

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, February 15, 2007

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**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 44

Subject: C14H-05-0017 – Baugh-Colby House - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1102 Enfield Road (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) district zoning to multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning. First and second readings approved on December 14, 2006. Vote: 6-1 (Leffingwell-Nay). Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454.

**Additional Backup
Material**

(click to open)

 Staff_Report

For More Information:

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER C14H-05-0017 (Baugh-Colby House, 1102 Enfield Road)

REQUEST

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1102 Enfield Road (Shoal Creek Watershed) from multi-family residence, neighborhood –plan (MF-3-NP) combining district zoning to multi-family residence, conditional overlay, neighborhood plan (MF-3-CO-NP) combining district zoning, with the conditional overlay restricting development on the site to two (2) single dwelling structures with a maximum height of 35 feet

DEPARTMENT COMMENTS

Council denied historic zoning for this property and approved the conditional overlay stated above on first and second readings on December 14, 2006 and asked staff to present an analysis of the impacts (if any) of the McMansion ordinance on the site and under the proposed conditional overlay.

OWNER Peter Gardere

AGENT Jim Bennett

APPLICANT Peter Gardere

DATE OF FIRST AND SECOND READINGS: December 14, 2006, approved MF-3-CO-NP combining district zoning on 1st and 2nd readings with the conditional overlay restricting development on the property to two single dwelling structures with a maximum height of 35 feet (6-1, Leffingwell opposed).

CITY COUNCIL HEARING DATE February 15, 2007

CITY COUNCIL ACTION:

ORDINANCE NUMBER.

ASSIGNED STAFF: Steve Sadowsky, Historic Preservation Office, 974-6454
e-mail: steve.sadowsky@ci.austin.tx.us

Analysis of 'McMansion' Ordinance on the Baugh-Colby Property

On December 14, 2006, Council approved MF-3-CO-NP on 1st and 2nd readings for the Baugh-Colby site at 1102 Enfield Road (6-1, Leffingwell opposed) The conditional overlay limits development on the property to two detached units, each with a maximum height of 35 feet

If two detached units were built on one lot, regardless of the zoning district, the City would consider this a two-family residential use (essentially, a main house and 'garage' apartment) The regulations for a two-family residential use limit the secondary unit to 850 square feet or less in size

If it is the Council's desire to allow only two detached units but also allow the secondary unit to be larger than 850 square feet, this can only be achieved by subdividing the property with each lot being at least 5,750 square feet in total area. (Regardless of the zoning district, the City's Land Development Code does not allow two detached structures in which the secondary unit is larger than 850 square feet unless the two units are developed as a condominium residential use. If developed as a condominium use, the minimum site area is 14,000 square feet The Baugh-Colby property is 12,837 square feet)

This analysis assumes that the property will be subdivided into two lots. Given the property's total size of 12,837 square feet (per the Travis County Appraisal District's website), this analysis assumes that each newly subdivided lot is 6,418 square feet

Then, if a single dwelling unit were developed on each property, the McMansion ordinance would apply. The following requirements would have to be met on *each* lot:

Assumption: Single-family residential use on 6,418 square foot lot

1) Maximum gross floor area of 2,567 square feet

(0.4 FAR limit >> $6,400 * 0.4 = 2,567$)

2) Maximum building height of 32 feet

3) Setback plane ('tent'/building envelope) requirement

- Max. height at 5-foot interior yard setback line would be 20 feet
- Max. height at 10-foot rear yard setback line would be 25 feet
- Some architectural features (e.g., gables, dormers) would be allowed to protrude through the setback planes

4) Wall articulation requirement

- For side walls that are taller than 15 feet and an average of 15 feet or less from an interior lot line, the wall must articulate (4 feet in for a distance of 10 feet).
- New construction that is less than 2,000 square feet in gross floor area and less than 32 feet in height is exempt from the articulation requirement

The Residential Design and Compatibility Commission (RDCC) may, but only within certain limits,

- Increase the square footage allowed
- Increase the amount of architectural features allowed to protrude through the setback plane
- Increase the maximum side length before articulation is required
- Increase the maximum height of the side or rear setback planes, which would allow for greater building height (but with an overriding max building height of 32 feet).

