

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

AGENDA



Thursday, March 01, 2007

+ Back Print

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

ITEM No 52

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 Valid Petitions have been submitted in opposition to this rezoning request

**Additional Backup
Material**

(click to open)

**Staff_Report_and
Ordinance**

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 March 1, 2007

CITY COUNCIL ACTION

ORDINANCE NUMBER

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

July 10, 2006

Steve Sadowsky
Historic Preservation Officer
505 Barton Springs Rd
Austin, Texas 78704

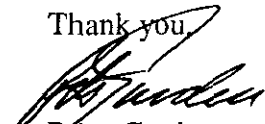
Via U S Mail

Re Historic Zoning Case
1102 Enfield Rd
C14H-05-0017

Steve,

I am the owner of the home located at 1102 Enfield and I am opposed to historic zoning
Please consider this a valid petition

Thank you



Peter Gardere

cc file

RECEIVED

FEB 15 2007

P E T I T I O N

Neighborhood Planning & Zoning

Date February 14, 2007

Number C1411-05-0017

Address of Rezoning Request 1102 Enfield Road

To Austin City Council

We the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-1 SF-2 SF-3, or MF-3 or result in land use for this property of more than two single-family detached units or any attached unit We object to anything that would allow the creation of a lot less than 12 000 square feet Land use may, however be modified to reduce the height restrictions to less than 35'

Uses other than those specified above are wholly incompatible with the predominant historical residential character of our neighborhood

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

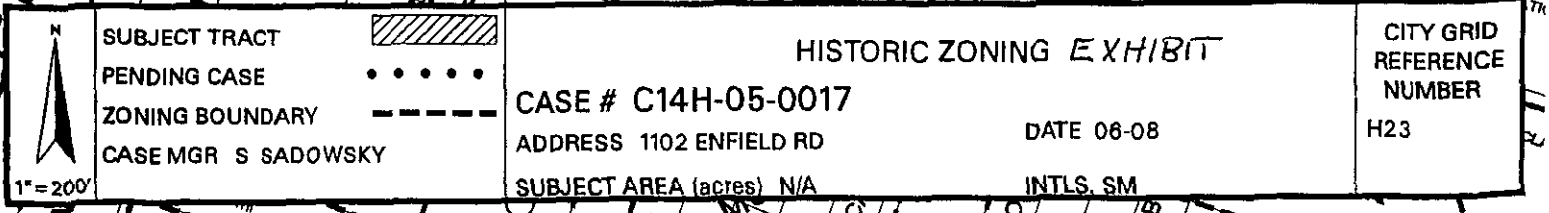
Address

<i>Sharon Gillespie</i>	Sharon Gillespie	1103 Enfield Rd
<i>Edsam m. Ingram</i>	Edsam m. Ingram	1507 Parkway
<i>Edsam m. Ingram</i>	Edsam m. Ingram	1509 Parkway
<i>C. Lynn L. Carlson</i>	C. Lynn L. Carlson	1108 Enfield
<i>Patricia Winston</i>	PATRICIA WINSTON	1104 ENFIELD
<i>Ronald A. Weiss</i>	RONALD A. WEISS	1105 ENFIELD RD.
<i>Joel Mitchell</i>	Joel Mitchell	1505 PARKWAY

Date FEB 15, 2007

Contact Name Sharon Gillespie

Phone Number 512/476-3473



PETITION

Case Number

C14-05-0117

Date

Nov 16, 2006

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

214,613 84

		MILLER DONOVAN C &		
1	02-1000-0209	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%
18				0 00%
19				0 00%
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21				0 00%
22				0 00%
23				0 00%
24				0 00%
25				0 00%

