

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--May 10, 1977

The meeting of the Commission was called to order at 5:30 P.M. in the Council Chambers.

Present

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

*Arrived at 5:55 PM

**Arrived at 6:10 PM

***Arrived at 6:45 PM, Left at 10:50 PM

****Left at 11:00 PM

Also Present

Richard Lillie, Director of Planning
Evelyn Butler, Supervisor, Current Planning
Walter Foxworth, Planner
Wayne Golden, Planning Coordinator
Bill Lowery, Urban Transportation
Charles Graves, Director of Engineering
Maureen McReynolds, Director of Environmental Resource Management
Jim Gotcher, Engineering Department
Dona Jakubowsky, Administrative Secretary

ZONING

C14-73-017	Marvin M. Henry: 7534-7540 Cameron Road	<u>"A" Residence, 1st H & A to</u> <u>"GR" General Retail, 1st H & A</u>
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Mr. Lillie told the Commission members that this application had been granted subject to a subdivision in 1973 and had since had three extensions. He said that the staff recommends that the subdivision requirement be deleted and the application be allowed to continue to ordinance.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Jagger made a motion to delete the subdivision requirement and grant the zoning request. Mr. Rindy seconded the motion.

COMMISSION VOTE:

To GRANT the request of Marvin M. Henry for a zoning change from "A" Residence, 1st H & A to "GR" General Retail, 1st H & A, and delete the subdivision requirement, on property located at 7534-7540 Cameron Road.

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

ABSTAIN: Ms. Chance

THE MOTION PASSED BY A 7-0-1 VOTE.

C14-73-018	Texas AFL-CIO: 300-310 West 11th Street 1100-1110 Lavaca Street	<u>"C" Commercial, 3rd H & A to</u> <u>"C" Commercial, 4th H & A</u>
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Mr. Lillie told the members that the request for 4th Height and Area had been granted subject to a subdivision and the application has been extended three times. He continued that a new AFL-CIO building has recently been constructed on this site, so it seems that the 4th Height and Area is no longer required and the staff recommends dismissal.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Jagger made a motion to dismiss the application. Mr. Rindy seconded the motion.

COMMISSION VOTE:

To RECOMMEND DISMISSAL of the request of Texas AFL-CIO for a zoning change from "C" Commercial, 3rd H & A to "C" Commercial, 4th H & A on property located at 300-310 West 11th Street and 1100-1110 Lavaca Street.

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

THE MOTION PASSED BY A 8-0 VOTE.

C14-73-048	Thomas P. Francis, et ux: 509-517 Alpine Road 3601-3613 South 1st Street	<u>"B" Residence, 1st H & A to</u> <u>"LR" Local Retail, 1st H & A</u>
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Mr. Lillie told the members that the zoning request had been granted by the Commission and Council subject to a subdivision and has been extended twice at the request of the owner. He said that the staff recommends dismissal because of the inactivity on the part of the owner and because apartments have been built in the "Local Retail" area across the street.

COMMISSION ACTION:

The members reviewed the information presented. The applicant, Mr. Thomas P. Francis, told the members that the property had not been developed at the time of zoning for financial reasons. He requested that the application be extended to allow plans for the development of the property to proceed. Ms. Mather asked Mr. Francis if he was requesting "LR" zoning for just the corner of the tract or the whole front strip on South 1st Street. Mr. Francis answered that he had requested the zoning for 212.70 down Alpine Street and 317 feet down South 1st Street. Ms. Mather said that she did not think that "LR" should be granted for the entire tract and made a motion to dismiss the application and allow the applicant to return to request zoning on just the portion they need. Mr. Stoll seconded the motion. Mr. Lillie suggested that Mr. Francis could submit amended field notes for just that portion that he has discussed to the north. Mr. Gutierrez said he would like to see a site plan. Mr. Jagger asked Mr. Francis if he would agree to submit amended field notes and a site plan review and approval by the Commission prior to construction. Mr. Francis said he would agree to that. Mr. Jagger made a substitute motion to extend the application subject to submission of amended field notes and Planning Commission review and approval of a site plan prior to issuing a building permit. Ms. Mather seconded the motion.

COMMISSION VOTE:

To RECOMMEND EXTENSION of the request of Thomas P. Francis, et ux for a zoning change from "B" RESidence, 1st H & A to "LR" Local Retail, 1st H & A on property located at 509-517 Alpine Road and 3601-3613 South First Street, subject to submitting amended field notes and Planning Commission review and approval of a site plan prior to issuing a building permit.

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

THE MOTION PASSED BY A 7-1 VOTE.

