

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Public Hearing
on the
Proposed Subdivision OrdinanceAugust 3, 1953
8:00 P.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding:

Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works

The City Manager presented and explained the ordinance and outlined the history. He explained there were 392 miles of gravel streets, 215 miles of paved streets, 97 of which were squirt top paving which is an expensive upkeep. There are 108 miles of permanent paving, some of which is 40 years old. \$332,000 is set up for maintenance; \$51,000 to be used for paved streets and \$281,000 for unpaved streets. Maintenance amounts to \$249.00 per mile of maintenance of cost against \$717 for gravel streets, and the City could not continue on that basis. He recommended a long life pavement that would be 20-25 years of low maintenance costs. He pointed out some recommendations for modifying the ordinance.

1. Relax requirements of Section 26, to require only 12,000 square feet with no requirement as to additional lot frontage.
2. Modify Sections 8 and 20, pertaining to right-of-way widths on residential streets and thoroughfares outside the City limits.
3. Modification as to sidewalk grades--his recommendation was to modify the present sidewalk ordinance, as it is too rigid in this respect.
4. Private streets or easements or private roadways could be permitted and come under the ordinance in the perpetual maintenance by setting up in a trust fund an amount to take care of it.
5. Delete Paragraph 10 of subsection c of Section 3--statement on the plat that the city would not assume maintenance until the requirements of the ordinance are complied with.

The City Manager presented some figures worked out to show cost to developers under this new ordinance. Using an example of a typical 50' lot, he stated it would cost \$159.00 additional in getting curbs, gutters and paving. Blocks of 1200' would be permitted as a standard, but the Planning Commission would take care of exceptions. He stated everyone was in agreement on this. Cost of utilities would remain the same. Another factor was the fiscal policy that must be modified, as it will be 14 years before the City can break even and start earning on these refund deals.

MR. A. L. ZINSER was opposed to the ordinance in that it would place a burden on acreage owners and would cost too much to develop their land. He was opposed to the expensive paving, and suggested a rock base instead of gravel and light squirt top, following specifications of the Highway Department.

MR. TRUEMAN E. O'QUINN, representing the Real Estate Board, thought this ordinance would need revision at this time, and should be more gradual in its scope. He suggested the importance of knowing the city's financial policy.

MR. GIBSON RANDLE stated they had submitted a draft of an ordinance, but it was impossible to know what the subdivision ordinance should be until the fiscal policy of the city was known. He feared this ordinance before the Council now was too rigid and the homeowners could not buy the lots. He pointed out how it affected property 10 miles out in the county. He felt this ordinance required too much at one time. If it put a blight on development, it cut off two sources of revenue to the city. New subdivisions had put enormous tax revenues on the books. Subdividers were paving streets where there was a demand and where competition made it necessary; but the provisions would keep people from buying in the low costs and medium costs. He asked the Council not to make a final conclusion on the subdivision ordinance until it had before it their fiscal policy on refunds and participation. The City should pay its part he thought, and it was not fair for the subdivider to put up money for maintenance for 20-40 years. He asked if a subdivider would have to pay for an extra large main through his subdivision to take care of a large development adjoining him. He believed \$159.00 additional could keep a person from buying a home. He suggested setting up the refund policy over a period of time, and letting the subdivider get back 100% of his money plus interest. He suggested 3% interest.