If the above modifications are not granted by the RDCC, only the Board of Adjustment may grant relaxations to the McMansion ordinance, including the maximum building height The Board of Adjustment is the only body authorized to waive the McMansion ordinance in its entirety

Diagrams Depicting McMansion Ordinance Setback Plane and Wall Articulation Requirements

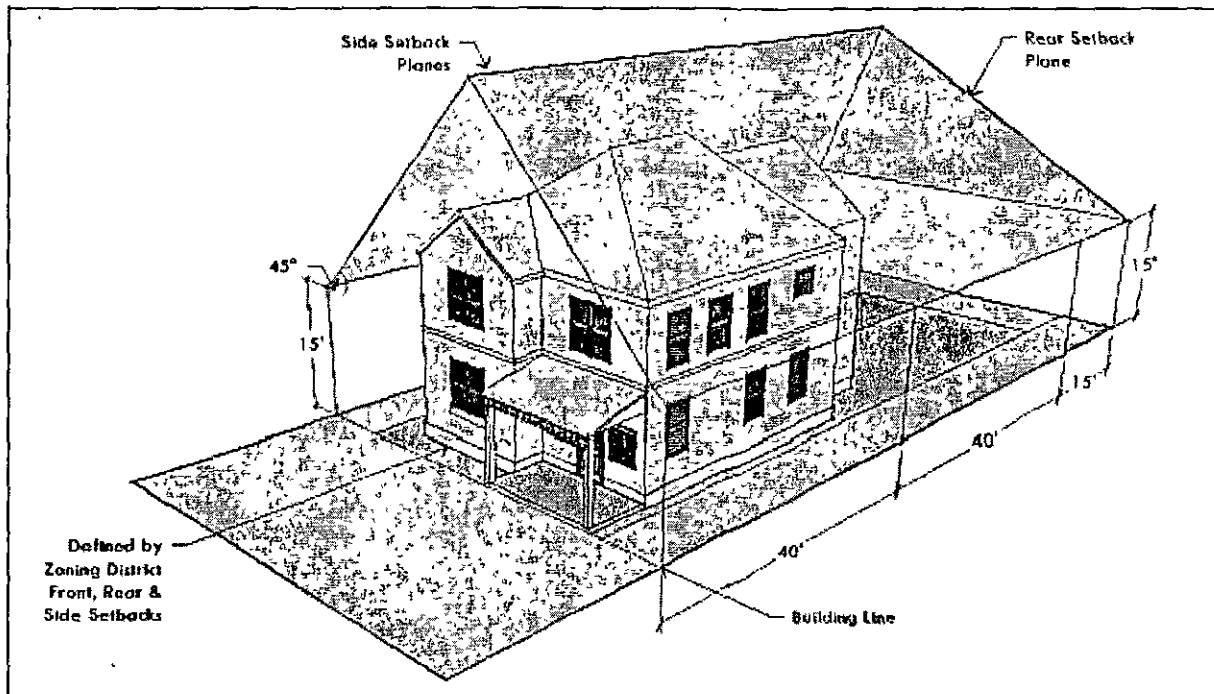


Figure 8: Side and Rear Setback Planes on Level Ground

The side and rear setback planes form a "tent" over the lot, rising from the property lines for 15 feet and then angling in at 45-degree angles from the side and rear. The required front, rear, and side yard setbacks are indicated by the darker shading on the ground.