C14-73-062	Edward Clark, et al: 923 Clayton Lane	<u>"A" Residence, 1st H & A to "GR" General Retail, 2nd H & A</u>
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Mr. Lillie told the members that this application was granted by the Commission and the Council subject to a subdivision and was extended twice. He said that the staff feels that the requested zoning is appropriate in this area and recommends that the subdivision requirement be deleted and allow the application to proceed to ordinance.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Tom Curtis was present representing the applicant. Mr. Jagger made a motion to grant the zoning request and delete the subdivision requirement. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of Edward Clark, et al for a zoning change from "A" Residence, 1st H & A to "GR" General Retail, 2nd H & A and delete the subdivision requirement, on property located at 923 Clayton Lane.

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

OUT OF ROOM: Mr. Rindy

THE MOTION PASSED BY A 7-0 VOTE.

C14-73-119	Odas Jung: 812-1024 W. Ben White Blvd. 809-1017 Banister Lane	<u>"A" Residence and "GR" General Retail, 5th H & A to "C" Commercial, 2nd H & A</u>
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Mr. Lillie told the members that this application had been granted subject to a subdivision and a restrictive covenant providing that the uses be limited to those allowed in "GR" zoning and an automatic rollback in zoning to "GR" General Retail in five years. He called the members attention to a letter from the applicant stating his acceptance of "GR" General Retail zoning. The staff recommends that the subdivision requirement and all restrictive covenants be deleted and allow the application to proceed to ordinance for "GR" General Retail, 1st Height and Area.

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather made a motion to delete the subdivision requirement and the restrictive covenants and recommend that "GR" General Retail, 1st Height and Area be granted. Ms. Chance seconded the motion.

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C14-73-119 Odas Jung--Contd.

COMMISSION VOTE:

To RECOMMEND that the subdivision requirement and restrictive covenants be deleted and "GR" General Retail, 1st H & A be granted on property owned by Odas Jung and located at 812-1024 W. Ben White Boulevard and 809-1017 Banister Lane.

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

OUT OF ROOM: Mr. Rindy

THE MOTION PASSED BY A 7-0 VOTE.

OTHER BUSINESS

C2o-77-002 Zoning Ordinance

Consideration of an amendment to Chapter 45 of the Austin City Code regarding building setback and fencing requirements between "A" Residence and more restrictive districts and "MH" Residence and less restrictive districts.

Mr. Lillie explained that the present ordinance permits buildings to be located five feet off the property line and many of the complaints that have been received by the Commission, are regarding two, three and four story buildings overlooking back yards. He added that the proposed provision requires one horizontal foot of building setback for every one vertical foot of building, to a maximum of 60 feet of structure setback. He said that further requirements were for a five-foot strip of land along the rear property line, which shall not be paved and a visual screen or buffer in the form of a solid fence or wall at least six feet high or a landscape screen which would reach a minimum of six feet in height. He continued that the intent of the ordinance was to deal with the rear property lines. He said that Mr. Jim Gotcher, Building Inspection Department, and Mr. Charles Graves, Engineering Department, were both in attendance to speak to any problems they feel might exist and to answer questions. Mr. Gotcher spoke to the Commission concerning the inclusion of side properties in the ordinance. After the members indicated in response to his question that the intent was to include all properties, whether side or back, Mr. Gotcher explained that a side yard setback may effectively prohibit or at least severely restrict development, particularly on lots with a narrow width. Mr. Graves told the members that in investigating major storms, the largest single contributor to flooding of homes in Austin is walls and fences. He said that he would propose that a provision be included that any wall or fence to be built, be designed in such a way that it will not impede or divert or otherwise interfere with the flow of surface water.

CITIZEN COMMUNICATION

Persons Appearing in Favor
Wallace Pelleran
Balcones Civic Assoc.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Jagger was concerned that if a structure setback of one foot for each one foot of the height of the structure is required, parking lots will have to be built next to the more restrictive zoning and he felt that this would be as obtrusive, if not more so, than the building itself. Ms. Mather preferred to omit that requirement and change the requirement for a five-foot buffer strip to vary either with the height of the building or the kind of zoning that is adjacent to the more restrictive zoning. Mr. Jagger suggested that the requirement for structure setback be changed to require one foot of setback for each two feet of the height of the structure Mr. Rindy felt that the ordinance should be more flexible and suggested that the applicant be allowed to submit a site plan for approval by the Planning Commission in lieu of following the requirements in the ordinance. The other members

C2o-77-002 Zoning Ordinance Contd.