MR. W. L. BRADFIELD expressed many ideas on the ordinance as it would affect the cost of home ownership. The cost of maintaining the present gravel streets will not be affected by this ordinance; and new subdivisions will help to pay for the maintenance of the present 400 miles of gravel streets and 100 miles of unsatisfactorily paved streets. This ordinance applies to all sections regardless of characteristic of neighborhood or value and five miles beyond Fiskville and nearly to Oakhill. He thought this was a joint undertaking between the City and subdivider. He suggested a refund policy of increasing the time limit up to 30 years and paying an interest rate out of the earnings of the system which would enable them to take their papers to the bank and negotiate. He suggested that the City furnish approach mains at the rate of 50' for every lot in the subdivision. MR. BRADFIELD outlined the costs of Allendale Subdivision and showed the taxable values created, and the utility profits obtained. The average improvement cost per lot was \$900.00, or \$10.00 per foot. He outlined that the experience of the City in its water bills amounted to 80¢ per lot front foot per year; and on those lots in Allendale, this would amount to \$27,576, or a profit of 42.75% or \$11,757. The profit from light and power will be \$15,718. He stated the tax value next year in Allendale would be five million

dollars, which, at the same tax rate, would be \$70,500 for this subdivision which would take care of fire, garbage, schools, bonded indebtedness, etc. A successful subdivision creates values for the city in taxes and water and light profits, and the subdivider has a right to expect the city to go as far as it can to help. Under this ordinance it will cost \$16.00 a foot to improve.

Councilman Thompson pointed out to Mr. Bradfield that it had been a long established policy and seemingly approved by the citizens and tax payers to use the profits of the water and light in lieu of taxes to support the administration of the City, and the profits of this water and light are committed to go to the general expense of the city by virtue of the long established policy. MR. BRADFIELD stated the subdivisions produced taxes and profits, but he was afraid if the sales price exceeded \$20.00 a foot, the subdivider could not comply with the ordinance, and the sales price might not be acceptable in the low cost housing field, and the home owner would not have an opportunity to own his home.

MR. CLYDE COPUS spoke on the effects this ordinance would have on low cost homes. In speaking of \$159.00 additional cost for paving and curbing a 50' lot, it meant 20% of his lot cost; and to require the extra square feet for septic tanks would make it impossible to divide the land into 100' lots, pave the streets and sell the lots for \$800.00. He objected to the block lengths, Sec. 15, p. 13; and to the sidewalk requirement. He did not think Sec. 20 as pertains to sidewalk grades was workable. He was in opposition to Sec. 21; and if he were required to comply it would add to the cost 15 or 20% to his low cost lots. Section 23, he wanted something definite stated on enclosed or open drainage ditches, as he did not want to be at anyone's mercy when he had to put in a storm sewer; and he wanted the fiscal policy set out before the subdivision ordinance was considered. As to septic tanks, he believed the Health Department would pass on whether or not they would work in certain areas. The City was not able to extend the sewers and no reason why subdivisions should not be developed.

MR. A. B. BEDDOW spoke on medium cost homes. He explained how a builder was penalized \$100 on buying a lot on a paved street; in that allot selling on an unpaved street for \$900.00 was appraised for \$1,000 by the V.A.; but that same lot on a paved street would sell for \$1,200 but would be appraised at \$1,100. Many cases where \$150 or \$200 means the difference of a veteran getting or not getting a loan. Mr. Beddow stated he often times would have to lend the veteran \$25.00 to close the loan. Councilman Thompson asked if in this price range of \$8,000 that the difference in paving would seriously retard the housing of the veteran population. Mr. Beddow stated he thought it would.

MR. SPENCER SCOTT told how the ordinance would affect suburban subdivisions in particular reference to having to enlarge their lots to 100' to provide the necessary feet for septic tanks. Then to pave, curb and gutter those lots that were to sell for \$600.00, it would be necessary to sell them at \$1,200 or more. He asked that the same standards now existing in the city exist in the county; if the city can sell 60' lots where septic tanks are to be installed if the Health Department approves and the soil condition permits, that 60' lots could be sold outside the city. MR. SCOTT stated they were putting in paving in their subdivisions that would last about five years. He did not want the sidewalk requirement where people would have to excavate wooded areas. He thought there should be some kind of compromise for suburban and semi-suburban and that the heavy paving should not be required--also curb and gutter. His main objection was to the septic tank requirements.

