on the final plat.
5. Approval of City Council required to serve those lots in Blocks A, B, C, & D not in the M.U.D.
6. A variance is required for the length of Block E. Recommend to grant because circulation is adequate.
7. A variance is required on the length of Gristmill Lane. Recommend to grant because provision for extension is made.
8. Waterway development permit required prior to final approval.
9. Minimum slab elevation note required on the final plat.
10. Show 100 year flood plain and existing storm sewer facilities.
11. Buck Lane and Gristmill Lane required to be offset a minimum distance of 150 feet (centerline) from Grey Fawn Path along centerline of Wander Lane.
12. Centerline radius for Creekside Lane is 300 feet and 200 feet for all residential streets. Show centerline curve data.
13. Eliminate partial cul-de-sac at bend in Hillside Lane.
14. Change name of Creekside Lane, Hillside Lane, Buck Lane.
15. Show name for street identified as "cul-de-sac".
16. Drainage and utility easements as required.

After further discussion, the Commission then

VOTED: To APPROVE the preliminary plan of VILLAGE 12 AT ANDERSON MILL, subject to departmental requirements and working out with Urban Transportation Item No. 13.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

C8-76-38 MESA VILLAGE
Mesa Drive and Steck Avenue

The staff reported that a letter had been received from the owner requesting withdrawal. The Commission then

VOTED: To WITHDRAW the preliminary plan of MESA VILLAGE.

AYE: Messrs. Guerrero, Dixon, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Ms. White

C8-76-22 Southcrest Park #3
F.M. 812 and Clinger Road

The staff reported that the owner has requested a six month extension for this preliminary plan. The Commission then

VOTED: To GRANT a SIX MONTH EXTENSION with the condition that this subdivision be connected to a sewer treatment plant.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

FINAL SUBDIVISIONS---FILED AND CONSIDERED

The staff reported that the following final subdivision has appeared before the Commission in the past and has now met all departmental requirements. The staff recommends that this subdivision be approved. The Commission then

VOTED: To APPROVE the following final subdivision:

C8-75-46 Beaconridge IV-A
South First Street

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

The Commission then

VOTED: To DISAPPROVE the following final plat pending compliance with departmental requirements as on file with the City of Austin Planning Department.

C8-76-57 Village Six at Anderson Mill
F.M. 620 and Lakecreek Parkway

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

PLANNED UNIT DEVELOPMENTS

The Commission then

VOTED: To DISAPPROVE the following planned unit development pending adjustment of centerline radius for Summer Circle and on Whitney Way; streets should be designated as private drives and compliance with departmental requirements as on file with the City of Austin Planning Department.

C814-76-04 The Crossing Garden Homes
East Riverside Drive

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

SHORT FORM SUBDIVISIONS---FILED AND CONSIDERED

The staff reported that the following short form plats have complied with all departmental requirements and recommended that they be approved. The Commission then

VOTED: To APPROVE the following seven (7) short form plats:

C8s-76-88 Resub. of Lots 1, 2 and 11, Block B,
Koenig Terrace, Section One
Aurora Drive and Sunshine Drive
C8s-76-162 Resub. Lots 12, 13, 14, 15, 16, 17, 18 and 19,
Block O, Violet Crown Heights, Section Two
Arcadia Avenue and Alegria
C8s-76-174 Resub. Lots 35 and 36, Appaloosa Run
Appaloosa Run
C8s-76-178 Manana Annex
Pearce Road
C8s-76-187 Resub. Lots 31 and 32, Block BJ, Spicewood
at Balcones Village
Talleyran Cove
C8s-76-198 Lot 1, North Park Center
Ohlen Road and U.S. 183
C8s-76-199 North Park Center See P
Ohlen Road and U.S. 183

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

SHORT FORM SUBDIVISIONS---FILED AND CONSIDERED---continued

The Commission then

VORED: To DISAPPROVE the following eleven (11) short form plats pending compliance with departmental requirements as on file with the City of Austin Planning Department.