were in agreement and Mr. Jagger suggested that the ordinance say that unless a site plan is submitted by the applicant and approved by the Planning Commission, the requirements of the ordinance will be followed. Ms. Mather asked that number 3(b) of the draft ordinance be changed to read "a landscape screen consisting of plant material of the evergreen variety . . .". Ms. Mather also wished to change the five-foot strip of land to a ten-foot strip of land along rear and side property lines. After further discussion the members, at the suggestion of Mr. Rindy, agreed to change the first paragraph to read " . . . or more restrictive use district, or whenever property in an "O" Office district or less restrictive use district adjoins property in a "B" Residence district or more restrictive use district, upon use of the property in the less restrictive use district for a use not permitted in the more restrictive use district, . . .". Ms. Chance made a motion to approve the ordinance amendment as amended. Mr. Jagger seconded the motion.

COMMISSION VOTE:

To APPROVE the amendment to Chapter 45 of the Austin City Code regarding building setback and fencing requirements to read as follows:

(f) Whenever property in an "MH" Residence district or less restrictive use district adjoins property in an "A" Residence district or more restrictive use district, or whenever property in an "O" Office district or less restrictive use district adjoins property in a "B" Residence district or more restrictive use district, upon use of the property in the less restrictive use district, there shall be provided for the extent of the common boundary the following buffering on the property in the less restrictive district, unless the Planning Commission approves a site plan:

1. a structure setback not less than one (1) foot for each two (2) feet of the height of the structure;
2. a ten (10)-foot strip of land along the rear and side property lines which shall not be paved;
3. a visual screen or buffer in at least one of the following forms provided, however, that fences, walls, or screens shall not interfere with free surface water flows nor in any other way divert or adversely affect requirements of local drainage, except when authorized by a permit issued under the provisions of either Sections 29 or 41 of the Austin City Code:
 - a. a solid fence or wall at least six (6) feet high and of wood and/or masonry construction, or

C2o-77-002 Zoning Ordinance Contd.

- b. a landscape screen consisting of plant material of the evergreen variety which would reach a minimum of six (6) feet in height and planted on four (4)-foot centers. All such landscape screens shall be permanently maintained to produce a dense visual screen at least six (6) feet in height.

The buffering requirements listed in (f)3. may be waived through mutual consent of the property owners along the common boundary of the area under consideration.

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

THE MOTION PASSED BY A 6-0 VOTE.

C2o-76-008 Subdivision Ordinance

Consider amendments to Chapter 41 of the Austin City Code with respect to recommendations of the Lake Austin Growth Management Plan.

Mr. Lillie told the members that included in their packets were comments from all of the individuals who attended the last meeting, a memorandum from Mr. Charles Graves, Director of Engineering, dealing with impervious cover, a copy of the proposals suggested by the Citizens Board of Environment and Natural Resources, suggested amendments from Mr. Joe Ternus, Director of Urban Transportation, and a copy of the draft ordinance. Mr. Graves then talked to the Commission about impervious cover and percentage of slope and Mr Lowery presented the Urban Transportation Department's suggested amemdments..

COMMISSION ACTION:

The members reviewed the information presented. After reading and discussing the Preamble to the ordinance, the members agreed that the provisions of the ordinance shall not remain in effect for a period of time exceeding 24 months. Mr. Dixon made a motion to that effect and Mr. Jagger seconded it.

COMMISSION VOTE:

To RECOMMEND that the provisions of the ordinance amending Chapter 41 of the Code of the City of Austin, 1967, providing standards for development of land located with the watershed of Lake Austin, shall not remain in effect for a period of time exceeding 24 months.

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

THE MOTION PASSED BY A 8-0 VOTE.

C2o-76-008 Subdivision Ordinance Contd.

COMMISSION ACTION:

After further discussion, some members agreed that under (6)(b) Creation of impervious cover, the allowable impervious cover would not be in excess of 30 percent on slopes under 15 percent grade, or in excess of 20 percent on slopes of 15 percent grade to 25 percent grade, or in excess of 10 percent on slopes of 25 percent grade to 35 percent grade. Mr. Jagger made a motion to that effect and Mr. Stoll seconded the motion.

COMMISSION VOTE:

To RECOMMEND that Sec. 41-35.3(b) of the ordinance amending Chapter 41 of the Code of the City of Austin, 1967, providing standards for development of land located within the watershed of Lake Austin, will provide that allowable impervious cover will not be in excess of 30 percent on slopes under 15 percent grade, or in excess of 20 percent on slopes of 15 percent grade to 25 percent grade, or in excess of 10 percent on slopes of 25 percent grade to 35 percent grade.