Validated By

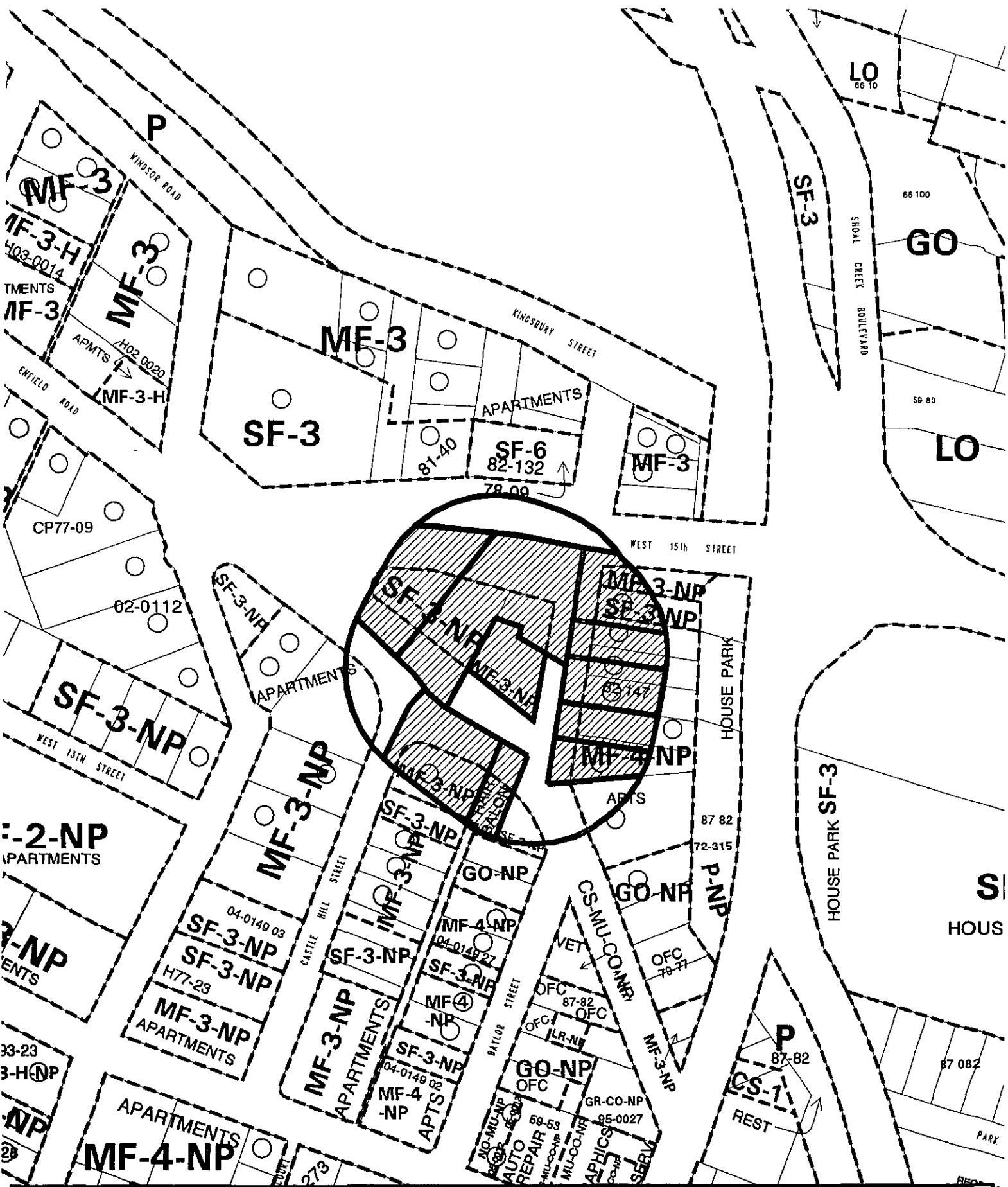
Stacy Meeks

Total Area of Petitioner

150,186 01

Total %

69 98%



 1" = 200'	SUBJECT TRACT		PETITIONS CASE # C14H-05-0017 ADDRESS 1102 ENFIELD RD SUBJECT AREA (acres) N/A	DATE 06-11 INTLS SM	CITY GRID REFERENCE NUMBER H23
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR S SADOWSKY				

P E T I T I O N

Date November 9, 2006

Number C14H-05-0017

Address of Rezoning Request 1102 Enfield Road

To Austin City Council

We the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-1, SF-2 or SF-3 We in no way oppose historic zoning of this property

Uses other than those specified above are incompatible with the predominantly historical residential character of our neighborhood