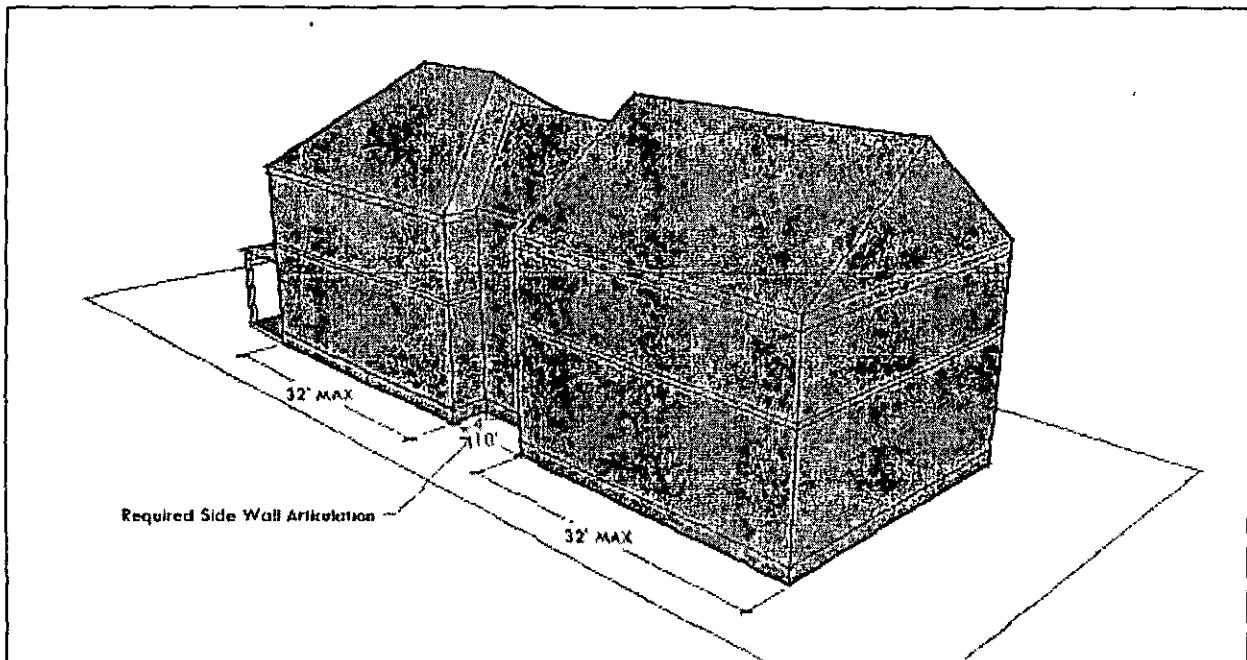


Figure 20: Side Wall Articulation (New Construction)

All new construction must meet the sidewall articulation standards.

Dear Mayor and Council,

As President of the Old Enfield Homeowners Association, I am writing to offer a compromise proposition in advance of your vote regarding the historic zoning case of 1102 Enfield, the Baugh-Colby House.

The Association remains in full support of historically zoning this property in accordance with the recommendations and decisions of the Landmark Commission, Planning Commission, and staff. If you decide against historic zoning, the only acceptable alternative is a conditional overlay.

In light of the decisions of the commissions set to oversee historic designations in our Austin neighborhoods, as highlighted above, a one-sided answer to simply not designate this property as historic would be a clear and unmistakable disservice to the neighborhood. We were certainly hoping to come to some type of compromise jointly with Mr. Gardere directly prior to a vote. Unfortunately, Mr. Gardere has not met with the Association or any of his neighbors despite Council directing him to do so. He also has not brought forth a development proposal.

If the Council decides to not zone the property historic, the Old Enfield Homeowners Association wants the following conditional overlay applied to 1102 Enfield:

- **Number of units limited to 1 single-family**
- **Minimum lot area not less than 12,500 square feet**
- **Prohibit small lot SF residential (SF5 or SF6)**

The Old Enfield Homeowners Association believes this is a reasonable compromise considering the future demolition of this historic property is a taking from the neighborhood and will then be faced with incompatible development by Mr. Gardere. If the house is not zoned historic the neighborhood is losing everything while Mr. Gardere gets everything he wants and more. He will be allowed to demolish an historic house whose present condition is a direct result of his actions, and will then be able to develop the property with only financial gain in mind, not compatibility with the neighborhood, or at minimum, adjacent homeowners.

These reasonable conditions will provide the neighborhood with some safeguards from the uncertain development future of 1102 Enfield. Old Enfield takes great pride in preserving old homes and preserving the integrity of the neighborhood. We are requesting that Council please approve this proposed conditional overlay.

Sincerely,
Marlene Romanczak
President, Old Enfield Homeowners Association

PETITION

Case Number:

C14-05-0117

Date:

Nov 16, 2006

Total Area within 200' of subject tract. (sq. ft.)