AYE: Messrs. Guerrero, Dixon, Gutierrez, Jagger and Stoll;
 Ms. Chance

NAY: Ms. Mather and Mr. Rindy

THE MOTION PASSED BY A 6-2 VOTE.

COMMISSION ACTION:

Mr. Jagger made a motion that under paragraph (6)(b), all lands with slopes greater than 35 percent shall be allowed zero percent impervious cover. Ms. Chance seconded the motion.

COMMISSION VOTE:

To RECOMMEND that Sec. 41-35.3 (b) of the ordinance amending Chapter 41 of the Code of the City of Austin, 1967, providing standards for development of land located within the watershed of Lake Austin, will provide that all lands with slopes greater than 35 percent shall be allowed zero percent (0%) impervious cover.

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

NAY: Mr. Stoll

THE MOTION PASSED BY A 7-1 VOTE.

COMMISSION ACTION:

Ms. Chance made a motion that under Sec. 41-35.3 (b), in cases of transfer, the impervious cover allowed on slopes under 15 percent may be permitted to exceed 30 percent, but shall not be allowed to exceed 40 percent. Ms. Mather seconded the motion. Mr. Jagger made a substitute motion that the maximum percentage allowable would be 45 percent. Mr. Dixon seconded the substitute motion.

C2o-76-008 Subdivision Ordinance Contd.

COMMISSION VOTE:

To RECOMMEND that Sec. 41-35.3(b) of the ordinance amending Chapter 41 of the Code of the City of Austin, 1967, providing standards for development of land located within the watershed of Lake Austin, will provide that in cases of transfer, the impervious cover allowed on slopes under 15 percent may be permitted to exceed 30 percent, but shall not be allowed to exceed 45 percent.

AYE: Messrs. Guerrero, Dixon, Gutierrez and Jagger

NAY: Mmes. Chance and Mather; Messrs. Rindy and Stoll

THE MOTION FAILED BY A 4-4 VOTE.

To RECOMMEND that Sec. 41-35.3(b) of the ordinance amending Chapter 41 of the Code of the City of Austin, 1967, providing standards for development of land located within the watershed of Lake Austin, will provide that in cases of transfer, the impervious cover allowed on slopes under 15 percent may be permitted to exceed 30 percent, but shall not be allowed to exceed 40 percent.

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

NAY: Mr. Jagger

THE MOTION PASSED BY A 7-1 VOTE.

COMMISSION ACTION:

After discussion with Mr. Charles Graves, the members agreed to delete from Sec. 41-35.3(b), the paragraphs titled Public Roadways and Private Roadways. Mr. Jagger made a motion to that effect and Mr. Gutierrez seconded the motion.

COMMISSION VOTE:

To RECOMMEND that the paragraphs titled Public Roadways and Private Roadways be deleted from Sec. 41-35.3(b) of the ordinance amending Chapter 41 of the Code of the City of Austin, 1967, providing standards for development of land located within the watershed of Lake Austin.

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

THE MOTION PASSED BY A 8-0 VOTE.

COMMISSION ACTION:

Mr. Jagger also felt that the paragraph titled Other Right-of-way Construction should be deleted from Sec. 41-35.3(b) and made a motion to that effect. Ms. Mather agreed and seconded the motion.

C2o-76-008 Subdivision Ordinance Contd.

COMMISSION VOTE:

To RECOMMEND that the paragraph titled Other Right-of-way Construction be deleted from Sec. 41-35.3(b) of the ordinance amending Chapter 41 of the Code of the City of Austin, 1967, providing standards for development of land located within the watershed of Lake Austin.

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

THE MOTION PASSED BY A 8-0 VOTE.

COMMISSION ACTION:

The members then turned their discussion to the variance section of the proposed ordinance amendment. Mr. Lillie explained that, because everyone working on the Lake Austin ordinance amendment has been interested in providing a variance section, the staff suggests that Sec. 41-35.3(e) be titled Alternative Methods and Sec. 41-35(f) be titled Variances, which would actually be the economic hardship section. He explained further that the items currently listed under the variance section in the present draft are not by definition economic hardship items, but would fit more properly into an alternative method section. Mr. Rindy felt that the variance section should remain as it is because he felt it protected the intent of the ordinance better than alternative methods would, which he thought was too vague. Mr. Jagger made a motion change Sec. 41-35.3(e) from Variances to Alternative Methods and add to Sec. 41-35.3 a new section titled Variances to be (f), and that the provisions currently listed under the variance section be moved to the alternative methods section. Ms. Mather seconded the motion.