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<i>Sharon Gillespie</i>	Sharon Gillespie	1103 Enfield Rd.
<i>Patricia Winston</i>	PATRICIA WINSTON	1104 ENFIELD Rd.
<i>Caryn L. Carlson</i>	Caryn L. Carlson	1106 Enfield Rd.
<i>Ronald A. Weiss</i>	RONALD A. WEISS	1105 ENFIELD RD.
<i>Peggy Weiss</i>	Peggy Weiss	" "

Date 11/14/06

Contact Name Sharon Gillespie

Phone Number 512/476-3473

RECEIVED

NOV 14 2006

Neighborhood Planning & Zoning

(Page 1 of 3)
SQ

P E T I T I O N

Date November 9, 2006

Number C14H-05-0017

Address of Rezoning Request 1102 Enfield Road

To Austin City Council

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Uses other than those specified above are incompatible with the predominantly historical residential character of our neighborhood

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<i>Ed Sam M Ingram</i>	Ed Sam M Ingram	1507 & 1509 Parkway
<i>Helen Ingram</i>	Helen INGRAM	1507 Parkway
<i>Helen Ingram</i>	Helen INGRAM	1509 Parkway
<i>Marguerite Miller</i>	Marguerite Miller	1501 Parkway

Date 11/14/06

Contact Name Sharon Gillespie

Phone Number 512/476-3473

RECEIVED

NOV 14 2006

Neighborhood Planning & Zoning

(Page 2 of 3)

P E T I T I O N

Date November 9 2006

Number C14H-05-0017

Address of Rezoning Request 1102 Enfield Road

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Uses other than those specified above are incompatible with the predominantly historical residential character of our neighborhood

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<i>Sharon Anderson</i>	SHARON ANDERSON	1503 Parkway
<i>Joel Mitchell</i>	Joel Mitchell	1505 Parkway