C8s-76-207 South Austin Fire Station Subdivision
Nuckols Crossing Road

C8s-76-208 C. Ben Hibbetts Realty, Inc. Subdivision #2
Ed Bluestein Blvd. and Regiene

C8s-76-209 Resub. Bluff Springs Center
North Bluff Drive and I.H. 35

C8s-76-211 Tilly Addition
Elroy Road

C8s-76-212 Eanes I.S.D. Intermediate School Addition
French Drive and Walsh Tarlton Lane

C8s-76-213 Resub. Lot 7, Block B, Three Point Acre,
Section One
F.M. 1825

C8s-76-214 Luedecke-Edwards Subdivision
West Powell Lane and North Lamar

C8s-76-215 Vince Addition
Fleisher Drive and I.H. 35

C8s-76-216 Resub. of Lots 16 & 17, Block B, Granada
Estates, Section One
LaFauna Path and LaFauna View

C8s-76-217 Boyce Lane Subdivision
Boyce Lane

C8s-76-218 Koock Addition
R.R. 2244 and St. Stephens Road

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

The Commission then

VOTED: To APPROVE the following short form plat and WITHOLD recording pending approval of water supply contract with L.C.R.A.

C8s-76-173 Manana West, Section 2
Manana Street

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

SHORT FORM SUBDIVISIONS---FILED AND CONSIDERED---continued

The Commission then

VOTED: TO DISAPPROVE the following short form plat pending compliance with departmental requirements as on file with the City of Austin Planning Department BUT GRANTING the variance on the signature of the adjoining owners.

C8s-76-210 Resub. of Part of Lot 38, Theodor Low Heights
Clawson Road and Southridge Drive

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

The Commission then

VOTED: To GRANT the request to VACATE the final plat.

C8s-75-40 Town and Country Village Addition, Section One
Research Blvd. and U.S. 183

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

The Commission then

VOTED: To POSTPONE the following short form subdivision pending request by applicant for further consideration.

C8s-76-181 Bradford Addition
U.D. Highway 183

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll
Mmes. Chance and Mather

ABSENT: Mr. Dixon and Ms. White

SPECIAL PERMITS

C14p-76-043

Shoal Creek Investors:

Shoal Creek Hospital Addition.

3501 Mills Avenue at

West 35th Street

Mr. Brian Schuller, representing the Planning staff, explained to the members that although they had scheduled a public hearing for this meeting at their November 9 meeting, that did not allow the required 15 days notice time to individual property owners and the Legal Department had advised the staff that the public hearing could not be held on this date. He added that the Commission could, if it desired, schedule a public hearing for December 14. Mr. Schuller also explained that the applicant had submitted plans for this project prior to the creation of the Texas Health Facilities Commission and is therefore exempt from a certificate of a need, and is entitled to modify their existing facility subject to the conditions listed on the exemption certificate. He explained further that the staff had been advised that the Brackenridge Hospital Administration had no comment and that the City Council will make no comment at this time because they feel to do so may jeopardize the appeal procedure available to the decision of the Planning Commission.

COMMISSION ACTION:

Members reviewed the information presented. The Commissioners generally felt that they did not have enough information on the possible effect of this project on Brackenridge Hospital. Mr. Jagger wondered if the application could be referred to the City Council without taking action on it. Mr. Rindy suggested that it be denied so that the applicant would appeal his case to the City Council. Mr. Gutierrez was concerned about the legal authority of the Commission to consider the aspect of need and wished to refer the application to the Legal Department. Mr. Lillie reminded the members that the intent of the ordinance speaks to the physical placement of the structure on a piece of property, and need of the community should be considered only in relation to this physical placement. Mr. Gutierrez thought that the portion of the ordinance concerned with health, safety and general welfare might be interpreted to cover need by the Commission. Mr. Jagger made a motion that the application be denied on the basis that there was not adequate information to analyze it, that there had been no response from the Brackenridge Hospital Administration or the City Council to analyze the need of the project and the denial would be for the purpose of getting the application before the City Council where adequate information could be obtained. Ms. Mather amended the motion to indicate that it is a matter of the public welfare whether or not this hospital is approved and without that information a decision cannot be made. Mr. Rindy clarified the motion, saying that rather than postponing the issue, this method would be used to get it before the City Council so that they can make the decision on the basis of information which the Commission has not been able to obtain. Mr. Dixon seconded the motion.

COMMISSION VOTE:

To DENY the request of Shoal Creek Investors for an addition to Shoal Creek Hospital, located at 3501 Mills Avenue at West 35th Street.