COMMISSION VOTE:

To RECOMMEND that Sec. 41-35(e) be changed from Variances to Alternative Methods and that provisions (1), (2), (3), (4) and (5) presently listed under Variances be listed under Alternative Methods; and that a sub-section (f) be added to be titled Variances.

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

THE MOTION PASSED BY A 7-1 VOTE.

COMMISSION ACTION:

Mr. Dixon made a motion to recommend to the City Council that the amendment to Section 41 of the Code of the City of Austin providing standards for development of land located within the watershed of Lake Austin be adopted as amended to read as follows:

C2o-76-008 Subdivision Ordinance Ccntd.

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN, 1967, PROVIDING STANDARDS FOR DEVELOPMENT OF LAND LOCATED WITHIN THE WATERSHED OF LAKE AUSTIN AS DESCRIBED BY THE RESOURCE MAPS OF THE LAKE AUSTIN GROWTH MANAGEMENT PLAN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 41 of the Code of the City of Austin of 1967 is hereby amended by adding the following new sections thereto:

Sec. 41-11.1. Preliminary plan - Lake Austin watershed.

Subdivision of any land which is located within the watershed of Lake Austin, as described by the resource maps of the Lake Austin Growth Management Plan, shall comply with the provisions of this section.

The preliminary plan for the subdivision of land shall meet all the requirements and conditions established by the other sections of this chapter and shall meet the following additional requirements.

(a) The preliminary plan shall be accompanied by a slope map drawn from available topographic material which shall separate the proposed subdivision into the four slope calsses of; (1) slopes greater than 35% gradient, (2) slopes of 25% to 35% gradient, (3) slopes of 15% to 25% gradient, and #4) slopes less than 15% gradient. The map shall represent each slope class with a distinct color and shall be drawn to scale equal to that of the preliminary plan

(b) The preliminary plan shall indicate possible disposal sites of all excess spoil and the maximum height and depth of all proposed cuts and fills.

(c) The preliminary plan shall show the limits of the 100-year flood plains, based on existing data, of all creeks and major drainage channels prior to any alteration of the land.

(d) The preliminary plan shall be accompanied by a display of data which shall show the following information:

(1) The land area calculated to the nearest one-tenth acre, of each slope class within the subdivision as delineated on the slope map. If the subdivision is separated into two or more distinct sections, separated either by date of application or by spatial detachment, then land areas for each slope classification shall be determined independently for each section.

C2o-76-008 Subdivision Ordinance Contd.

(2) The total maximum area of impervious surfaces proposed in the development within each slope class, and for each distinct section of a subdivision. The total area shall be separated into areas of streets, off-street parking, commercial areas, tennis courts and other recreational areas, and residential areas. The residential impervious area shall be further separated into the estimated average dwelling size, by housing types, including the area of garages and drives.

(e) The preliminary plan shall be accompanied by a grading and erosion-sedimentation control plan. The data requirements for this plan shall include: (1) the location and description of existing topographic features and soil characteristics of the site using best available information; (2) a general description of proposed changes to the site; and (3) a general description of measures which shall be taken for the control of soil erosion and sedimentation.

Sec. 41-13.

(n) If any part of the subdivision is located within the watershed of Lake Austin, as described by the resource maps of the Lake Austin Growth Management Plan, then all plans and information required to be submitted to the director of engineering, including those described in sec. 41-47.3, shall be submitted prior to the filing of the final plat with the planning commission. This required information shall include descriptions of the location, size, capacity, and design characteristics of all sedimentation and permanent, within the development. It shall also include a scheduling sequence for the installation of erosion-sedimentation control measures.

Sec. 41-35.3. Special requirements for the subdivision of land within the Lake Austin watershed.

Subdivision of any land which is located within the watershed of Lake Austin, as described by the resource maps of the Lake Austin Growth Management Plan, shall comply with the provisions of this section.

The application for land subdivision and development shall observe the standards established by other sections of this chapter and shall meet the following additional criteria for site development.

(a) Minimum standards. All applications for land subdivision shall conform to the minimum standards set forth below:

Roadways - Location and clearing.

(1) With Planning Commission approval, roadways may be constructed on terrain with a slope class greater than 25%, but only when it is necessary to provide access to an area of slope less than 25%.

C2o-76-008 Subdivision Ordinance Contd.

(2) Pre-construction clearing for roadways. Clearing for road construction shall not be permitted before final plat approval. Minimal clearing for the purposes of survey may be premitted, however, provided natural ground cover is not removed.

(3) Clearing for roadways. Roadway clearing width within a subdivision shall not exceed twice the roadway surface width or the width of the dedicated right-of-way, whichever is less. Clearing for short run road construction problem areas may be increased to two and one-half times the roadway width, right-of-way permitting.