214,613.84

1	02-1000-0209	MILLER DONOVAN C & MARGUERITE	9,056.23	4.22%
2	02-1000-0210	ANDERSON SHARON L	9,493.36	4.42%
3	02-1000-0211	MITCHELL JOEL B	12,318.27	5.74%
4	02-1000-0212	INGRAM EDSAM M	9,478.22	4.42%
5	02-1000-0213	INGRAM EDSAM M	13,777.65	6.42%
		CARLSON CARYN		
6	02-1000-0502	LEIGH	23,352.98	10.88%
		WINSTON PATRICIA		
7	02-1000-0503	ELAINE	43,077.18	20.07%
		WEISS RONALD		
8	02-1000-0701	ARTHUR	22,205.71	10.35%
9	02-1000-0702	GILLESPIE SHARON	7,323.23	3.41%
		MAGEE STEPHEN		
10	02-1000-0720	PATRICK & FRANCE	103.18	0.05%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
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24				0.00%
25				0.00%

Validated By:

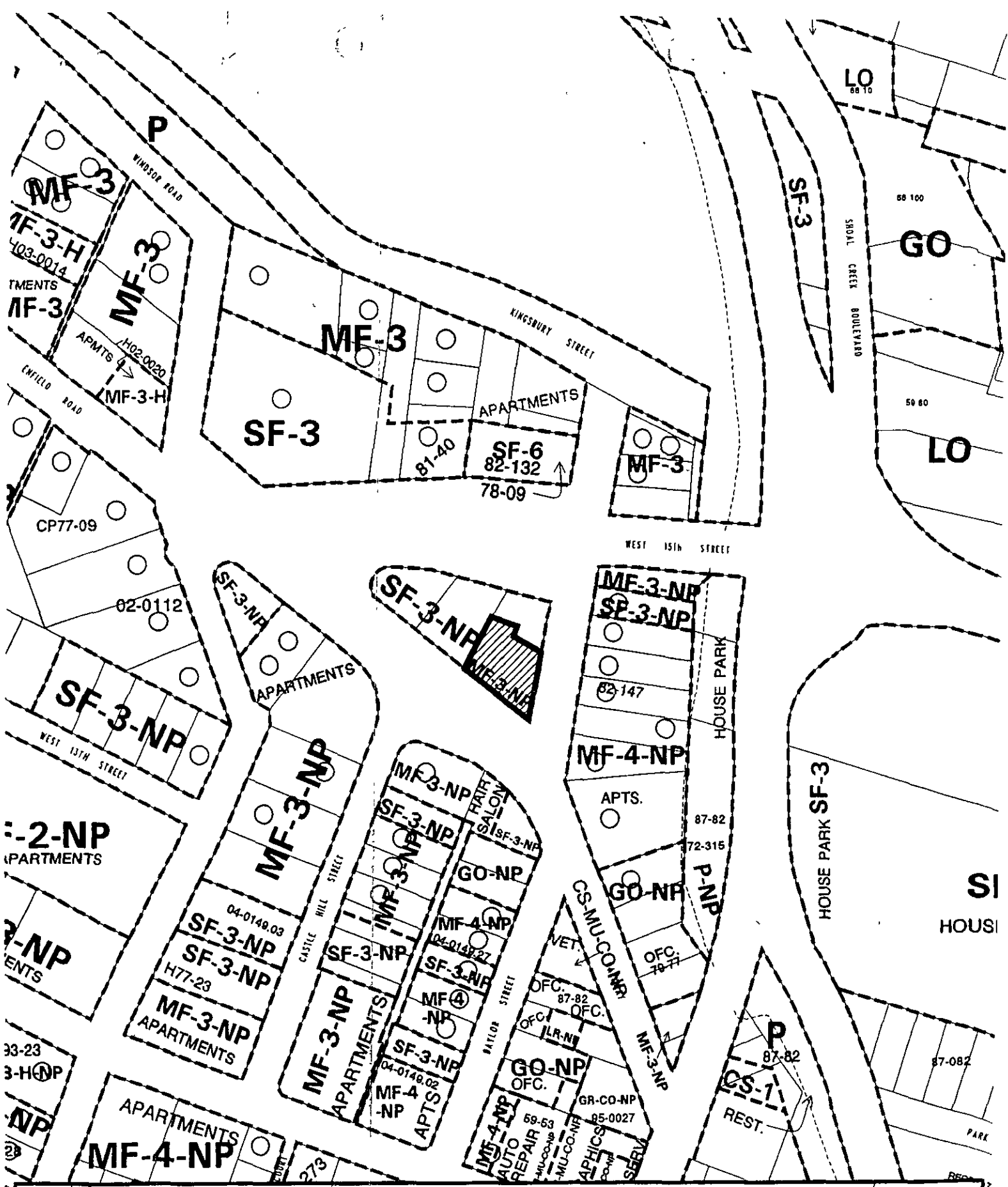
Stacy Meeks


Total Area of Petitioner:

150,186.01

Total %

69.98%



 1" = 200'	SUBJECT TRACT	NATIONAL REGISTER DISTRICT PERMIT		CITY GRID REFERENCE NUMBER H23
	PENDING CASE	CASE #: NRD-05-0051		
	ZONING BOUNDARY	ADDRESS: 1102 ENFIELD RD		
	CASE MGR: S. SADOWSKY	DATE: 05-06		
		SUBJECT AREA (acres): N/A		INTLS: SM