AYE: Messrs. Guerrero, Dixon, Jagger, Rindy and Stoll; Mmes. Chance and Mather

NAY: Mr. Gutierrez

ABSENT: Ms. White

OTHER BUSINESS

C5-76-001 Housing and Rehabilitation

Consider adoption of the final guidelines for the 1976-77 Housing and Community Development, Housing Rehabilitation Program.

Mr. Luther Polnau, representing the Planning staff, presented the following letter to the Commission members.

This is a request that the Planning Commission review and recommend the proposed Policy Guidelines for Housing Rehabilitation.

The attachment contains an outline summary which highlights the essence of the guidelines as well as the full text of the guidelines denoting the recommendations of the Community Development Commission and the housing subcommittee.

Both the Community Development Commission and the housing subcommittee have approved the version of these guidelines which contains the following wording in the full text.

- on page #1, fourth paragraph insert the following sentence in the position denoted by the asterisk.

"This maximum expenditure per unit will not be applicable to the Housing Rehabilitation program in the Clarksville impact area."

- on page #2, fourth paragraph substitute the following for the sentences enclosed in brackets.

"Applicants otherwise eligible for the Housing Rehabilitation Program, but with contract-of-sale agreements, are eligible for Emergency Repair grants. No loans for refinancing will be available under the Emergency Repair Program."

The Community Development Commission and the housing subcommittee voted to approve the guidelines which include the above wording based primarily on the following rationale:

Exemption of Clarksville from the \$7,500 expenditure limit

- City Council recognized a critical need by allocating \$100,000 for rehabilitation in the area.
- historic preservation requirements could increase the cost of rehabilitation.
- the neighborhood organization is very active and dedicated to improving the area.

C5-76-001 Housing and Rehabilitation--Contd.Eligibility of contract-of-sale occupants for emergency repair assistance

- Contract-of-sale occupants, though not "legally" owner-occupants are in a sense homeowners and thus should be eligible for assistance if all other qualification criteria are met.
- many of the houses in greatest need of assistance are "owned" by contract-of-sale occupants.

The staff recommends against a "blanket exemption" from the expenditure limit. The program should be administered equitably in all parts of the city. Council designation of \$100,000 for Clarksville was to insure that rehabilitation occurs and to match an anticipated historic preservation grant; it did not imply that special exemptions or separate rehabilitation guidelines be applied to the area. The provision for an appealable limit and administrative discretion in cases which exceed the limit offers the flexibility to accommodate unique situations, such as historic preservation requirements, in an equitable manner for all parts of the city.

Contract-of-sale occupant eligibility for emergency repair assistance risks a high probability of abuse. Assistance intended for the occupant can result in "foreclosure" and eviction by the legal deed holder upon completion of repairs. Occupants who are behind in their payments or who have exploitive or "bad faith" contracts, for instance, are particularly vulnerable. The staff recommends the appeal provision for contract-of-sale occupants in order to provide reasonable assurance that the qualified occupant is assisted.

Mr. Polnau then summarized the recommended rehabilitation guidelines and told the members that there were representatives from the housing subcommittee and from Clarksville present who may wish to speak.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Lois Watson

Elliot Najshtat

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

Members reviewed the information presented and Mr. Guerrero invited comments from those present in the audience. The Commission discussed eligibility of

C5-76-001 Housing and Rehabilitation--Contd.

occupants first. Mr. Gutierrez felt that contracts-of-sale should be converted into deeds of trust and recorded at the courthouse. Mr. Polnau pointed out that this process is time consuming and the expense is beyond the scope of the intent of the emergency repair program. He then recognized Mr. Fred Fuchs of Travis County Legal Aid who spoke to the issue and explained the recording process. Mr. Fuchs added that appeals could be made to the Urban Renewal Board. Mr. Rindy made a motion that the fourth paragraph on page #1 of the Policy Guidelines for Housing Rehabilitation be amended by substituting the following for the sentences enclosed in the brackets: "Applicants otherwise eligible for the Housing Rehabilitation Program, but with contract-of-sale agreements, are eligible for Emergency Repair grants, providing that such contracts can be recorded as Deeds of Trust or converted to Deeds of Trust or recorded." Mr. Gutierrez made a substitute motion to amend the same paragraph by substituting the following for the sentences enclosed in the brackets: "Applicants otherwise eligible for the Housing Rehabilitation Program, but with contract-of-sale agreements, are eligible for Emergency Repair grants, providing that such contracts-of-sale be converted to Deeds/Deeds-of-Trust or recordable contracts-of-sale, all of which shall be recorded. Such requirement may be waived on appeal to the Urban Renewal Board." Ms. Mather seconded the substitute motion. The members, after voting on the first issue, discussed the second issue concerning the exemption of Clarksville from the maximum expenditure per unit. The Commission members were in agreement with the suggestion that the Clarksville area be exempted from this ceiling. Ms. Mather made a motion that the following be inserted in the fourth paragraph on page #1 of the Policy Guidelines for Housing Rehabilitation: "This maximum expenditure per unit will not be applicable to the Housing Rehabilitation program in the Clarksville impact area." Ms. Chance seconded the motion.