(4) Temporary site distrubances. Clearing for the temporary storage of spoils or construction equipment shall be designated on the construction plans and shall be restored to blend with the natural character of the land upon completion of roadway construction.

Cut and fill, grading and building sites

(1) Roadways. Cut and fill sections for roadways shall not exceed allowable roadway clearing widths and shall not obstruct waterways.

(2) Building sites. No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet. All residential lots created by the subdivision of land shall contain an adequate building site prior to grading or alteration. An adequate building site shall not have less than 3,000 square feet and shall not contain: (a) discontinuous segments; (b) land within the 100-year flood plain of any creek or tributary; (c) land within a drainage or utility easement; (d) land of a slope greater than thirty-five percent; (e) any stream, pond, detention basin or other body of water, either permanent or temporary; or (f) land within twenty-five feet of a road right-of-way.

(3) Driveways. Every lot shall be reasonably accessible by vehicle from the roadway to the probable building site. Driveways on private property may be constructed to grades in excess of fourteen percent only with specific approval of surface and geometric design proposals with the director of the engineering department or his designee.

(4) Erosion control. Final plans shall be accompanied by a proposed construction sequence to demonstrate an acceptable plan for erosion control during the construction period.

C2o-76-008 Subdivision Ordinance Contd.

(5) Restoration. All cuts and fills shall be restored to blend with the natural character of the land. Projects shall not be considered complete until restoration has been made.

(6) Slope stabilization. In all cases, slopes generated by cut and fill shall be stable, giving full consideration to soil characteristics and erosion potential.

(b) Creation of impervious cover.

Minimum standards. Roads, parking areas, buildings and other impermeable construction covering the natural land surface shall be considered as impervious cover. No subdivision of land shall be allowed to create impervious cover in excess of thirty percent on slopes under fifteen percent grade, or in excess of twenty percent of slopes of fifteen percent grade to twenty-five percent grade, or in excess of ten percent on slopes of twenty-five percent grade to thirty-five percent grade. For the purposes of calculating allowable impervious cover, all lands with slopes greater than thirty-five percent shall be allowed zero percent (0%) impervious cover. The transfer of allowable impervious cover from slopes in excess of fifteen percent to slopes under fifteen percent shall be permitted within each individual subdivision site. In under fifteen percent may be permitted to exceed thirty percent, but shall not be allowed to exceed forty percent.

Roadway curbs and gutters. The requirement for curbs and gutters in Lake Austin watershed urban subdivision may be relaxed after consideration of reports from the directors of engineering and urban transportation departments assessing the adequacy of proposed alternative designs for satisfying storm drainage, traffic safety and public welfare needs.

(c) Building foundations on steep slopes.

Minimum standards. All building foundations on slopes of fifteen percent and over and on fill placed upon slopes fifteen percent and over must utilize design and construction practices certified by a registered professional engineer qualified to practice in this field. The minimum standards identified under sec. 41-35.3(a) shall be observed.

(d) There shall be no direct discharge of wastewater effluent into Lake Austin and its tributaries.

(e) Alternative Methods. Alternative methods to the criteria set out in the provisions of sections 41-11.1, 41-13(n), and 41-35.3 shall be approved by the planning commission if said commission determines that the alternative:

(1) is applicable only to minor changes rather than major departures from the provisions of this ordinance;

C2o-76-008 Subdivision Ordinance Contd.

(2) will not materially alter the scope or average density of the development as it would be permitted if the development were pursuant to the specific criteria set out in the provisions of this section;

(3) will, in accordance with criteria and standards set forth in the department of engineering's Austin Drainage Criteria Manual, not exceed the runoff rate levels predictable under the specific criteria the alternate methods are to replace;

(4) will not result in predictable lowering of the water quality (in terms of fecal coliform, lead, total organic carbon, total nitrogen, total phosphorus, hydrocarbons - hexane extract, and suspended solids) of the subject tract runoff from the quality level expected under the specific criteria the alternate methods are to replace; and

(5) that any alternate proposals for controlling quality and rate of runoff are capable of being legally enforced.

The developer or applicant shall have the burden of proof in establishing the merits of any proposed alternative methods. The proposal shall be certified by a registered professional engineer with expertise in area of concern.

All alternative proposals, methods and plans shall be submitted by the applicant to the directors of engineering and OERM for review. The planning commission shall not act upon any alternate proposals until the commission has received a report on said proposals from the directors of engineering and OERM.

Prior to action on the final plat the city attorney shall approve the enforceability of the proposals.

(f) Variances.