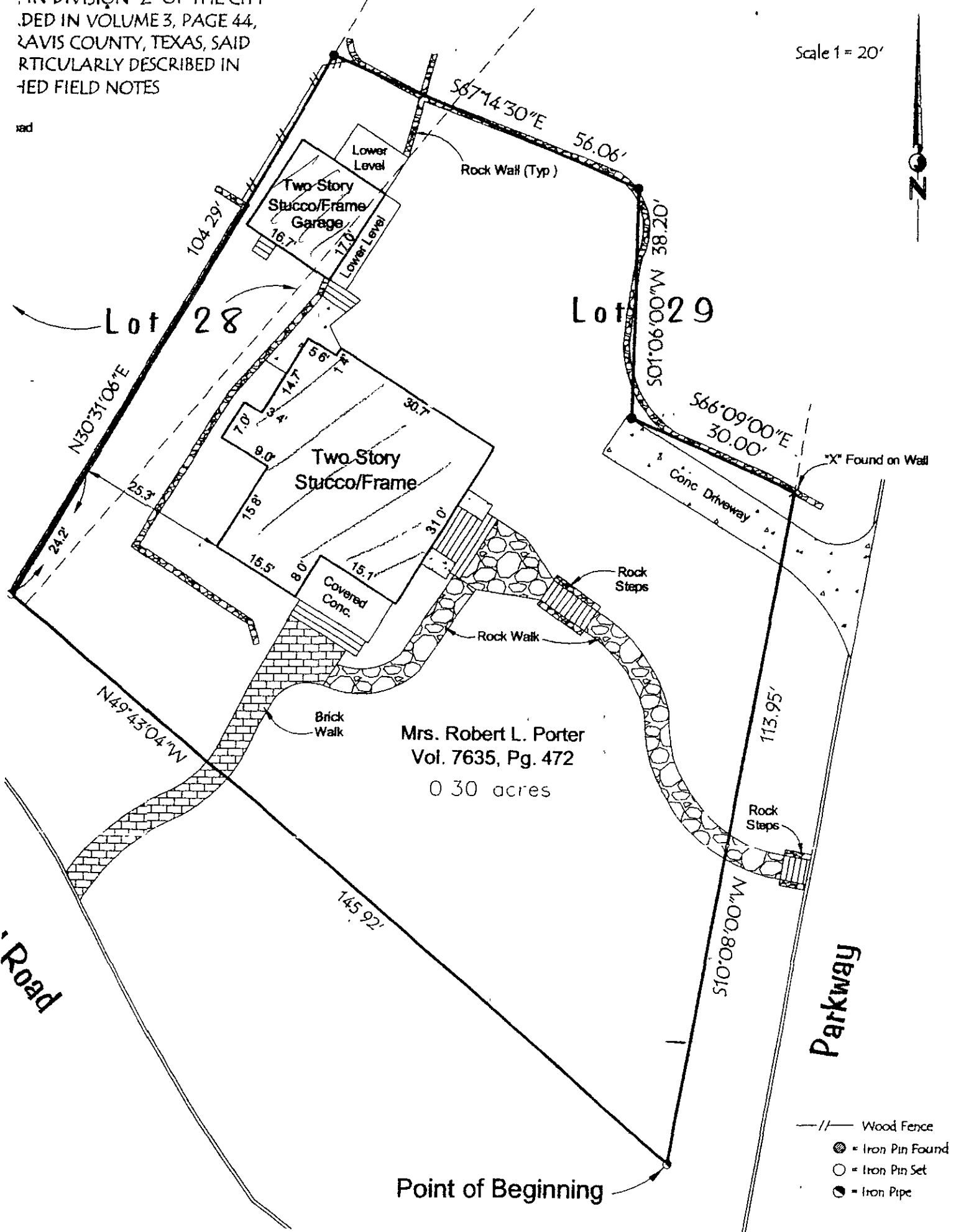


1102 Enfield Road
ca. 1918

PART OF A PORTION OF LOTS
'A", A SUBDIVISION OF PART
, IN DIVISION "Z" OF THE CITY
.DED IN VOLUME 3, PAGE 44,
ZAVIS COUNTY, TEXAS, SAID
RTICULARLY DESCRIBED IN
-IED FIELD NOTES

Scale 1" = 20'

NO



ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY GENERALLY KNOWN AS THE BAUGH-COLBY HOUSE
3 LOCATED AT 1102 ENFIELD ROAD IN THE OLD WEST AUSTIN
4 NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MEDIUM
5 DENSITY-NEIGHBORHOOD PLAN (MF-3-NP) COMBINING DISTRICT TO
6 MULTIFAMILY RESIDENCE MEDIUM DENSITY-CONDITIONAL OVERLAY-
7 NEIGHBORHOOD PLAN (MF-3-CO-NP) COMBINING DISTRICT.
8

9 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**
10

11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from multifamily residence medium density-neighborhood plan
13 (MF-3-NP) combining district to multifamily residence medium density-conditional
14 overlay-neighborhood plan (MF-3-CO-NP) combining district on the property described in
15 Zoning Case No. C14H-05-0017, on file at the Neighborhood Planning and Zoning
16 Department, as follows:
17

18 The south part of Lot 29 and the south 105 feet of the east 13.5 feet (average) of
19 Lot 28, Outlots 6-8, Division Z, Enfield A Subdivision, a subdivision in the City of
20 Austin, Travis County, Texas, according to the map or plat of record in Volume 3,
21 Page 44, of the Plat Records of Travis County, Texas (the "Property"),
22