Date 11/14/06

Contact Name Sharon Gillespie

Phone Number 512/476-3477

RECEIVED

NOV 14 2006

Neighborhood Planning & Zoning

(Page 3 of 3)
SQ

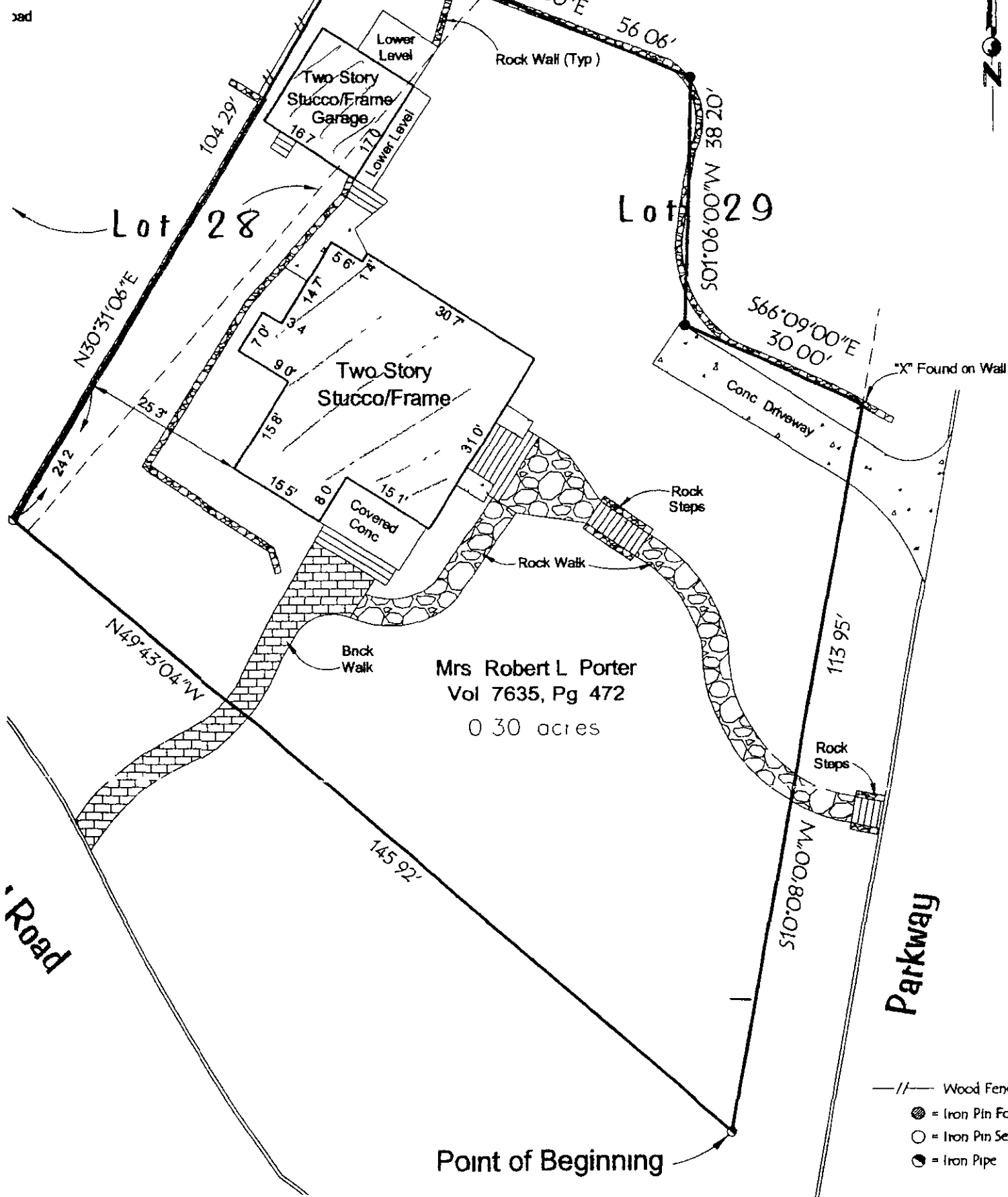
Neighborhood Planning & Zoning

PART OF A PORTION OF LOTS
 "A", A SUBDIVISION OF PART
 , IN DIVISION "Z" OF THE CITY
 ED IN VOLUME 3, PAGE 44,
 RAVIS COUNTY, TEXAS, SAID
 RTICULARLY DESCRIBED IN
 HED FIELD NOTES

Scale 1 = 20'

20

and



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

ORDINANCE NO. _____

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

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

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

The south part of Lot 29 and the south 105 feet of the east 13 5 feet (average) of Lot 28, Outlots 6-8, Division Z, Enfield A Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 3, Page 44, of the Plat Records of Travis County, Texas (the "Property"),

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

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

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

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

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

§
§
§

Will Wynn
Mayor

12
13
14
15
16 **APPROVED:**

17 David Allan Smith
18 City Attorney

ATTEST:

Shirley A Gentry
City Clerk

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 >> $6,400 \times 0.4 = 2,567$)
- 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