(1) Where literal enforcement of a provision of this chapter will render subdivision of a tract of land impractical, and will result in the confiscation of property, the planning commission shall have authority to grant a variance from such provision. (Code 1954, 23.5)

(2) Variances will not be granted on the basis of hardship where such hardship was created by the foluntary subdivision of land after the effective date of this interim ordinance.

PART 2. Unless altered, amended or repealed by the City Council, the amendments provided for in Part 1 of this Ordinance shall be in effect for two years from the date of final passage of this ordinance, and shall have no force or effect thereafter unless an ordinance by the City Council legislates otherwise.

C2o-76-008 Subdivision Ordinance Contd.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

X
X
X

_____, 1977

Mayor

APPROVED: _____

City Attorney

ATTEST: _____

City Clerk

Ms. Chance seconded the motion.

COMMISSION VOTE:

To RECOMMEND that the amendment to Section 41 of the Code of the City of Austin providing standards for development of land located within the watershed of Lake Austin be approved and adopted as amended.

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

NAY: Mr. Rindy

THE MOTION PASSED BY A 7-1 VOTE.

C11-77-010 Transit and Transportation

Determination of the number of parking spaces required for an automobile trim and molding installation facility to be located at 8407 Research Boulevard, as required by Section 45-30(12) of the Austin City Code.

Mr. Lillie told the members that the based on a maximum of 15 employees, twelve working spaces inside the building, and three spaces for drive-in business, the staff recommends a minimum of thirty off-street parking spaces be provided.

COMMISSION ACTION:

The members reviewed the information presented and were in agreement with the recommendation of the staff. Mr. Rindy made a motion to recommend that a minimum of 30 parking spaces be provided. Ms. Mather seconded the motion.

C11-77-010 Transit and Transportation Contd.

COMMISSION VOTE:

To RECOMMEND that a minimum of 30 parking spaces be provided for an automobile trim and molding installation facility to be located at 8407 Research Boulevard, as required by Section 45-30(12) of the Austin City Code.

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

ABSENT: Messrs. Dixon and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C11-77-011 Transit and Transportation

Determination of the number of parking spaces required for an automobile radiator shop to be located at 3405 South Congress Avenue, as required by Section 45-30(12) of the Austin City Code.

Mr. Lillie told the members that based on research by the staff and criteria submitted by the applicants, the staff recommends nine off-street parking spaces be provided for employee and customer parking.

COMMISSION ACTION:

The members reviewed the information presented and were in agreement with the staff recommendation. Mr. Rindy made a motion to recommend nine off-street parking spaces. Ms. Mather seconded the motion.

COMMISSION VOTE:

To RECOMMEND that nine off-street parking spaces be provided for an automobile radiator shop to be located at 3405 South Congress Avenue, as required by Section 45-30(12) of the Austin City Code.

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

ABSENT: Messrs. Dixon and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C1-77 Minutes

Approve the April 12, 1977 Planning Commission Minutes
Approve the April 19, 1977 Planning Commission Minutes
(Lake Austin Public Hearing)

COMMISSION VOTE:

To APPROVE the April 12, 1977 and April 19, 1977 Planning Commission minutes.

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

ABSENT: Messrs. Dixon and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

FINAL SUBDIVISIONS---FILED AND CONSIDERED

The staff reported that the following final subdivision has complied with all departmental requirements and recommend that it be approved. The Commission then

VOTED: To APPROVE the following final subdivision:

C8-72-127 Oak Forest, Section Four
Oak Knoll Drive and Branding Oak Drive

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

ABSENT: Messrs. Dixon and Stoll

The Commission then

VOTED: To WITHDRAW the following four final subdivisions.

C8-73-105 Shady Hollow Addition, Section 3
Sundown Trail & El Dorado Trail
C8-73-117 Shady Hollow Addition, Section 2, Phase 2
Brodie Lane & Shady Valley
C8-73-135 Shady Hollow Addition, Section 4
Squirrel Hollow
C8-73-136 Shady Hollow Addition, Section 2, Phase 3
Stormy Ridge Trail & El Dorado Trail

AYE: Messrs. Guerrero, Gutierrez, Jagger and Rindy; Ms. Mather

ABSENT: Messrs. Dixon and Stoll. Ms. Chance

SUBDIVISION PLATS---FILED AND CONSIDERED---continued

The Commission then

VOTED: To DISAPPROVE the following final subdivision pending street name changes, compliance with departmental requirements as on file with the City of Austin Planning Department, sidewalks and a no access note required on plat.