MR. TOM BRADFIELD was interested in how the ordinance would affect resort property, and he used Panamora Ranch as an example. The development would be beautiful, but due to resort planning, they did not want to conform to subdivision requirements; did not want to dedicate the streets and parks to the public, but to keep them private and to maintain them privately. This ordinance would affect that part of his development also.

MR. DAVID BARROW owned some property of unusual terrain in the northwest part of town and wanted to develop an area that was unusual and attractive--large tracts of land--keep the valleys undeveloped, place the homes in certain places. Curbs and gutters would not fit in this type of development--walkways, blocks at 1200, sidewalks, etc. would not have any place there, as it was desired to divide this area according to topography rather than in geometric features. The hills and ravines took care of the storm sewer problems. He suggested since this ordinance would not fit this type of development that some sort of Board be created to pass on exceptions--a competent board to pass on these cases and permit development in the wisest manner to fit the particular case.

MR. BEN E. KING believed this could not apply out on Lake Travis, Round-rock, Bee Cave and other points in the county. From the 1950 Census of Housing for the State of Texas, he had figures that 49 % of the people in Austin dwelled in residences valued less than \$7,684.00; more than 1/6 do not have hot-water heaters nor bathrooms; \$25.00 would keep a man from buying a house and qualifying for a loan; people in low income brackets cannot keep up a 75-80' lot; cannot support 80¢ per front foot for water; the 1200' requirements for septic tank is not reasonable. He did not favor having the 6' walkway down the block. He did not favor requiring the sidewalk cut-back, possibly running trees, but anyway adding to expense. He favored paving, but believed the required paving was too much. He asked that more study be given to the ordinance, as he felt it would burden many people and deny them a right to own a home.

MR. BASCOM GILES believed as long as property was in town, the best of pavement could be used; but when the property is at Dodd City, Walnut Creek, etc., he did not believe it necessary to put down this pavement and curbs and gutters. He was afraid some people would be put out of business if this ordinance passed; that it was confiscatory and would retard development. He asked that property five miles from town not be put in the same category as that in the city and he asked that the Council take from 90 days to six months to study this ordinance further.

MR. BULLARD, Chairman of Home Building group, favored a good paving program but he believed this ordinance needed a little more study and more conferences. He suggested paving the streets with paving district bonds. He suggested a study by someone along with the City Administration and the Subdivision Committee--a Citizens Committee that would represent the public. He reported on his negro subdivision--108 lots with 50 houses and 56 lots. Two houses not sold. His houses ranged from \$5,950 on a 900.00 lot to \$13,000.

MR. JOE CROW stated other cities were providing paving and low cost housing and Mr. Bullard was able to make a profit on what he was doing. He believed the financiers would cooperate with people in making their loans on the extra paving costs. He believed the ordinance should go through; that people who had paved their streets should not have to participate in paving someone else's streets. He believed this should apply in the 5-mile area, but there should be some study and exceptions on the lake. He referred to Mockingbird Hill.

MR. NELSON PUETT was for paving all subdivisions in the city in line of

development, but he felt those that would be hurt would be those who needed \$300.00 for a down payment. He felt that if homes could not be build for these people there would be public housing. He believed that 7,000 square feet was sufficient for septic tanks. Mr. Puett felt that a new homeowner would bear the greater costs of running the city.


MR. CHESTER FREUND stated successful septic tanks could be build on less than 7,000 square feet.

MR. YEISER stated he thought the ordinance needed to be rewritten.

MR. FRANK MONTGOMERY invited the Council to a luncheon Tuesday, August 11th at noon.

MR. A. D. STENGER asked that competition take care of paving in subdivisions. In 1947, there were 10,333 lots recorded; in 1948, 24% were paved; in 1949, 25% were paved; and in 1950, 41%; at present it is 46%. He thought the subdividers were taking care of their paving. He believed that paving requirements in the ordinance were too strict, and he favored the minimum paving.

APPROVED:


Mayor

ATTEST


City Clerk