23 generally known as the Baugh-Colby House, locally known as 1102 Enfield Road, in the
24 City of Austin, Travis County, Texas, and generally identified in the map attached as
25 Exhibit "A".
26

27 **PART 2.** Except as specifically provided in Parts 3 and 4, the Property may be developed
28 and used in accordance with the regulations established for the multifamily residence
29 medium density (MF-3) base district and other applicable requirements of the City Code.
30

31 **PART 3.** The Property within the boundaries of the conditional overlay combining district
32 established by this ordinance is subject to the following conditions:
33

34 A. Development of the Property may not exceed a density of two single family
35 dwelling units.
36

37 B. The maximum height of a building or structure is 35 feet from ground level.

1 **PART 4.** The Property is subject to Ordinance No. 020926-26 that established the Old
2 West Austin neighborhood plan combining district.

3
4 **PART 5.** This ordinance takes effect on _____, 2007.

5
6
7 **PASSED AND APPROVED**

8
9 §
10 §
11 _____, 2007 §

12 Will Wynn
13 Mayor




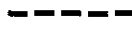
14
15
16 **APPROVED:**

17 David Allan Smith
18 City Attorney

ATTEST:

Shirley A. Gentry
City Clerk



 1" = 200'	SUBJECT TRACT		HISTORIC ZONING EXHIBIT CASE #: C14H-05-0017 ADDRESS: 1102 ENFIELD RD SUBJECT AREA (acres): N/A	DATE: 06-08 INTLS. SM	CITY GRID REFERENCE NUMBER H23
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: S SADOWSKY				