C8-76-55 Southwest Oaks, Section One
Manchaca Road

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

SHORT FORM SUBDIVISIONS---FILED AND CONSIDERED

The staff reported that the following three (3) short form subdivisions have complied with all departmental requirements and recommended that they be approved. The Commission then

VOTED: To APPROVE the following short form plats:

C8s-77-66 Resub. Lot 1, Evelyn Sankey Subdivision
South 1st Street and Clarke Street
C8s-77-68 3rd Resub. of Block A-1, West Gate Square Commercial
West Gate Boulevard and U.S. 290
C8s-77-72 St. Edward's Heights, Section 5
Ben White Blvd.

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

The Commission then

VOTED: To APPROVE the following short form plat and GRANTING the variance to DELETE the fiscal requirements.

C8s-77-54 Resub. of Lot 1-4 of the Resubdivision of Lot 1,
Kramer Lane Subdivision
Kramer Lane and North Lamar Blvd.

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

SHORT FORM SUBDIVISIONS---FILED AND CONSIDERED

The Commission then

VOTED: To APPROVE the following short form subdivision and GRANTING the variance on signature of adjoining owner.

C8s-77-40 1100 Addition
Riverside Drive and Thrasher Lane

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

The Commission then

VOTED: To DISAPPROVE the following short form subdivisions pending compliance with departmental requirements as on file with the City of Austin.

C8s-77-89 North Street Addition
North Street and Burnet Road

C8s-77-90 Weed Subdivision
W. 10th Street

C8s-77-92 Crooked Oak Ranch
Hamilton Pool Road

C8s-77-98 2nd Resub. Tract 2, Mesa Park, Section 5, Amended
Thunder Creek Road and Wind River

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

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements as on file with the City of Austin Planning Department and waterway development permit required.

C8s-77-85 Thunderbird Farms
Farm Road 969

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

SHORT FORM SUBDIVISIONS---FILED AND CONSIDERED---Continued

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements as on file with the City of Austin Planning Department and easements and to DENY the variance on signature of the adjoining owner (no letter on file).

C8s-77-87 1st Resub. of a Portion of Lot 2-A, Mayfield
Freight Addition
Burnet Road and U.S. 183

AYE: Messrs. Guerrero, Gutierrez, Jagger and Rindy; Ms. Mather

ABSENT: Messrs. Dixon and Stoll; Ms. Chance

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements as on file with the City of Austin Planning Department, letter of approval required from Water District #14 and current tax certificates.

C8s-77-88 G. A. Freitag Subdivision
Highway 71 & Old Marble Falls Rd.

AYE: Messrs. Guerrero, Gutierrez, Jagger and Rindy; Ms. Mather

ABSENT: Messrs. Dixon and Stoll; Ms. Chance

The Commission then

VOTED: To DISAPPROVE the following short form subdivisions pending compliance with departmental requirements as on file with the City of Austin Planning Department and current tax certificates.

C8s-77-91 Resub. Lots 1, 2 & 3; Block A, Longhorn Business Park #2
F.M. 1325 and Brockton Drive
C8s-77-94 1st Resub. of Lot 15, Block F, Community of Fairview,
Section 5
Ramble Lane and S. Congress Avenue

AYE: Messrs. Guerrero, Gutierrez, Jagger and Rindy; Ms. Mather

ABSENT: Messrs. Dixon and Stoll; Ms. Chance

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 and GRANTING a variance on the width of the lot.

C8s-77-93 Max Keilbar Subdivision, Section 2
Keilbar Lane

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

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements as on file with the City of Austin Planning Department and GRANTING the variance to exclude the balance of the tract.

C8s-77-95 L.W.S. Addition
South Lamar Blvd. & Victory Lane

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

The Commission then

VOTED: To DISAPPROVE the following short form subdivision pending compliance with departmental requirements as on file with the City of Austin Planning Department and current tax certificates and to DENY the variance on the signature of the adjoining owner (no letter on file).

C8s-77-96 The Forest Addition
Manchaca Road & Valley View Road

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

SHORT FORM SUBDIVISIONS---FILED AND CONSIDERED---Continued

The Commission then

VOTED: To APPROVE the following short form subdivision subject to a conservation easement on the first 25' allowing one driveway per lot.

C8s-77-41 Sandbird Subdivision - Revised
W. Loop 360 and Stoneridge Road

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

FINAL SUBDIVISION---FILED AND CONSIDERED

The Commission then

VOTED: To APPROVE the following final subdivision subject to fiscal letter on the water supply with a 30 day duration and subject to the additional owner's signature on plat.

C8-73-87 Spring Valley
F.M. 1826 and Spring Valley Drive

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



Richard R. Lillie
Executive Secretary