COMMISSION VOTE:

To APPROVE the proposed Policy Guidelines for Housing Rehabilitation recommended by the Community Development Commission and the housing subcommittee as amended.

AYE: Messrs. Guerrero, Dixon, Gutierrez, Jagger, Rindy and Stoll;
 Mmes. Chance and Mather

ABSENT: Ms. White

C12-76-012 Public Services

Consideration of a wastewater approach main for the resubdivision of Vaught Tract.

Ms. Evelyn Butler, representing the Planning staff, told the Commission members that the tract will require approximately 610 feet of 8-inch wastewater approach main. She said that the proposed route will extend from an existing wastewater main in Treadwell Addition, Section 5 along an existing Public Utility Easement to the rear of the proposed subdivision. The main will serve only this subdivision and there will be no participation

C12-76-012 Public Services--Contd.

by the City in this project. She explained also that an alternate plan has been submitted which may be used if the main is not located too close to the surface and asked the Commission for a motion that would allow either option.

COMMISSION ACTION:

Members reviewed the information presented. Mr. Jagger made a motion to approve the request for a wastewater approach main, applying the one alternative of the two which proves to serve the area the best. Mr. Rindy seconded the motion.

COMMISSION VOTE:

To APPROVE the request for a wastewater approach main for the resubdivision of Vaught Tract.

AYE: Messrs. Guerrero, Gutierrez, Jagger and Rindy; Ms. Mather
ABSENT: Messrs. Dixon and Stoll*; Mmes. Chance* and White

*Out of room.

R141 Planning Commission

Consideration of adjusting meeting dates in December and scheduling work sessions on the Master Plan.

Ms. Evelyn Butler, representing the Planning staff, explained that because of the holidays, the staff suggested moving the Planning Commission meeting scheduled for December 28 to December 21.

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the recommendation of the staff. Mr. Jagger made a motion that the Planning Commission meeting scheduled for December 28 be moved to December 21. Ms. Mather seconded the motion.

COMMISSION VOTE:

To MOVE THE DECEMBER 28 PLANNING COMMISSION MEETING TO DECEMBER 21, 1976.

AYE: Messrs. Guerrero, Dixon, Gutierrez, Jagger, Rindy and Stoll;
Mmes. Chance and Mather
ABSENT: Ms. White

Mr. Guerrero then asked the Commission members to consider four alternatives presented by the staff concerning Chapter III of the Master Plan. He listed the following alternatives:

1. Give ATOC month of December to finish their recommendations.
2. Respond individually to any drafts completed by ATOC in December.

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Planning Commission--Contd.

3. Hold special work sessions on any drafts completed by ATOC in December.
4. Assign members(s) to sit in on ATOC sessions during December.

COMMISSION ACTION:

Members reviewed the information presented. Mr. Jagger made a motion to accept Alternative #1, giving ATOC the month of December to finish their recommendations on Chapter III of the Master Plan. Ms. Chance seconded the motion.

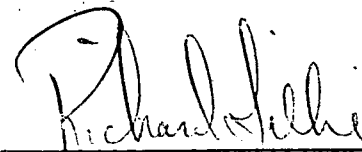
COMMISSION VOTE:

To ALLOW THE MONTH OF DECEMBER for work by the Austin Tomorrow On-Going Committee on Chapter III of the Master Plan.

AYE: Messrs. Guerrero, Dixon, Gutierrez, Jagger, Rindy and Stoll;
Mmes. Chance and Mather

ABSENT: Ms. White

The meeting adjourned at 11:40 P.M.



Richard R. Lillie
Executive Secretary