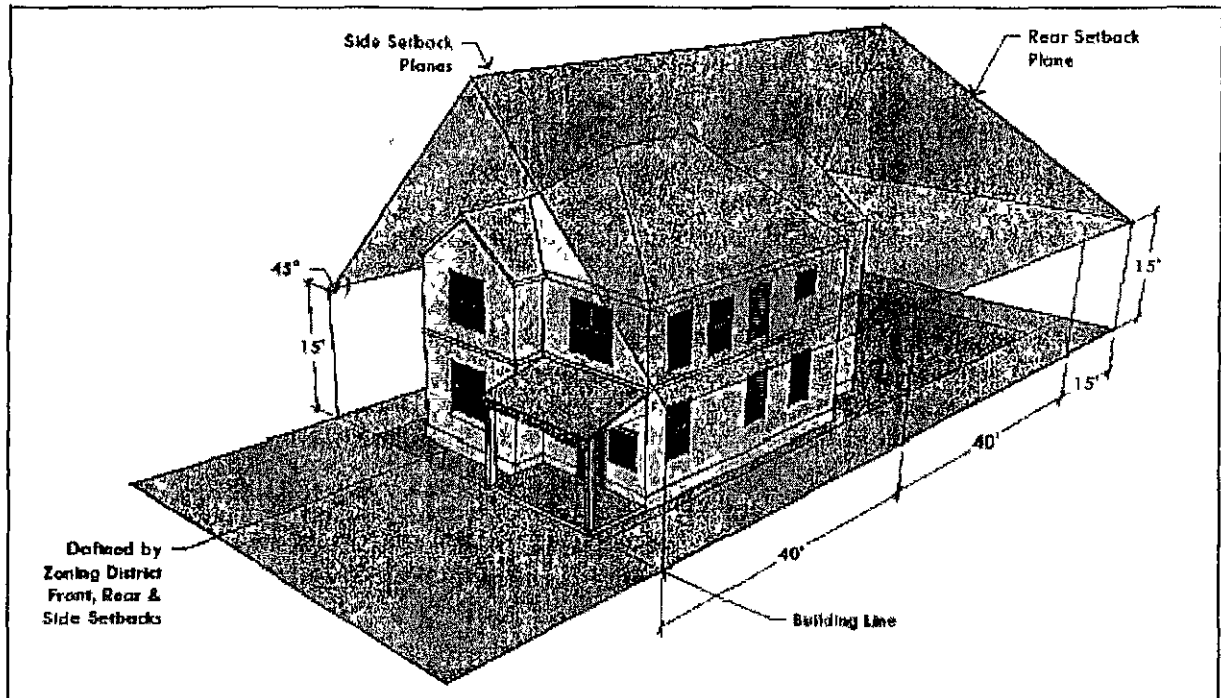


Figure 8 Side and Rear Setback Planes on Level Ground

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.

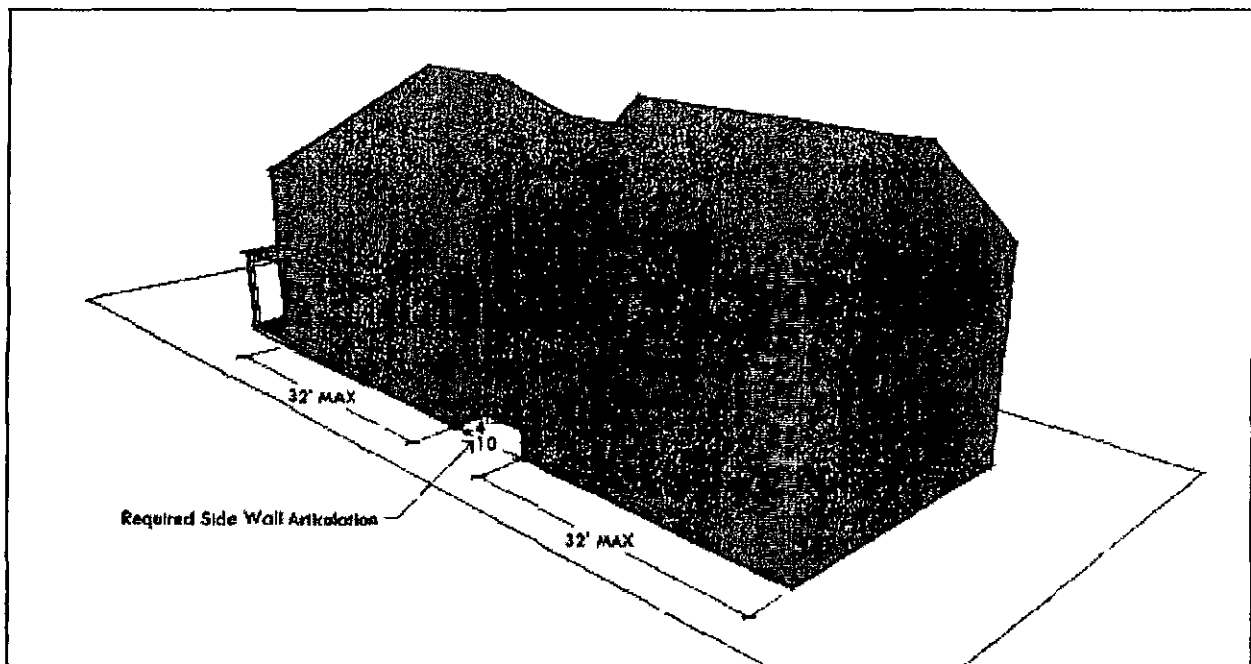


Figure 20 Side Wall Articulation (New Construction)

All new construction must meet the sidewall articulation standards